4.4 Cultural Resources and Tribal Cultural Resources

This section describes the existing conditions related to cultural and tribal cultural resources conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant or potentially significant impacts related to implementation of the Santa Cruz Water Rights Project (Proposed Project). The analysis is based on a Cultural Resources Inventory, Evaluation, and Finding of Effect Report prepared for the Proposed Project, which is included in Appendix G.

A summary of the comments received during the scoping period for this environmental impact report (EIR) is provided in Table 2-1 in Chapter 2, Introduction, and a complete list of comments is provided in Appendix A. Comments related to cultural resources and tribal cultural resources were received from the Native American Heritage Commission (NAHC). Issues identified in public comments related to potentially significant effects on the environment under the California Environmental Quality Act (CEQA), and issues raised by responsible and trustee agencies, are identified and addressed in this EIR.

4.4.1 Definitions

Under the sample Initial Study Checklist found in Appendix G of the CEQA Guidelines, the term "cultural resources" encompasses both unique archaeological resources and historical architectural resources. More particularly, the category "cultural resources" focuses on two statutorily defined categories of resources: unique archaeological resources (see Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5[c][3]) and "historical resources," which includes both structures and subsurface resources (see Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5[a], [c][1]). Pursuant to Assembly Bill (AB) 52, enacted in 2014, CEQA also considers a project's potential impacts on tribal cultural resources. Cultural and tribal cultural resources are further defined as follows:

- Archaeological resources are objects or structures, often below ground, that relate to previous human use of an area. Archaeological resources are often distinguished by whether they are "prehistoric" or "historic." Prehistoric archaeological resources are connected to people who occupied the land prior to European settlement; historic archaeological resources are connected to the period of continuous European settlement forward. In much of California, this generally starts from the date of the Portolá expedition in the year 1769.
- Historic architectural resources are structures and buildings that may have historical associations with people or events of regional significance. Sometimes, historic architecture is also referred to as the "historic built environment." In Santa Cruz County, historic architectural resources are typically associated with the Spanish, Mexican, and American periods in California's history.
- Tribal cultural resources, defined in Section 21074(a) of the Public Resources Code, are sites, features, places, cultural landscapes, sacred places, or objects which are of cultural value to a California Native American tribe. Tribal cultural resources can sometimes also qualify as "unique archaeological resources" or "historical resources" (Public Resources Code Section 21074[c]).

These cultural resource definitions are further described in Section 4.4.3, Regulatory Framework.

4.4.2 Existing Conditions

Information in this section was obtained through cultural resource records searches, archival research, pedestrian surveys of the project site, historical significance evaluations, and correspondence with Native American tribes and other interested parties. The information is summarized below and described in detail in Appendix G.

4.4.2.1 Study Area

The Proposed Project involves the water system and the areas served of the City of Santa Cruz (City) and the water service areas of San Lorenzo Valley Water District (SLVWD), Scotts Valley Water District (SVWD), Soquel Creek Water District (SqCWD), and Central Water District (CWD). The Proposed Project is located within Santa Cruz County and is generally bounded by the unincorporated communities of Aptos and Le Selva Beach on the east, Bonny Doon Road on the west, Boulder Creek on the north, and the Pacific Ocean on the south (see Figure 3-1 in Chapter 3, Project Description). While the project area is much broader, the study area for cultural resources is focused on the proposed infrastructure component sites where construction and ground disturbance could occur and where new or upgraded facilities would be located (see Figure 3-4 in Chapter 3, Project Description). According to Appendix G, there are 11 discontiguous infrastructure components in the study area. These sites relate to the following: aquifer storage and recovery (ASR) sites where known, intertie improvement sites, the Felton Diversion fish passage improvement site, and the Tait Diversion and Coast Pump Station improvement site. ASR would include new ASR facilities at unidentified locations (referred to as "new ASR facilities" in this EIR) and Beltz ASR facilities at the existing Beltz well facilities (referred to as "Beltz ASR facilities" in this EIR). As there are no definitive sites identified to date for new ASR facilities, site-specific conditions are not available.

4.4.2.2 Cultural Context

The following overview is summarized from the Cultural Resources Inventory, Evaluation, and Finding of Effect Report prepared for the Proposed Project (see Appendix G) unless otherwise cited.

Prehistoric Context

Prior to European contact, the Project site was within the territory that was occupied by the Costanoan or Ohlone people. The term Costanoan refers to people who spoke eight separate Penutian-stock language groups and lived in autonomous tribelet communities between the vicinities of the City of Richmond in the north to Big Sur in the south. The prehistoric era of the greater Central California coast spans a period of approximately 10,000–12,000 years, and divides into six different periods. Researchers distinguish these periods based on perceived changes in prehistoric settlement patterns, subsistence practices, and technological advances. The Awaswas tribelet occupied the Santa Cruz area at the time of European contact.

Paleo-Indian Period (Pre-8000 BC)

The Paleo-Indian Period represents people's initial occupation of the Monterey Bay region, which was quite sparse across the region. The traditional interpretation of Paleo-Indian lifeways is that people were highly mobile hunters who focused subsistence efforts on large mammals. In contrast, the earliest inhabitants of the region focused their economic pursuits on coastal resources. Archaeological sites that support this hypothesis are mainly from the Santa Barbara Channel Islands. Some scholars hypothesize that Paleo-Indian sites in the Bay Area/northern Central Coast region may exist but have been inundated as a result of rising ocean levels throughout the Holocene.

