

## 3.5. CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This discussion is based on the following cultural resources report: Cultural Resources Review, Programmatic Environmental Review, Westlands Solar Park Master Plan and WSP Gen-Tie Corridors Plan, prepared by Basin Research Associates in August 2017. The cultural resources assessment report are incorporated into this EIR by reference, as provided under CEQA Guidelines Section 15150. The cultural resources assessment report is available for review at Westlands Water District headquarters in Fresno, where it is kept administratively confidential pursuant to California Public Records Act Section 6254.10.

### 3.5.1. ENVIRONMENTAL SETTING

#### ***Westlands Solar Park and WSP Gen-Tie Corridors***

The research conducted for the Westlands Solar Park cultural resources report by Basin Research Associates included a prehistoric and historic site records search through the California Historical Resources Information System, Southern San Joaquin Valley Information Center, California State University (CSU) Bakersfield. In addition, a review of pertinent literature and archival records on file at Basin Research Associates were consulted. Specialized listings consulted include the *Historic Properties Directory for Kings County* along with the most recent updates of the *National Register of Historic Places*, *California Historical Landmarks*, *California Register of Historical Resources*, *California Points of Historical Interest*, and *California Register* as well as other evaluations of properties reviewed by the State of California Office of Historic Preservation. Other sources consulted include: the *California History Plan*; *California Inventory of Historic Resources*; and *Five Views: an Ethnic Sites Survey for California*, as well as available local and regional surveys/inventories, historic maps, etc.

#### **Native American Resources**

##### ***Ethnography***

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

The WSP plan area is located within the ethnographic area ascribed to the Southern Valley Yokuts who occupied the areas surrounding Tulare, Buena Vista and Kern lakes and their connecting sloughs, and

the lower portions of the Kings, Kaweah, Tule and Kern rivers. The groups spoke a Southern Valley-type dialect of the Yokuts language of the Penutian family of languages. They were hunters and gatherers who depended on almost year-round fishing, hunting waterfowl and collecting shellfish, roots and seeds. Villages were selected for proximity to water and many were on small open flats at the water's edge. Within a geographic area, villages functioned as the center of each tribe.

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

The *Tachi* village of *Waiu*, one of eight in Tachi territory, was located south of Lemoore along the west side of Mussel Slough on which stands their present rancheria of Santa Rosa. The location of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California (a.k.a. Santa Rosa Rancheria Tachi Tribe) conforms to the former site of the *Tachi* village of *Wai*. The community, a federally-recognized Indian tribe, is located approximately 5 miles east/northeast of the project on the east side the Kings River southeast of Lemoore and northeast of Stratford, off State Highway 41 between Jersey and Kent Avenues, west of 17<sup>th</sup> Avenue. The "Santa Rosa Rancheria" is a designated State of California Ethnic site.

#### ***Prehistoric and Historic Archaeology***

The literature search described earlier in this section revealed that one prehistoric isolate (i.e., isolated artifact) had been previously recorded just within the northeast WSP boundary, as described below:

P-16-000198 consists of an isolated basalt groundstone fragment that was recovered south of the Avenal Cutoff Road along the east side of 25<sup>th</sup> Avenue in the SE 1/4 of the SE 1/4 [corner] of Section 4 T20S R19E during monitoring of trenching for a natural gas pipeline. Because an isolated artifact does not constitute an archaeological site, the find was not eligible for listing on the California Register of Historical Resources.

Additional prehistoric resources have been recorded within one-mile of the exterior WSP boundaries. All of these resources are located east of Highway 41, along the western margins of the former Tulare Lake. These resources include five prehistoric sites (four of which included Native American remains), two combined prehistoric/historic-era sites, and 21 prehistoric isolates. None of these sites is listed on the State Office of Historic Preservation's *Archaeological Determinations of Eligibility* for Kings County.

No other prehistoric or combined prehistoric/historic-era sites or isolates have been recorded in or adjacent to the WSP plan area or WSP gen-tie corridors. No National Register of Historic Places or California Register of Historical Resources eligible or listed historic properties/cultural resources, and no known ethnographic, traditional or contemporary Native American use areas and/or other features of cultural significance have been identified in or adjacent to the WSP or WSP Gen-Tie Corridors

The Native American Heritage Commission (NAHC) has indicated that a search of the sacred land file was negative for the presence of Native American resources in the immediate project area. Likewise, no

prehistoric materials were observed during the intensive field inventory of the project site conducted by Basin Research.

***Conclusions on Prehistoric and Historic Archaeology for Westlands Solar Park and WSP Gen-Tie Corridors***

Review of the archaeological and geo-archaeological data suggest a low to low-moderate potential for exposing subsurface archaeological materials within the WSP plan area and gen-tie corridors. This conclusion by Basin Research Associates is based on the general absence of recorded prehistoric and historic archaeological sites within and/or immediately adjacent to the WSP plan area; the lack of any unexpected archaeological discoveries for the past 100+ years within or adjacent to the plan area; and, the prior disturbance of the native sediments within the project area by agricultural plowing and ripping to a depth of at least three feet over the past 100+ years. In addition, a locational review of the recorded archaeological site information within one mile of the project area, consisting of 29 sites and/or isolated finds, suggests a focus on the former shoreline and marsh areas of Tulare Lake rather than valley areas. All of these factors strongly suggest a low potential for the discovery of buried archaeological materials during subsurface disturbance within the WSP plan area although isolated prehistoric and historic finds are possible.