Millingstone Period (8000 to 3500 BC)

Settlement in the Central Coast appeared with more frequency in the Millingstone Period. Sites are often associated with shellfish remains and small mammal bone, which suggest a collecting-focused economy and a diet composed of 70% to 84% marine resources. Contrary to these findings, deer remains are abundant at some Millingstone sites, which suggests a flexible subsistence focus. Similar to the Paleo-Indian Period, archaeologists generally view people living during the Millingstone Period as highly mobile.

Early Period (3500 to 600 BC)

The Early Period corresponds with the earliest era of the "Hunting Culture." Early Period sites are located in more varied environmental contexts than Millingstone sites, suggesting more intensive use of the landscape than practiced previously. Early Period sites are common and often found in estuary settings along the coast or along river terraces inland and are present in both Monterey and Santa Cruz counties. Archaeologists have long debated whether the shift in site locations and artifact assemblages during this time represent either population intrusion as a result of mid-Holocene warming trends, or an in-situ adaptive shift. The initial use of mortars and pestles during this time appears to reflect a more labor- intensive economy associated with the adoption of acorn processing.

Middle Period (600 BC to AD 1000)

The trend toward greater labor investment is apparent in the Middle Period. During this time, there is increased use of plant resources, more long-term occupation at habitation sites, and a greater variety of smaller "use-specific" localities. The pattern reflects a greater emphasis on labor-intensive technologies that include projectile and plant processing. Additionally, faunal evidence highlights a shift toward prey species that are more labor intensive to capture, either by search and processing time or technological needs. These labor-intensive species include small schooling fishes, sea otters, rabbits, and plants such as acorn.

Middle-Late Transition (AD 1000 to 1250)

The Middle-Late Transition is a time that appears to correspond with social reorganization across the region. This era is also a period of rapid climatic change known as the Medieval Climatic Anomaly. The Medieval Climatic Anomaly is proposed as an impetus for the cultural change that was a response to fluctuations between cool-wet and warm-dry conditions that characterize the event. Archaeological sites are rarer during this period, which may reflect a decline in regional population.

Late Period (AD 1250-1769)

Late Period sites are found in a variety of environmental conditions and include newly occupied task sites and encampments, as well as previously occupied localities. Coastal sites dating to the Late Period tend to be resource acquisition or processing sites, while evidence for residential occupation is more common inland.

Historic Context

Spanish Period (1769 to 1822)

The first European to explore the Central Coast was Sebastián Vizcaíno, who, in 1602, was sent by the Spanish government to map the Californian coastline. It was Vizcaíno who named the area "Puerto de Monterey" after the viceroy of New Spain. The Gaspar de Portolá expedition traveled through the region in 1769 and returned again in

1770 to establish the Monterey Presidio, Spain's first military base in Alta California. Mission Santa Cruz was established in 1791 as the twelfth mission in California. The Spanish missions drastically altered the lifeways of the Native Americans. Spanish missionaries conscripted members of local Native American communities to move to the Mission, where they were indoctrinated as Catholic neophytes. Villa de Branciforte, one of three Spanish civil settlements in California, was established in 1797 on the eastern part of Santa Cruz; the population dwindled by 1817 as people followed new opportunities.

Mexican Period (1822 to 1848)

Mexico gained independence from Spain in 1821 and, in 1834, the Mexican government secularized the mission lands, releasing the Native Americans from control of the mission system. The City of Monterey continued as the capital of Alta California and the Californios, the Mexicans who settled in the region, were given land grants. These land grants covered over 150,000 acres of present-day Santa Cruz County.

American Period (1848 to Present)

The United States of America acquired Alta California in 1848 with the signing of the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War. The California Gold Rush of 1848 led to an influx of people seeking gold in the rural counties of California. These included Addison Newell, an early settler of the San Lorenzo Valley who established his ranch along Newell Creek, after whom Newell Creek was named. California became a state in 1850 and Santa Cruz County was designated as one of the original 27 counties in California. Santa Cruz incorporated as a city in 1866 and quickly prospered through logging, lime processing, commercial fishing, and agriculture.

The Role of Water in the Early Development of Santa Cruz County

The Gold Rush accelerated the desirability of land across the state, and before long, access to water in the drought-prone region took on the highest level of importance. Instead of adopting an equal water access structure in the fashion of the eastern United States, the wealth potential of waterways during the Gold Rush shaped California water law into a "first in time, first in right" system known as Prior Appropriation. Under this system, riparian rights were granted to the first person to use a river or tributary for beneficial consumption like mining, farming, milling, or as-needed domestic use. When land in the Santa Cruz Mountains was subdivided and sold, access to the rivers and streams was enormously important. Not only did it mean that the initial use set out for a waterway was the primary use, it also meant that any subsequent uses could not supersede or negatively affect the chief use. The order that claims were recognized during this period established the foundation of the complicated system of water allocation rights still in use today in Santa Cruz County.

Many of these mountain streams and tributaries were utilized by early landowners and tenant entrepreneurs to make a profit from the natural resources that formed the early economic basis of the County. Several of these mountain creeks still bear the names of the first men who established mills or permanently settled beside them. Majors Creek was named for Joseph L. Majors who established a grist mill on the creek prior to serving as the County Treasurer between 1850 and 1853. Liddell Creek was named for George Liddell who moved to the Santa Cruz Mountains and established a sawmill on the creek in 1851. Newell Creek was named for Addison Newell who established a farm in the steep, "v"-shaped valley on the banks of the creek in 1867.

For others, the streams presented pure economic opportunity. The first power sawmill in California was built on Rancho Zayante by Isaac Graham in the 1842 and was driven by the waters of Zayante Creek. Isaac E. Davis and Albion P. Jordan of the Davis and Jordan Lime Company purchased a portion of Rancho Cañada del Rincon in 1853

as a promising quarry site. They also utilized the falling water on the property to process local lumber into fuel for their many kilns. The California Powder Works was established in 1865 on the bank of the San Lorenzo River on a portion of Rancho Carbonera. The Powder Works used the river to grind raw materials used in the production of the first smokeless powder manufactured on the west coast of the United States. By 1868, there were a sizable number of business and industries that relied on water from County waterways to operate, including 12 water-powered lumber mills, 10 steam-powered lumber mills, and 9 shingle mills in operation within the County.