**Historic-Era Resources**

***Historical Overview***

The Southern Valley Yokuts first came into contact with Europeans when Spanish explorers visited the area in approximately 1772. Over the next fifty years, contact between the Yokuts and Europeans was infrequent. In 1833, Mexican contact produced a severe epidemic throughout California that reduced the Southern Yokuts population by 75 percent. The discovery of gold in 1848 and inflow of miners and immigrants further decimated the Yokuts population.

In 1805, a Spanish expedition probably led by Gabriel Moraga recorded discovering the river, which they named *El Rio de los Santos Reyes* (River of the Holy Kings) [Three Wise Men]. At the time of the American takeover in 1848, the new government changed the name to Kings River.

In 1880, a dispute over land titles between settlers and the Southern Pacific Railroad resulted in a bloody gun battle on a farm 6 miles northwest of Hanford, where seven men died. This event became known as the Mussel Slough Tragedy.

Kings County was formed in 1893 from the western part of Tulare County. In 1909, by an act of the state legislature, 208 square miles of Fresno County territory was added to the northwest portion of Kings County. In the late 1800s and early 1900s, settlers reclaimed Tulare Lake and its wetlands for agricultural development.

In 1928, oil was discovered in the Kettleman Hills located in the southwestern part of Kings County. The Kettleman North Dome Oil Field became one of the most productive oil fields in the United States.

Lemoore Army Airfield was established for training and defense during World War II. In 1961, the U.S. Navy opened NAS Lemoore 9 miles west of Lemoore, not far from the earlier site.

The completion of the California Aqueduct in the early 1970s brought needed water for agriculture and domestic use to the west side of the County.

***Historic-Era Built Environment Resources***

No known Hispanic Period or American Period dwellings or other significant structures, features (e.g., adobe dwellings, or other structures, features, etc.) have been identified within or adjacent to the WSP plan area or the WSP gen-tie corridors. The field survey conducted by Basin Research Associates found no indications of surface or subsurface significant historic material on or adjacent to the plan area.

Within the WSP plan area, one historic-era feature has been recorded adjacent to the WSP boundary along the 25<sup>th</sup> Avenue alignment. This feature consists of an electrical transmission line that was recorded in conjunction with the Henrietta Substation upgrade project. This feature has been determined to not be eligible for inclusion on either the National Register of Historic Places or California Register of Historical Resources. This feature is briefly described below

P-16-000136 consists of a portion of the Camden Junction-Henrietta and Henrietta-Tulare Lake (Line Number 702), a 31.55-mile 70-kV line between Camden Junction south to the Henrietta Substation and then south to the Tulare Lake Substation. The recorded portion of the transmission line runs parallel to a paved road from Point A/Henrietta Substation south to Point B, one mile south of the Avenal Cutoff Road. P-16-000136 has been evaluated as not eligible for inclusion on the California or National Registers.

No local, state or federal historically or architecturally significant structures, landmarks, or points of interest have been identified within or immediately adjacent to the WSP plan area. No historic properties which have been listed, determined to be eligible or potentially eligible for inclusion on the National Register of Historic Places or the California Register of Historical Resources have been identified in or adjacent to the proposed project.

Within the WSP gen-tie corridors, two historic-era built environment resources have been recorded, as described below.

P-10-006207/CA-FRE-3645H comprises the Fresno County segment of the San Luis Canal/California Aqueduct which crosses the both gen-tie corridors west of the WSP plan area. The California Aqueduct, while not formally evaluated as a historic property, appears to meet the criteria for the National Register of Historic Places and the California Register of Historical Resources under Criterion A/1 (a planned and publicly sanctioned water conveyance public works project to facilitate development throughout the state) and criterion C/3 (complex design necessary to convey water throughout the state)

P-10-006236 consists of the Jayne Avenue Bridge located near the WSP-South to Gates Gen-Tie corridor. The Jayne Avenue Bridge, a pre-stressed concrete bridge used as a crossing on the San Luis Unit Canal, has been evaluated as eligible under criterion C/3 as a contributing element of the California Aqueduct. The bridge is a character defining feature of the California Aqueduct and is a significant and distinguishable engineering entity significant for its type, period and method of construction.

There are no additional record historical-era cultural sites located within or adjacent to the WSP plan area or gen-tie corridors that have been determined to be eligible for listing to the National Register of Historic Places or the California Register of Historical Resources.

## 3.5.2. REGULATORY CONTEXT

### State and Federal

#### ***California Environmental Quality Act (CEQA)***

CEQA requires that a lead agency determine potential impacts to both historical and archaeological cultural resources and mitigate impacts on those resources. The definitions for culturally significant resources, as contained in the CEQA statute (Public Resources Code [PRC] §21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR] §15000 et seq.), are summarized below.