4.4.2.3 Development of Water Infrastructure in Santa Cruz

The San Lorenzo River and the many creeks that wind through the greater Santa Cruz County area have historically been subject to seasonal droughts and floods. Coupled with the many upstream diversions and industrial uses of these waterways by settlers and purveyors in the Santa Cruz Mountains, water shortages are present in the earliest records of the County. By the 1860s, acute cyclical shortages and pollution prompted the development of private for-profit water systems in Santa Cruz.

F.A. Hihn Water Works (1864)

In 1864, Elihu Anthony and Fredrick A. Hihn implored the Board of County Supervisors to allow them to dig trenches and lay redwood pipes to transport water throughout Santa Cruz. The "wooden tubes" were chosen as an inexpensive alternative to iron pipes. The source of the water was an 8,000-gallon reservoir on Anthony's property supplied by water from Scott's Creek, and eager recipients of the water could gain access for a fee. The system became known as the F.A. Hihn Water Works, and it was the largest provider of water in the newly chartered City, with Dodero and Carbonero Creeks constituting its primary sources. The company predated the incorporation of Santa Cruz by 2 years.

The Santa Cruz Water Company (1866)

A man named E. Morgan acquired rights to the waters of the San Lorenzo River in 1866, just prior to the town of Santa Cruz being officially incorporated later that year. He used these rights to install a section of pipework conveying water to the area known then as the "The Flats," which comprises the modern area of Pacific Avenue and Front Street.

In 1876, Morgan sold his system to a wealthy man from San Francisco named H.K. Lowe. Under Lowe's guidance, the Santa Cruz Water Company incorporated in July 1876 and began construction on a pumping station on the San Lorenzo River approximately 1 mile upstream from the City, as well as a new reservoir located on High Street. By the end of 1876, the Company had also installed a diversion off Branciforte Creek to deliver water to a new reservoir located at the base of School Street. As the City continued to grow and the steam-powered pumping plant installed on the San Lorenzo River became the source of repeated water-quality concerns, the Santa Cruz Water Company acquired partial water appropriation rights to Majors Creek in 1881. For the next several years, the Santa Cruz Water Company focused its attention on the construction of a pipeline to divert water from the newly acquired Majors Creek appropriations. This effort was very costly and the company slipped into dire financial standing, eventually prompting the sale of the company in 1886.

City of Santa Cruz

During the 1880s, the rising price of the private, fee-based water systems prompted the City of Santa Cruz to explore its own, City-owned public option that would grant the citizens of Santa Cruz unlimited free water. In August of 1886, the Santa Cruz Water Company along with all of its appurtenances was purchased by the City of Santa Cruz through the sale of bonds from the Bank of Santa Cruz and the Anglo-Californian Bank. Hihn bitterly opposed the issuance

of the bonds and contested their legality in court. The matter reached the Supreme Court and the election in favor of the bonds was declared invalid in 1887. By this time however, the City had already operated the system for over a year when it was re-conveyed to private owners in 1887. The City voted again in March 1888 to put up the bonds necessary to purchase the system from the private owners. While the City was in the process of securing the bonds for the purchase, the system was covertly sold to Hihn in a private, backroom deal before the City could obtain legal ownership. Hihn quickly consolidated the Santa Cruz Water Company system with his own works and effectively severed the opportunity the City had of acquiring an established water works system.

The City revised its approach, and by July 1888, the Common Council had secured nearly all of the water rights to the Laguna Creek. The creek was capable of supplying 1.4 million gallons towards a City-owned water works. Plans for the construction of the first City-owned water works, supplied through a new pipeline by the waters of Laguna Creek, with reserve storage in a new City reservoir were finally in motion. Other components of the City's water system came soon after the 1890 completion of the Laguna Creek Dam, including the Reggiardo Creek Diversion and Dam (1891 and 1912), the High Street Distribution Reservoir (1904), Liddell Spring Diversion (1913), and the Crossing Street Pump Station (1913).

Fredrick Hihn passed away in 1913 and by 1916 the City had acquired the Santa Cruz Water Company system, and assumed full legal ownership of all components, which included rights to water being drawn from Branciforte Creek, Carbonera Creek, Majors Creek, and the San Lorenzo River. After the purchase of the Santa Cruz Water Company the City developed and improved many of the elements of its modern day system, including the Bay Street Reservoir (1924), Crossing Street Pumping Plant (now known as the Coast Pump Station) (1929), Tait Diversion (1961, reconfigured in 1983), Newell Creek Dam (1960, modified in 1985), Graham Hill Water Treatment Plant (1960, upgraded in 1987), Felton Diversion (1976), as well as other components of the system.

City Purchase of Beltz Water Company and Other Water Companies

In 1936, the County granted Iowa native, Charles Lemar Beltz, the rights to begin operating a private water system in the area of the County roughly bounded by Capitola Road to the north, Rodeo Gulch and Corcoran's Lagoon to the west, the bay to the south, and 41st Avenue to the east. The ambitious service area of the Beltz system covered approximately 25% of the Live Oaks district with water sourced from ground wells located throughout the district and conveyed through pipelines situated beside Live Oak roads. Charles Beltz passed away in 1947 and left the operation of the Beltz Water Company to his only son, Chester Beltz. Under the supervision of his son, the company developed a both a wider, and more dense service area in response to the massive post-war population growth in the County. By 1955, the Beltz Water Company system included six source wells that allowed the system to accommodate incremental growth from 900 customers in 1955 to approximately 1,500 customers by 1967. The City of Santa Cruz finally purchased the Beltz Water Company System in 1967. The City also purchased the Pestana Water Company in 1961 that served the Santa Cruz Gardens subdivision and the Rolling Woods Utilities, Inc. in 1969 that served the Rolling Woods subdivision.