**Historical Resources:** CEQA stipulates that any resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR) is presumed to be historically or culturally significant (PRC §21084.1; CCR §15064.5). (See below for CRHR eligibility criteria.) Resources listed in a local historic register or deemed significant in a historical resource survey (as provided under Section 5024.1g) are presumed historically or culturally significant unless the preponderance of evidence demonstrates they are not. A resource that is not listed in, or determined to be eligible for listing in, the CRHR, is not included in a local register of historic resources, or not deemed significant in a historical resource survey may nonetheless be deemed historically significant by the lead agency (PRC §21084.1). Under CEQA, “[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources” (PRC §21084.1).

**Archaeological Resources:** Under CEQA Guidelines Section 15064.5, an archaeological resource may be determined to be an historical resource, as defined above. If an archaeological resource does not meet the criteria for “historical resource,” it may be determined to be “unique archaeological resource” under CEQA. PRC Section 21083.2 (g) defines a “unique archaeological resource” to be: an archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or, (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

**Tribal Resources:** Assembly Bill 52 (AB 52) provides protections for tribal cultural resources. All lead agencies as of July 1, 2015 approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration (MND) or a notice of preparation (NOP) for an environmental impact report (EIR).

Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to, unless the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP) (see PRC Section 21084.3). If no agreement is reached, the lead agency must still impose all feasible measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3). (For a further discussion, see Impact CUL-3.)

***California Register of Historical Resources (CRHR)***

In order for a resource to be eligible for the California Register of Historical Resources, it must satisfy all of the following three criteria:

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

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

In the following evaluation, the use of the phrase "...appears potentially eligible or not eligible" for the California Register is standard practice in an evaluation discussion. Only the State Office of Historic Preservation can make an actual determination of eligibility for the California Register.

### ***National Register of Historic Places***

The National Register of Historic Places also includes standards for determining eligibility for listing. These standards are very similar to those of the California Register except that they are more focused on national rather than state history. The National Register standards and criteria are as follows:

1. A property must be fifty years old or meet criteria for exceptionally fine design or exceptional historical association.
2. The resource must retain architectural and historical integrity.
3. The resource must meet at least one of the following criteria:
  - a. Are associated with events that have made a significant contribution to the broad patterns of history;
  - b. Are associated with the lives of persons significant in our past;
  - c. Embody distinctive characteristics of 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.

### ***Native American Heritage Commission***

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

### ***California Public Records Act***

Sections 6254(r) and 6254.10 of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public related to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or local agency, including the records that the agency obtains through a consultation process between a California Native American Tribe and a state or local agency

### ***California Health and Safety Code Sections 7050 and 7052***

Section 7050.5 of the Health and Safety Code requires that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

### **Kings County**

Since the Westlands Solar Park is located entirely within Kings County, the County has discretionary approval authority for all WSP solar projects. Therefore, the County's plans, policies, and regulations pertaining to cultural resources are applicable to WSP solar development.

### **Kings County General Plan**

The 2035 Kings County General Plan contains the following goals, objectives, and policies related to cultural resources that are relevant to the Westlands Solar Park:

### ***Resource Conservation Element***

#### **I. Archaeological, Cultural, and Historical Resources**

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|-------------------|--|
| RC GOAL I1        | <i>Preserve significant historical and archaeological sites and structures that represent the ethnic, cultural, and economic groups that have lived and worked in Kings County.</i>  |
| RC OBJECTIVE I1.1 | <i>Promote the rehabilitation or adaptation to new uses of historic sites and structures.</i>  |
| RC Policy I1.1.3: | Encourage the protection of cultural and archaeological sites with potential for placement on the National Register of Historic Places and/or inclusion in the California Inventory of Historic Resources.                               |
| RC Policy I1.1.4: | Refer applications that involve the removal, destruction, or alteration of proposed or designated historic sites or County landmarks to the Kings County Museum Advisory Committee or its successor for recommended mitigation measures. |
| RC OBJECTIVE I1.2 | <i>Identify potential archaeological and historical resources and, where appropriate, protect such resources.</i>  |
| RC Policy I1.2.1: | Participate in and support efforts to identify significant cultural and archaeological resources and protect those resources in accordance to Public Resources Code 5097.9 and 5097.993.   |
| RC Policy I1.2.2: | Continue to solicit input from local Native American communities in cases where development may result in disturbance to sites containing evidence of Native American Activity and/or to sites of cultural importance.                   |
| RC Policy I1.1.5: | The County will respectfully comply with Government Code §6254.(r) and 6254.10 by protecting confidential information concerning Native American cultural resources. For example, adopting internal procedures such as                   |



keeping confidential archaeological reports away from public view or discussion in public meetings.

RC Policy I1.1.6: The County shall work in good faith with the Santa Rosa Rancheria Tachi Yokut Tribe (“Tribe”), the developer and other parties if the Tribe requests return of certain Native American artifacts from private development projects (e.g., for interpretive or educational value). The developer is expected to act in good faith when considering the Tribe’s request for artifacts. Artifacts not desired by the Tribe shall be placed in a qualified repository as established by the California State Historical Resources Commission (see Guidelines for the Curation of Archaeological Collections, May 1993). If no facility is available, then all artifacts shall be donated to the Tribe.

No historical sites are noted within the WSP plan area or its immediate vicinity (see 2035 General Plan Resource Conservation Element – Figure RC-24 - Kings County Historical Sites).