San Lorenzo Valley Water District

The communities located in the various valleys within the Santa Cruz Mountains owe their existence to the select industries that sought to profit from the wealth of natural resources found here. By 1899, Boulder Creek in the San Lorenzo Valley was the fifth largest shipper of timber in the country. As the San Lorenzo Valley was settled in the mid-1800s, populations in Ben Lomond, Brookdale, and Boulder Creek formed their own water systems. These water systems were supplied by nearby springs and creeks by way of flumes or pipelines and were designed to serve the needs of residents who occupied their vacation homes only a few weeks a year. When the County

population doubled between 1900 to 1940 from 21,512 to 45,057 persons and more people moved permanently into the valley, the existing water systems became inadequate.

Frequent droughts between 1912 and 1939 convinced San Lorenzo Valley leaders to form a water district to better control water, to serve the needs of the valley. After one failed attempt to form a county water district by election in 1939, the SLVWD was formed by the voters on April 3, 1941. In 1959, the SLVWD signed an agreement with the City, in which the SLVWD sold the City its timber and mineral rights to the Newell Creek watershed, in exchange for one-eighth of the water rights from the water stored by Newell Creek Dam.

Scotts Valley Water District

The SVWD was formed by a vote in 1961 under the County Water District Law, Division XII of the California Water Code. The 1961 district formation merged multiple small water supply systems that had been servicing the 6 square-mile district encompassing most of the incorporated area of Scotts Valley, but also some unincorporated territory as well.

Soquel Creek Water District

The SqCWD was formed by a local vote in 1961 according to the provisions of County Water District Law, Division XII of the California Water Code. The purpose of the District was to implement water management and flood control services. The flood control services were discontinued 3 years later when the SqCWD acquired the Monterey Bay Water Company. Prior to its purchase by the SqCWD in 1964, the Monterey Bay Water Company serviced a large portion of south Santa Cruz County through the gradual purchase of multiple existing systems over time.

Central Water District

A proposition to organize the Central Santa Cruz County Water District encompassing the Oakdale and Pleasant Valley School Districts in south Santa Cruz County was adopted by vote in 1950. Today, the district is known by its shortened name, the Central Water District (CWD).

In 1951, obligation bonds were approved by the district voters to fund the construction of a system of waterworks for the district comprised of a well, storage facilities, and distribution infrastructure. In 1953, the district agreed to purchase the Valencia Water Works, which served approximately 24 customers at the time. The CWD was serving about 80 customers by the end of 1953. The district experienced multiple upgrades beginning in 1978. Early in 1978, one-way interties were installed at two locations between the CWD and the SqCWD systems to provide emergency water from the CWD system down gradient to the SqCWD system. The first was located near Huntington Drive and the second on Soquel Drive near Freedom Boulevard. Additional CWD upgrades installed during this period were funded by monies from the California State Safe Drinking Water Bond Law (1976), and included the drilling of "well #10, the Valencia Booster Pump Station, a telemetering system, and approximately 24,560 feet of mainline piping."

4.4.2.4 Historic Conditions of Infrastructure Component Sites

This section provides the conditions related to historical architectural resources of the project and programmatic infrastructure sites for which improvements and new facilities are proposed. A cultural records search for the project and programmatic infrastructure component sites and 0.5-mile radius was conducted through the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) on April 27, 2020.

Additionally, a qualified architectural historian conducted a surface reconnaissance of the study area on May 6, 2020 for all of the project and programmatic infrastructure component sites. The results of the survey were used to evaluate the site features for potential historical significance, based on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the Santa Cruz County Historic Resources Inventory (SCCHRI) or City of Santa Cruz Historic Building Survey criteria, as relevant. See Section 4.4.3, Regulatory Framework, for information about these historic registers. The results of the records search, site survey and historic evaluations performed are summarized below and described in detail in Appendix G.

Aquifer Storage and Recovery Sites

As indicated in Section 4.4.2.1, Study Area, there are no definitive sites identified to date for new ASR facilities, and therefore, site-specific conditions cannot be described for such sites.

Dudek conducted background research and a CHRIS records search within 0.25 miles of the Beltz ASR sites. No previously recorded or evaluated built environment resources were identified on these sites. Of the four sites (Beltz ASR 8, 9, 10, and 12), the Beltz 8 ASR site, was found to contain buildings and structures over the age of 45 years that required evaluation under NRHP, CRHR, and Santa Cruz County significance criteria.

The Beltz 8 ASR site is located on a municipal property located in the County and demonstrates a layered development history. The first well on the site, Beltz 6, was developed between 1952 and 1967 during the Beltz Water Company operation period before the City acquired the system. The Iron and Manganese Removal Plant was designed by Kingman Engineers and completed in 1971 and subsequently expanded in 1985. Beltz 6 was damaged in the 1989 Loma Prieta earthquake and later replaced by Beltz 8 in 1998. Presently the site contains the Iron and Manganese Removal Plant, Beltz 8, and limited landscaping.

The Iron and Manganese Removal Plant contains a Control Building, two pressure filters, a combination aerator and sump pump, and a wash water recovery tank. The Control Building is a simple utilitarian-style building constructed from flat concrete bricks that features a gabled roof complete with vertical wood siding in the gable end (Dudek 2020, Exhibits 9 and 10). The 1985 addition to the south end of the building is also constructed of concrete brick and features a shed roof that extends from the south elevation of the building. Entry to the building is accessed via one of three simple metal doors, two of which feature a single small window. Otherwise, the building does not contain any fenestration. Metal conduit is present in sizable quantities on the exterior painted surface of the building. Other features evaluated at the facility include: Two cylindrical pressure filters and cylindrical tanks on a concrete pad foundation; the irregular shaped-aerator sump pump stands housed in metal sheeting; and a cylindrical wash water recovery tank constructed of metal sheets riveted together to form a continuous surface.

The Beltz 8 ASR site and facility was not recommended as eligible for listing in the NRHP, CRHR, or the SCCHRI due to a lack of historical associations, architectural merit, and compromised integrity (see Appendix G for details of this evaluation). As such, this property is not a historical resource under CEQA.

Intertie Improvement Sites

City/SVWD Intertie

The City/SVWD intertie site includes a pipeline alignment for new piping along Sims Road to La Madrona Drive, and a new pump station site. Based on the 2020 survey and records search conducted for the Proposed Project, this programmatic component site does not contain historic built environment resources and therefore is not a historical

resource under CEQA. This is consistent with the conclusions of a prior cultural resource study conducted of the same intertie facilities and location (URS 2013).

City/SqCWD/CWD Intertie

The City/SqCWD/CWD intertie site includes two existing pipeline segments, one in Soquel Village and one in Park Avenue, an existing pump station on McGregor Drive, and two sites for new pump stations on Freedom Boulevard and Valencia Road. Background research on these programmatic component site locations indicate that the only built environment properties that are likely 45 years old or older are the existing Soquel Village and Park Avenue pipelines, given that the McGregor Drive pump station was recently constructed and there were no built environment properties on the new pump station sites. Based on the historic context of the existing water management system the likelihood of the pipelines or any related water facility structure being found eligible for listing in the NRHP, CRHR, or SCCHRI is low.

Felton Diversion Site

The Felton Diversion was installed on the San Lorenzo River north of Henry Cowell State Park and completed in 1976. The structure is comprised of a permanent concrete foundation spanning the river containing an inflatable rubber dam. The inflatable dam, or bladder, can be raised to maintain and impoundment for the diversion of water which is transported by pipeline to supplement storage at Loch Lomond. The inflatable dam can also be lowered to control the flow of water during a storm surge or other similar event. The structure also includes a fish-screened intake structure, a conventional sump and high-lift pump station, a fish ladder, and a control building.

Based on the background research, a records search, and the 2020 site survey, no previously recorded or evaluated built environment resources were identified on the Felton Diversion site. No buildings or structures over the age of 45 years at the time the Notice of Preparation for the EIR was released in 2018, were identified that required evaluation under NRHP, CRHR, and SCCHRI significance criteria.[1] As such, this property is not a historical resource under CEQA.

Tait Diversion and Coast Pump Station Site

Based on the background research, records search, and the 2020 site survey, no previously recorded or evaluated built environment resources were identified on the Tait Diversion and Coast Pump Station site. The site was found to contain buildings and structures over the age of 45 years that required evaluation under NRHP, CRHR, and City of Santa Cruz Historic Building Survey designation criteria.

The Tait Diversion and Coast Pump Station is a combined facility located on municipal property within the City. The property demonstrates a layered development history. The Coast Pump Station was added to the larger City system in the late 1920s. The pump station was completed in 1929 as the second of two municipal pumping stations funded by the City in roughly the same location beside the San Lorenzo River north of present-day Highway 1. Archival newspaper sources indicate that a diversion was present at this site dating back to 1934; however, the Tait Diversion as it is now known received a new intake in 1961, which was then reconfigured in 1983. The Tait Diversion and Coast Pump Station combined facility contains three associated built environment structures: the Coast Pump Station (1928), the Meter Shop (c.1964–1968), and Tait Diversion (c.1934).

[1] Chapter 3, Project Description, indicates in Table 3-8 that this programmatic component could be under construction by 2027, at which time the facility would be over 50 years old.

The Tait Diversion and Coast Pump Station site is predominantly paved except for open green areas containing native flora similar to the other nearby areas beside the river. The Tait Diversion is presently comprised of a weir across the San Lorenzo River formed from irregularly shaped concrete sections arranged in a line that disappears into the thick vegetation on the opposite bank of the river. On the west bank of the river, a concrete intake installed in 1983 features a heavy metal grate over both the inflow and the outflow, and the top of the structure is covered by metal decking. The Coast Pump Station is a rectangular, industrial-style building that features ribbed metal siding and a side-gable roof clad in corrugated metal. A square, shed-roof garage addition extends from the southwest elevation of the building and also features ribbed metal cladding and a corrugated roof. The southeast (main) elevation features a narrow metal rollup door and a simple entry door with a single square window; the garage addition also features a wide rollup door on this elevation. Large pipes emerge from the ground on the northeast elevation and are sheltered by a shed roof extending from this elevation. The side and rear of the building do not have any additional doors and windows.

The Meter Shop building is a rectangular, industrial-style building that features 'Stran-steel' brand ribbed metal siding and a front-gable roof clad in corrugated metal. The foundation of the building is constructed from concrete masonry units. The southeast (main) elevation features a small loading dock, a narrow metal rollup door and a simple solid entry door. The entry door is accessed via a set of six side-facing steps fitted with a metal pipe railing. The northeast elevation features a single aluminum sliding window.