### **Kings County Code of Ordinances**

The County Code includes no requirements pertaining to the identification or protection of historic, archaeological, or paleontological resources.

### **Fresno County**

Since no portion of the Westlands Solar Park is located within Fresno County, the County’s plans, policies and regulations are not applicable to WSP solar development. Transmission projects that are to be constructed or co-sponsored by an investor-owned utility (IOU) such as PG&E are subject to the sole permitting jurisdiction of the California Public Utilities Commission (CPUC) and are exempt from local jurisdiction. However, CPUC General Order 131-D requires public utilities to coordinate with local jurisdictions regarding consistency of their projects with local plans and policies. Transmission lines that may be privately owned (such as gen-ties) are not under CPUC jurisdiction, and thus are subject to Fresno County jurisdiction and may require the issuance of a conditional use permit from the County.

### **Fresno County General Plan**

The Open Space and Conservation Element of the Fresno County General Plan includes several policies related to Cultural and Historical Resources. These policies require that cultural resources be identified during the course of CEQA review for discretionary development projects, and that impacts to identified resources be mitigated to the extent feasible. The Open Space and Conservation Element is accessible at the following web address: [http://www2.co.fresno.ca.us/4510/4360/General\\_Plan/GP\\_Final\\_policy\\_doc/Open\\_Space\\_Element\\_rj.pdf](http://www2.co.fresno.ca.us/4510/4360/General_Plan/GP_Final_policy_doc/Open_Space_Element_rj.pdf)

### **Native American Consultation**

During the course of WSP plan development, the Native American Heritage Commission (NAHC) was contacted by Basin Research Associates on three separate occasions (2009, 2015, and 2016) to request

searches of the *Sacred Lands Inventory*. On each occasion, the NAHC record search was negative for Native American resources in the immediate project area (Basin Research 2017).

Based on lists of tribal contacts provided by the Native American Heritage Commission (NAHC), Basin Research Associates conducted three rounds of contacts with the Native American individuals/groups recommended by the NAHC. Letters soliciting additional information were sent to up to 10 individuals/groups on these occasions, with follow-up contact by email and telephone calls. With the exception of the Santa Rosa Rancheria Tachi Yokut Tribe, the individuals and groups contacted either expressed no concerns or interest in the project, or did not respond.

#### ***Tribal Consultation Pursuant to AB 52***

Westlands Water District (WWD) has received two formal requests from tribal governments to be notified of any projects to be undertaken by WWD that involve CEQA documentation, as provided in Public Resources Code Section 21080.3.1. The two tribes requesting notification include the Santa Rosa Rancheria Tachi Yokut Tribe and the Dumna Wo Wah Tribal Government. On September 8, 2017, WWD provided formal written notification of the subject WSP Master Plan and Gen-Tie Corridors Plan EIR to both tribes. Both tribal governments subsequently submitted formal requests for consultation regarding possible adverse effects of the subject plans on tribal cultural resources.

Consultations with both tribal governments have been initiated by WWD in accordance with Public Resources Code Section 21080.3.1.

### **3.5.3. ENVIRONMENTAL IMPACT ANALYSIS**

#### **SIGNIFICANCE CRITERIA**

##### **Cultural Resources**

Based on the State CEQA Guidelines, Appendix G, the project would be considered to result in a significant impact to cultural resources if it would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines. (Impact CUL-1)
- b. Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines. (Impact CUL-1)
- c. Disturb any human remains, including those interred outside of formal cemeteries. (Impact CUL-2)

[Note: CEQA definitions for historical and archaeological resources are discussed in Section 3.5.2. *Regulatory Context* above.]

## **Tribal Cultural Resources**

Based on the State CEQA Guidelines, Appendix G, the project would be considered to result in a significant impact to tribal cultural resources if it would:

- d. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
  - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or. (Impact CUL-3)
  - ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code 5024.1, the lead agency shall consider the significance of the resource to a California Native Tribe. (Impact CUL-3)

## **IMPACTS AND MITIGATION**

### **Impact CUL-1.      Disturbance to Cultural Resources**

**Westlands Solar Park.** There are no known historical or archaeological resources within the WSP plan area or its immediate vicinity, and the probability that any are present is low. However, it is possible that previously unknown cultural resources may be present within the WSP plan area which could be adversely affected by grading, excavation, and construction for the solar facilities. *(Less-than-Significant Impact with Mitigation)*

**WSP Gen-Tie Corridors.** There is a low to moderate potential for buried archaeological resources to be present within the gen-tie corridors. There is a potential that ground disturbing activities associated with construction of the gen-tie projects could adversely affect previously unknown cultural resources. *(Less-than-Significant Impact with Mitigation)* There are two previously recorded historic-era built environment features within or adjacent to the WSP gen-tie corridors; however, these features would not be adversely affected by the gen-tie projects. *(Less-than-Significant Impact)*

*This impact analysis addresses significance criteria 'a' and 'b' above.*

### **Westlands Solar Park**

Archival research and visual reconnaissance of the WSP plan area suggests that no significant archaeological resources are present within the WSP plan area. The majority of the WSP plan area has been disturbed by agricultural activities, which may have disturbed or displaced historical or prehistoric

artifacts at or near the ground surface. However, it is possible that intact historic-era or prehistoric resources may be buried below the disturbed upper layer of soil. If so, the excavation associated with WSP solar development could expose as-yet undetected resources. It is also possible that human remains could be encountered as human remains have been associated with several of the prehistoric archaeological resources along the former Tulare Lake shoreline. The potential destruction or disturbance of buried archaeological resources would represent a *significant impact*.

Archival research and visual reconnaissance of the WSP plan area also suggests that no historically significant built environment resources are present within the WSP plan area. The plan area is within an active agricultural area that includes recent and modern infrastructure associated with agriculture including irrigation canals and ditches. The plan area is crossed by paved and unimproved roads, electric transmission lines and gas pipelines. None of these features appear to be historically significant. However, it is possible that previously undiscovered historic resources may be present that may be disturbed or destroyed as a result of grading, excavation, and construction for the WSP solar facilities. The potential destruction or disturbance of historic resources would represent a *significant impact*. With the implementation of Mitigation Measure CUL-1 below, the impact would be reduced to *less than significant*.

In this context it is important to note that the agricultural lands within the WSP plan area have been subject to intensive cultivation for many decades, including annual plowing and occasional deep ripping to depths of up to 3 feet. As such, the near-surface soils have been subject to heavy disturbance for many years. In addition, solar PV projects do not require engineered grades within the solar arrays and require only minor grading or rolling to smooth out any deep furrows. The internal access driveways would be graded and compacted to provide durable traveling surfaces, and transformer pads would be placed on graded and compacted soil, but these graded and compacted areas comprise less than 10 percent of a typical solar project. Limited grading of near-surface soils would be required in portions of the remaining 90 percent of each solar project, and no mass grading would be required.

The decommissioning of WSP solar projects would involve removal of the structural elements and support facilities, followed by reclamation of the soil to pre-project conditions. Decommissioning would not involve disturbance of soils that were not disturbed during project construction. Therefore, the potential impact of decommissioning upon buried archaeological resources would be *less than significant*.

### **WSP Gen-Tie Corridors**

Archival research and visual reconnaissance of the WSP gen-tie corridors suggests that no significant archaeological resources are present within the gen-tie corridors. The majority of the gen-tie corridors area has been disturbed by agricultural activities, which may have disturbed or displaced historical or prehistoric artifacts at or near the ground surface. However, it is possible that intact historic-era or prehistoric resources may be buried below the disturbed upper layer of soil. If so, the excavation associated with the gen-tie projects could expose as-yet undetected resources. It is also possible that human remains could be encountered as human remains have been associated with several of the prehistoric archaeological resources along the former Tulare Lake shoreline. The potential destruction or disturbance of buried archaeological resources would represent a *significant impact*. With the implementation of Mitigation Measure CUL-1 below, the impact would be reduced to *less than significant*.

Two National Register of Historic Places and California Register of Historical Resources eligible properties are present within the WSP Gen-Tie Corridors. These include the California Aqueduct, which would be crossed by both gen-tie lines, and the Jayne Avenue Bridge over the California Aqueduct, which is adjacent to the southern gen-tie corridor. The gen-tie projects would include tubular steel poles (TSPs or monopoles), which would be spaced approximately ¼ mile apart. The monopoles would support overhead conductor cables, which would be over 100 feet above ground level near the monopoles, and at least 25 feet above ground level at the lowest point of conductor sag between monopoles. No guy wires would be installed to support the monopoles, which would be adequately supported by deep reinforced concrete footings.

With respect to the gen-tie crossings over the California Aqueduct, there is a large degree of variability with respect to the lengths of conductor spans (which can range from 800 feet to 1,600 feet), which in turn provides a high degree of flexibility with respect to planning the locations of monopoles. Although the gen-tie projects have not yet been designed, it is anticipated that the gen-tie monopoles will be planned to be located well outside the boundaries of California Aqueduct channel and adjacent levees. The potential effect of the gen-tie projects on the California Aqueduct will be addressed in detail at the project-specific level of environmental review and clearance. However, at this programmatic-level of review, it is reasonable to assume that the gen-tie projects will be planned and designed to avoid the California Aqueduct, and that the gen-ties will not affect any of the qualities that make the California Aqueduct eligible for the National and California Registers. Therefore, it is expected that the impacts of the gen-tie projects upon the California Aqueduct would be *less than significant*.

Regarding the Jayne Avenue Bridge over the California Aqueduct, the southern gen-tie corridor is located adjacent and parallel to the bridge on the north. The nearest monopoles would be set back at least 50 feet from the Jayne Avenue right-of-way, and would be planned to avoid the California Aqueduct and adjacent levees, as discussed above. The nearest conductor cables would be at least 50 feet to the north and would be suspended at least 25 feet above ground level. The potential effect of the gen-tie projects on the Jayne Avenue Bridge will be addressed in detail at the project-specific level of environmental review and clearance. However, at this programmatic-level of review, it is reasonable to assume that the southern gen-tie project will be planned and designed to avoid the Jayne Avenue Bridge, and that the gen-tie will not affect any of the qualities that make the Jayne Avenue Bridge eligible for the National and California Registers. Therefore, it is expected that the impacts of the gen-tie projects upon the Jayne Avenue Bridge would be *less than significant*.