The Tait Diversion and Coast Pump Station were not recommended as eligible for listing in the NRHP, the CRHR, or the City of Santa Cruz Historic Building Survey due to a lack of historical associations, architectural merit, and compromised integrity. As such, this property is not a historical resource under CEQA (see Appendix G for details of this evaluation).

4.4.2.5 Archaeological Conditions of Infrastructure Component Sites

As indicated previously, a CHRIS cultural records search for the project and programmatic infrastructure component sites and 0.5-mile radius was conducted on April 27, 2020. A search of the Native American Heritage Commission (NAHC) Sacred Lands File was also conducted in April 27, 2020, and no known sacred lands were reported. An intensive pedestrian field survey of the entire study area was conducted in April 2020, which included the Beltz ASR sites, intertie improvement sites, Felton Diversion site and the Tait Diversion and Coast Pump Station site. Neither the CHRIS records search nor the field survey of the study area identified any archaeological or tribal cultural resources within or near the project and programmatic infrastructure component sites. Specifically, no archaeological soil (midden) or material commonly used as raw materials for prehistoric tool manufacture such as chert or obsidian were found. Similarly, no other evidence for use of the study area during prehistoric times (such as charred faunal remains, marine shell, modified rocks, or charcoal) was observed. See Appendix G for additional information about the records search and site surveys conducted for the Proposed Project.

4.4.2.6 Tribal Cultural Resources

To date, the City has not been contacted by Native American tribes requesting notification of projects for the purpose of consultation of tribal cultural resources pursuant to AB 52, with the exception of an individual request for consultation for a specific project. See Section 4.4.3, Regulatory Framework, for information about AB 52 requirements. However, on behalf of the City of Santa Cruz, Dudek contacted Native American tribes and tribal organizations in response to NAHC recommendations for making contact when the Sacred Lands File search was

completed by NAHC. Letters were sent to the tribes and tribal organizations identified by the NAHC to notify them of their opportunity to consult with the City regarding the Proposed Project with follow-up calls. Valentin Lopez, Chair of the Amah Mutsun Tribal Band, contacted Dudek. Mr. Lopez requested that a Native American monitor from the Amah Mutsun Tribal Band be hired for all ground-disturbance work within 400 feet of known cultural resource sites. No additional Native American contacts have responded to the outreach letters as of June 4, 2020. A complete record of the Native American outreach effort is included in Appendix G.

4.4.3 Regulatory Framework

4.4.3.1 Federal

National Historic Preservation Act

The NHPA established the NRHP and the President's Advisory Council on Historic Preservation (ACHP), and provided that states may establish State Historic Preservation Officers to carry out some of the functions of the NHPA. Most significantly for federal agencies responsible for managing cultural resources, Section 106 of the NHPA directs that:

> [t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP.

Section 106 also affords the ACHP a reasonable opportunity to comment on the undertaking (16 U.S.C. 470f).

36 CFR Part 800 implements Section 106 of the NHPA. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values; to determine whether or not they may be adversely affected by a proposed undertaking; and the process for eliminating, reducing, or mitigating the adverse effects.

The content of 36 CFR 60.4 defines criteria for determining eligibility for listing in the NRHP. The significance of cultural resources identified during an inventory must be formally evaluated for historic significance in consultation with the ACHP and the California State Historic Preservation Officer to determine if the resources are eligible for inclusion in the NRHP. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Regarding criteria A through D of Section 106, the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, cultural resources, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (36 CFR 60.4):

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.

The 1992 amendments to the NHPA enhance the recognition of tribal governments' roles in the national historic preservation program, including adding a member of an Indian tribe or Native Hawaiian organization to the ACHP.

The NHPA amendments:

- Clarify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion in the National Register
- Reinforce the provisions of the Council's regulations that require the federal agency to consult on properties of religious and cultural importance.

The 1992 amendments also specify that the ACHP can enter into agreement with tribes that permit undertakings on tribal land and that are reviewed under tribal regulations governing Section 106. Regulations implementing the NHPA state that a federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

4.4.3.2 State

California Register of Historical Resources

In California, the term "historical resource" includes but is not limited to "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (Public Resources Code Section 5020.1[j]; see also CEQA Guidelines Section 15064.5[a]). In 1992, the California legislature established the CRHR "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change" (Public Resources Code Section 5024.1[a]). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP including associated historic integrity considerations and are enumerated below. According to Public Resources Code Section 5024.1(c)(1–4), a resource is considered historically significant meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be

considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 California Code of Regulations [CCR] Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- Public Resources Code Section 21083.2(g) defines "unique archaeological resource."
- Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a) define "historical resources." In addition, CEQA Guidelines Section 15064.5(b) defines the phrase "substantial adverse change in the significance of an historical resource." It also defines the circumstances when a project would "materially impair" the significance of an historical resource (an element of a "substantial adverse change" to the resource) (see discussion below).
- Public Resources Code Section 21074(a) defines "tribal cultural resources."
- Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4(b) provide information regarding the mitigation framework for archaeological and historical resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to both unique archaeological resources and "historical resources of an archaeological nature" because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Historical Resources

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of Public Resources Code Section 5024.1[q]), it is a "historical resource" and is presumed to be historically or culturally significant for purposes of CEQA (Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5[a]).

A "substantial adverse change in the significance of an historical resource" reflecting a significant effect under CEQA means "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" (CEQA Guidelines

Section 15064.5(b)(1); Public Resources Code Section 5020.1[q]). In turn, CEQA Guidelines section 15064.5(b)(2) states the significance of an historical resource is materially impaired when a project:

1. 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 CRHR; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any "historical resources," then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

Where a project has been determined to conform with the Secretary of the Interior's Standards, the project's impact on historical resources would be considered mitigated to below a level of significance and, thus, not significant (14 CCR Section 15126.4[b][1]). In most cases, a project that demonstrates conformance with the Secretary of the Interior's Standards is categorically exempt from CEQA (14 CCR Section 15331), as described in the CEQA Guidelines:

> Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant (14 CCR Section 15126.4[b][1]).