### **Mitigation Measures:**

**Westlands Solar Park.** Implement MM CUL-1.

**WSP Gen-Tie Corridors.** Implement MM CUL-1.

**MM CUL-1: Protection of Cultural Resources.** In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each WSP solar generating facility and gen-tie project:

- a. **Conduct Surveys for Cultural Resources.** Prior to any ground disturbance for each WSP solar facility and gen-tie project, the project proponent for each respective project shall undertake the following:
  - Retain the services of a qualified archaeological consultant meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, and having expertise in California prehistoric and historical archaeology.
  - Authorize the archaeological consultant to conduct a site-specific field investigation for cultural resources, and prepare a report containing determinations of significance of any identified cultural resources and recommendations for mitigation, as appropriate.
  - Prior to any ground disturbance, the applicant shall offer interested Tribes the opportunity to provide a Native American Monitor during ground disturbing activities during both construction and decommissioning. Tribal participation would be dependent upon the availability and interest of the Tribe.
- b. **Conduct Pre-Construction Worker Training and Tribal Coordination.** Prior to the issuance of building permits for each WSP solar facility and gen-tie project, the project proponent for each respective project shall undertake the following:
  - Authorize the archaeological consultant to provide a pre-construction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing significant historic or prehistoric archaeological resources within the project area. The briefing shall discuss any archaeological objects that could be exposed, the need to stop excavation at the discovery site, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.
  - The applicant shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
  - Prior to initiation of construction, the applicant shall conduct a site visit in concert with the appropriate Native American Tribe(s) in order to provide an opportunity for the Tribe(s) to assess the site and discuss their recommendations. During the site visit a cultural sensitivity class will be taught by the appropriate Native American Tribe(s) for the construction crew.
- c. **Implement Procedures for Inadvertent Discoveries.** The following procedures shall be implemented to address inadvertent discovery of cultural resources during construction:

- Retain the professional archaeologist during all ground disturbing activity during construction and decommissioning for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. Should previously unidentified cultural resources be discovered during ground disturbing activities of the project, the project proponent shall cease work within 100 feet of the resources, and Kings County Community Development Agency (CDA) (or the Fresno County Department of Public Works and Planning for discoveries in Fresno County) shall be notified immediately. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.
- If the professional archaeologist determines that any cultural resources exposed during the initial ground survey or during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the Kings County CDA (or the Fresno County Department of Public Works and Planning for discoveries in Fresno County). The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System (CHRIS), Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the appropriate Native American Tribe(s). The archaeologist shall be required to submit to the applicable County for review and approval a report of the findings, including determinations as to the eligibility of any identified sources for listing in the California Register of Historical Resources, and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.

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## **Impact CUL-2. Disturbance to Human Remains**

**Westlands Solar Park.** Ground disturbing activities associated with the development of the WSP solar facilities could disturb previously undiscovered human remains, including those interred outside of formal cemeteries. (*Less-than-Significant Impact with Mitigation*)

**WSP Gen-Tie Corridors.** Ground disturbing activities associated with the construction of the WSP gen-tie projects could disturb previously undiscovered human remains, including those interred outside of formal cemeteries. (*Less-than-Significant Impact with Mitigation*)

*This impact analysis addresses significance criterion 'c' above.*

### **Westlands Solar Park**

No human remains or burials have been previously recorded or identified within the WSP plan area. Four archaeological sites with human remains have been recorded along the prehistoric shoreline of Tulare Lake to the east of the WSP plan area. Although unlikely, previously unknown human remains could be inadvertently disturbed by construction activities associated with WSP solar projects. However, if human remains are encountered, any disturbance would represent a *significant impact*. With the implementation of Mitigation Measure CUL-2 below, the impact would be reduced to *less than significant*.

As discussed under Impact CUL-1 above, the decommissioning of WSP solar projects would involve removal of the structural elements and support facilities, followed by reclamation of the soil to pre-project conditions. Decommissioning would not involve disturbance of soils that were not disturbed during project construction. Therefore, the potential impact of decommissioning upon previously unknown human remains would be *less than significant*.

### **Westlands Transmission Corridors**

No human remains or burials have been previously recorded or identified within the gen-tie corridors. Although unlikely, previously unknown human remains could be inadvertently disturbed by ground disturbing activities associated with the gen-tie projects. However, if human remains are encountered, any disturbance would represent a *significant impact*. With the implementation of Mitigation Measure CUL-2 below, the impact would be reduced to *less than significant*.

### **Mitigation Measures:**

**Westlands Solar Park.** Implement MM CUL-2.

**WSP Gen-Tie Corridors.** Implement MM CUL-2.

**MM CUL-2.     Protection of Buried Human Remains.** In order to avoid the potential for impacts to any buried human remains which may be present, the following measures shall be implemented, as necessary, in conjunction with the construction of each WSP solar facility and gen-tie project:

- Pursuant to State Health and Safety Code Section 7050.5(e) and Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and the Coroner of Kings or Fresno County, as applicable, shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the California State Native American Heritage Commission (NAHC), who shall identify the person believed to be the Most Likely Descendant (MLD).



The project proponent and MLD, with the assistance of the professional archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines Sec. 15064.5(d)). The agreed upon treatment shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. California Public Resources Code allows 48 hours for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow Public Resources Code Section 5097.98(e) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

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### **Impact CUL-3. Impacts to Tribal Cultural Resources**

***Westlands Solar Park.*** There are no known tribal cultural resources within the WSP plan area or its immediate vicinity, and the probability that any are present is low. However, it is possible that previously unknown tribal cultural resources may be present within the WSP plan area which could be adversely affected by grading, excavation, and construction for the solar facilities. (*Less-than-Significant Impact with Mitigation*).

***WSP Gen-Tie Corridors.*** There are no known tribal cultural resources within the WSP gen-tie corridors or their immediate vicinity, and the probability that any are present is low. However, it is possible that previously unknown tribal cultural resources may be present within the WSP plan area which could be adversely affected by grading, excavation, and construction for the solar facilities. (*Less-than-Significant Impact with Mitigation*)

*This impact analysis addresses significance criterion 'd' above.*

### ***Westlands Solar Park and WSP Gen-Tie Corridors***

As discussed under Impact CUL-1 above, archival research and reconnaissance of the WSP plan area and gen-tie corridors by Basin Research Associates indicates that no significant archaeological resources are present within the WSP plan area. The majority of the lands in the study area have been disturbed by agricultural activities, which may have disturbed or archaeological resources at or near the ground surface. However, it is possible that intact archaeological resources may be buried below the disturbed upper layer of soil. If so, the excavation associated with WSP solar and gen-tie projects could expose as-yet undetected resources. It is also possible that human remains could be encountered as human remains have been associated with several of the prehistoric archaeological resources along the former Tulare Lake shoreline. The potential destruction or disturbance of buried archaeological resources and

human remains would represent a *significant impact*. With the implementation of Mitigation Measures CUL-1 and CUL-2 above, the impact to archaeological resources and human burials would be reduced to *less than significant*.

Under Public Resources Code Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource. To date, no National Register of Historic Places or California Register of Historical Resources eligible or listed historic properties/cultural resources, and no known ethnographic, traditional or contemporary Native American use areas and/or other features of cultural significance have been identified in or adjacent to the WSP or WSP Gen-Tie Corridors. Consultations with tribal governments likewise have not identified specific tribal cultural resources within or near the study area. However, as with archaeological resources discussed above, it is possible that tribal cultural resources could be discovered during construction of WSP solar or gen-tie facilities. The potential adverse impacts to tribal cultural resources would represent a *significant impact*. With the implementation of Mitigation Measure CUL-3 below, in addition to Mitigation Measures CUL-1 and CUL-2 above, the impact to tribal cultural resources would be reduced to *less than significant*.

### **Mitigation Measures:**

**Westlands Solar Park.** Implement MM CUL-3 below, and MMs CUL-1 and CUL-2 above.

**WSP Gen-Tie Corridors.** Implement MM CUL-3 below, and MMs CUL-1 and CUL-2 above.

**MM CUL-3. Protection of Tribal Cultural Resources.** In order to avoid the potential for impacts to tribal cultural resources which may be present, the following measures shall be implemented, as necessary, in conjunction with the construction of each WSP solar facility and gen-tie project:

- **Consult with Native American Tribes.** Prior to public release of the CEQA document for each project, the lead agency shall initiate consultation with Native American Tribe(s) which have a traditional and cultural affiliation to the project site, in accordance with Public Resources Code Section 21080.3.1.
- **Mitigation for Tribal Cultural Resources.** If any tribal cultural resources are identified through consultation with the Native American Tribe(s), the lead agency shall consult and work with the tribe(s) to develop feasible mitigation measures or alternatives that would avoid impacts or develop and implement treatment plans that would substantially lessen impacts on identified tribal cultural resources, in accordance with Public Resources Code Section 21083(b)(2).

## ***Cumulative Impacts***

### **Impact CUL-4. Cumulative Impacts to Cultural Resources**

***Westlands Solar Park.*** The WSP solar development would not make a cumulatively considerable contribution to cultural resource impacts with mitigation; therefore, the WSP solar projects would not have a significant cumulative impact on cultural resources with mitigation. (*Less-than-Significant Cumulative Impact with Mitigation*)

***WSP Gen-Tie Corridors.*** The WSP gen-tie projects would not make a cumulatively considerable contribution to cultural resource impacts with mitigation; therefore, the gen-tie projects would not have a significant cumulative impact on cultural resources with mitigation. (*Less-than-Significant Cumulative Impact with Mitigation*)

## ***Geographic Scope of Cumulative Impacts***

The potential for cumulative destruction or disturbance of cultural resources is statewide in scope and impact. For purposes of this analysis, the geographic scope of the cumulative impact analysis for cultural resources with respect to the WSP solar development and the WSP gen-tie projects includes Kings County and southwestern Fresno County. The cumulative projects considered in this analysis are shown in Figure PD-10 and are listed in Table PD-10 in Section 2.5. *Completed, Approved, and Pending Projects/Introduction to the Cumulative Impact Analysis.*

### ***Westlands Solar Park***

#### ***Near Term***

There are no known archaeological, historical, or tribal cultural resources within or immediately adjacent to the WSP plan area or the other cumulative project sites. Although unlikely, it is possible that previously undiscovered cultural materials may be buried on cumulative project sites which could be adversely affected by grading and construction for the projects. However, any such resources would be protected through implementation of the General Plan policies of Kings County and Fresno County, as listed in Section 3.5.2. *Regulatory Context* above. The cumulative projects are also subject to CEQA requirements for avoiding or mitigating impacts to cultural and tribal resources, in the same manner as set forth under MMs CUL-1, CUL-2, and CUL-3 above. The appropriate mitigation requirements would be implemented through conditions of approval for each project. The application of these measures to each near-term cumulative project would mitigate any potential cultural and tribal cultural resource impacts to a level such that the cumulative impact would be *less than significant*.