The Secretary of the Interior's Standards are a series of concepts focused on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They function as common-sense historic preservation principles that promote historic preservation best practices. There are four distinct approaches that may be applied to the treatment of historical resources:

- **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- **Reconstruction** recreates vanished or non-surviving portions of a property for interpretive purposes.

The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation. The Guidelines provide general design and technical recommendations to assist in applying the Standards to a specific property. Together, the Standards and Guidelines provide a framework that guides important decisions concerning proposed changes to a historic property.

Unique Archaeological Resources

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]).

Public Resources Code Section 21083.2(g) defines a unique archaeological resource as 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 that 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.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (Public Resources Code Section 21083.2[a]; CEQA Guidelines Section 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as tribal cultural resource (Public Resources Code Section 21074[c], 21083.2[h]), further consideration of significant impacts is required. CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in Public Resources Code Section 5097.98.

California Environmental Quality Act Assembly Bill 52 Consultation

State Assembly Bill (AB) 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a separate category of resources in the CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. Public Resources Code Section 21074 defines a "tribal cultural resource" as either:

- Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Nature American tribe that is either listed, or determined to be eligible for listing, on the national, state, or local register of historic resources; or
- A resource determined by the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource.

The California Public Resources Code Section 21084.2 now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." The Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

The CEQA lead agency for consultation with local Native American tribes is the City of Santa Cruz. As previously indicated, at the time of Draft EIR preparation, the City has not received any Assembly Bill 52 requests from local tribes that apply to all projects. The agency regulatory contact for the consultation is Ms. Sarah Easley Perez, Santa Cruz Water Department, 212 Locust Street, Suite C, Santa Cruz, CA 95060, (831) 420-5327; seasleyperez@cityofsantacruz.com.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (California Health and Safety Code Section 7050.5b). Public Resources Code Section 5097.98 outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (California Health and Safety Code Section 7050.5c). The NAHC would notify the most likely descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

4.4.3.3 Local

The study area for the Proposed Project includes the jurisdictions of the City of Santa Cruz, City of Capitola, City of Scotts Valley, and County of Santa Cruz. The general plans and, where relevant, the local coastal programs of these jurisdictions include policies and programs related to cultural resources. Section 4.9, Land Use, Agriculture and Forestry, and Mineral Resources, discusses applicable general plan and local coastal program policies related to cultural resources, as relevant to the Proposed Project.

Specific details are provided in this section about the Santa Cruz County and City of Santa Cruz codes related to the historic inventories of these jurisdictions, as this information was used in the evaluation of the some of the project and programmatic infrastructure components. Historic evaluations were conducted for the Belts 8 ASR site and the Tait Diversion and Coast Pump Station due to the age of these existing facilities.

Santa Cruz County Code

Historic Resources Inventory

Cultural Landmarks in the County of Santa Cruz are termed Historic Resources and are under the aegis of the Planning Department, County of Santa Cruz. A list of Historic Resources is maintained in the County's Historic Resources Inventory, which identifies those Historic Resources located in the unincorporated areas of the County. Historic Resource is defined in Chapter 16:42 Historic Preservation within Title 16: Environmental and Resource Protection as follows (County Code 16.42.030 (I) [Ord. 5061 § 28, 2009; Ord. 4922 § 1, 2008]):

> … any structure, object, site, property, or district which has a special historical, archaeological, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the County, State, or nation, and which either has been referenced in the County General Plan, or has been listed in the historic resources inventory adopted pursuant to SCCC 16.42.050 and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5.

In order to be placed on the County Historic Resources Inventory, a property must first be evaluated for its ability to meet one or more of the following criteria: (County Code 16.42.050 Historic Resource Designation [Ord. 4922 § 1, 2008]).

1. The resource is associated with a person of local, state or national historical significance.
2. The resource is associated with an historic event or thematic activity of local, State or national importance.
3. The resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life, or the resource represents the work of a master builder or architect or possesses high artistic values.
4. The resource has yielded, or may likely yield, information important to history.

Santa Cruz County Historic Districts

The County of Santa Cruz defines Historic District as (County Code 16.42.030 (E) [Ord. 5061 § 28, 2009; Ord. 4922 § 1, 2008]):

1. Have character of special historic or aesthetic interest or value; and
2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County; and
3. Cause such area, by reason of these factors, to constitute a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects that are unified by past events, or aesthetically by plan or physical development.

City of Santa Cruz Municipal Code

Historic District

Chapter 24.06, Part 2 Historic District Designation, provides procedures for the designation of an historic district. The criteria of a designated historic district include:

1. The proposed historic district is a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development.
2. The collective value of the historic district taken together may be greater than the value of each individual structure.
3. The proposed designation is in conformance with the purpose of the City's historic preservation provisions, set forth in Section 24.12.400 of this title and the City's Historic Preservation Plan and the General Plan.

Historic Preservation

Chapter 24.12, Part 5 (Historic Preservation) of the City of Santa Cruz Municipal Code outlines methods and regulations for the protection, enhancement, perpetuation and use of structures, districts, lands, and neighborhoods of historic, archaeological, architectural, and engineering significance. The purpose of provisions in this chapter related to historic preservation is to:

1. Designate, preserve, protect, enhance, and perpetuate those historic structures, districts, and neighborhoods contributing to cultural and aesthetic benefit of Santa Cruz;
2. Foster civic pride in the beauty and accomplishments of the past;
3. Stabilize and improve the economic value of certain historic structures, districts, and neighborhoods;
4. Protect and enhance the city's cultural, archaeological and aesthetic heritage;
5. Promote and encourage continued private ownership and use of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be obtained under such policy;
6. Serve as part of the Local Coastal Implementation Plan for the Coastal Program.