#### ***Far Term***

For purposes of the far-term cumulative analysis, the buildout of the designated urban land uses under the Kings County and Fresno County General Plans, as well as buildout under the General Plans of incorporated cities within Kings County and southwestern Fresno County, serves to define the nature and location of cumulative land uses anticipated under far-term conditions.

As discussed for near-term conditions above, the continued implementation of General Plan policies providing for protection of cultural resources, together with CEQA review and locally-enforced permit requirements for avoiding or mitigating impacts to historical, archaeological, and tribal cultural resources, would ensure that far-term cumulative impacts to cultural and tribal resources are *less than significant with mitigation*.

### **WSP Gen-Tie Corridors**

#### **Near Term**

As discussed in Section 3.5.1. *Environmental Setting*, the WSP gen-tie corridors include two previously recorded historic-era built environment features and no archaeological sites. There may be additional previously unknown cultural and tribal cultural resources within the gen-tie corridors. Although these resources could be subject to adverse impacts from ground disturbing activities associated with gen-tie project construction, it is anticipated that all potential impacts would be mitigated to less-than-significant levels through implementation of MMs CUL-1, CUL-2, and CUL-3 above. Although unlikely, it is possible that previously undiscovered cultural and tribal cultural resources may occur on cumulative project sites which could be adversely affected by grading and construction for those projects. However, any such resources would be protected through implementation of the General Plan policies of Kings and Fresno counties, as discussed in Section 3.5.2. *Regulatory Context* above. The cumulative projects are also subject to CEQA requirements for avoiding or mitigating impacts to cultural resources, in the same manner as set forth under MMs CUL-1, CUL-2, and CUL-3 above. The appropriate mitigation requirements would be implemented through conditions of approval for each project. The application of these measures to each near-term cumulative project would mitigate any potential cultural and tribal cultural resource impacts to a level such that the cumulative impact would be *less than significant*.

There are two register eligible historic-era built environment features that are crossed by the WSP gen-tie corridors. These include the California Aqueduct, which is crossed by both gen-tie corridors, and the Jayne Avenue Bridge over the Aqueduct, which is adjacent and parallel to the southern gen-tie corridor. As discussed under Impact CUL-1 above, it is anticipated that the WSP gen-tie projects will be designed to avoid both of these historic-era features, and that the gen-ties will not affect any of the qualities that make these features eligible for the National and California Registers. Therefore, it is expected that the impacts of the gen-tie projects upon these features would be less than significant. Similarly, the Central Valley Power Connect transmission project would cross the California Aqueduct. Given the inherent flexibility of transmission projects with respect to the siting of transmission towers, it is anticipated that this cumulative project would also be planned and designed to avoid the California Aqueduct and not affect any of the qualities that make the Aqueduct eligible for the National and California Registers. There are no other near-term cumulative projects that could have a potentially adverse effect on this or any other historical-era built environment features. Therefore, the potential near-term cumulative impact upon historic-era resources would be *less than significant*.

#### **Far Term**

The far-term development planned for areas in the vicinity of the WSP gen-tie corridors could potentially result in cumulatively significant impacts to archaeological and tribal cultural resources in the far term.

However, as discussed above for near-term conditions, it is anticipated that the CEQA review processes in each county would ensure that projects are evaluated for cultural sensitivity, and that mitigation measures would be required as appropriate to avoid destruction of any archaeological or tribal cultural resources. Therefore, cumulative impacts to archaeological and tribal cultural resources from the WSP gen-tie projects combined with related projects in the far term are anticipated to be *less than significant with mitigation*.

The potential far-term impacts to historic-era built environment resources depends on the nature of the cumulative project and its proximity to any register-eligible historic features. Although the location and nature of far-term cumulative development that may be proposed in the study area cannot be foreseen, it is most likely that such development would mainly consist of solar projects or transmission lines, as discussed under Near Term above. Given the design flexibility inherent in both of these types of projects, it is anticipated that any register-eligible resources, such as the California Aqueduct, would be avoided by these projects and that they would not affect any of the qualities that make the features eligible for the registers. Therefore, the potential far-term cumulative impact upon historic-era resources would be *less than significant*.

### **Mitigation Measures:**

**Westlands Solar Park.** Implement MM CUL-1, MM CUL-2, and MM CUL-3. No additional mitigation is required.

**WSP Gen-Tie Corridors.** Implement MM CUL-1, MM CUL-2, and MM CUL-3. No additional mitigation is required.

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