4.4.4 Impacts and Mitigation Measures

This section contains the evaluation of potential environmental impacts associated with the Proposed Project related to cultural resources and tribal cultural resources. The section identifies the standards of significance used in evaluating the impacts, describes the methods used in conducting the analysis, and evaluates the Proposed Project's impacts and contribution to significant cumulative impacts, if any are identified.

4.4.4.1 Standards of Significance

The standards of significance used to evaluate the impacts of the Proposed Project related to cultural resources and tribal cultural resources are based on statutory language found in Public Resources Code Sections 21083.2(a), 21084.1, 21084.2, CEQA Guidelines Section 15064.5(b), Appendix G of the CEQA Guidelines, and the City of Santa Cruz CEQA Guidelines, as listed below. A significant impact would occur if the Proposed Project would:

A. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
B. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.
C. Disturb any human remains, including those interred outside of formal cemeteries.
D. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074.

4.4.4.2 Analytical Methods

This section evaluates the potential cultural resources and tribal cultural resources impacts associated with construction and operation of the Proposed Project. The analysis of potential impacts addresses the various project and programmatic components listed in Table 4.4-1, which are described in detail in Chapter 3, Project Description.

Table 4.4-1. Project and Programmatic Components

Proposed Project Components	Project Components	Programmatic Components
WATER RIGHTS MODIFICATIONS		
Place of Use	✓	
Points of Diversion	✓	
Underground Storage and Purpose of Use	✓	
Method of Diversion	✓	
Extension of Time	✓	
Bypass Requirement (Agreed Flows)	✓	
INFRASTRUCTURE COMPONENTS		
Water Supply Augmentation		
Aquifer Storage and Recovery (ASR)		✓
New ASR Facilities at Unidentified Locations		✓
Beltz ASR Facilities at Existing Beltz Well Facilities	✓	
Water Transfers and Exchanges and Intertie Improvements		✓
Surface Water Diversion Improvements		
Felton Diversion Fish Passage Improvements		✓
Tait Diversion and Coast Pump Station Improvements		✓

Records Search and Native American Coordination

As described above, a CHRIS records search and a NAHC Sacred Lands File search were conducted for the project and programmatic infrastructure component sites and 0.5-mile radius was conducted in April 2020. The CHRIS search included a review of the NRHP, CRHR, California Inventory of Historic Resources, historical maps, and local inventories. Additionally, Native American tribes and tribal organizations were contacted in response to NAHC recommendations for making contact when the Sacred Lands File search was completed by NAHC.

Surveys

Pedestrian surveys of the project and programmatic infrastructure component sites were conducted on May 6, 2020. An archaeological reconnaissance was conducted by a qualified archaeologist using standard archaeological procedures and techniques. All field practices met the Secretary of Interior's standards and guidelines for a cultural resources inventory. The land area was surveyed in pedestrian transects with approximately 5-meter spacing. A qualified architectural historian also conducted a pedestrian survey of the study area. The survey entailed walking all accessible portions of the study area and documenting the site with notes and photographs, specifically noting character-defining features, spatial relationships, and observed alterations, and examining any historic landscape features on the property. See Appendix G for further details on survey methods.

Historical Resources

Projects can result in a substantial adverse change in the significance of a historical resource if they would cause physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the

significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5). According to Appendix G, two properties were identified and recorded that are at least 45 years of age that are located on the infrastructure component sites, the Beltz 8 ASR site and the Tait Diversion and Coastal Pump Station site. The results of these evaluations are presented in Section 4.4.2.4, Historic Conditions of Infrastructure Component Sites. Potential impacts to historic architectural resources for both project and programmatic components are detailed below.

Archaeological Resources

Archaeological sites are usually adversely affected only by physical destruction or damage that can be caused by grading and excavation, trenching, weather-induced erosion, etc. Impacts to archaeological resources and human remains most often occur as the result of excavation or grading within the vertical or horizontal boundaries of a significant archaeological site. Archaeological resources may also suffer impacts as the result of project activity that increases erosion, or increases the accessibility of a surface resource, and thus increases the potential for vandalism or illicit collection. Because archaeological resources often are buried or cannot be fully defined or assessed on the basis of surface manifestations, substantial ground-disturbing work may have the potential to uncover previously unidentified resources, including archaeological deposits and human remains. As precise fill depths may not be known in all cases, it must be assumed that any ground-disturbing activities in any portion of the study area where development will occur could potentially affect unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources.

Application of Relevant Standard Practices

The Proposed Project includes standard construction practices (see Section 3.4.5.2, Standard Construction Practices), that the City would implement to avoid or minimize effects to archaeological resources and human remains. These practices and their effectiveness in avoiding and minimizing effects are described below.

If archaeological resources (sites, features, or artifacts) are exposed during construction, Standard Construction Practice #24 requires construction activities to stop within a 100 feet of any finds, temporary flagging around the resources, and evaluation of the significance of the finds by a qualified archaeologist. If the archaeologist observes the discovery to be potentially significant under CEQA, preservation in place or additional treatment may be required. This practice is somewhat effective in that it requires work stoppage to evaluate the significance of a potential archaeological resource; however, it stops short of specifying how to appropriately treat such a significant resource, if found.

If human remains are exposed during construction, Standard Construction Practice #25 requires the implementation of California laws that protect Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. The legal requirements are contained in Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code (see Section 4.4.3.2, State, for details). These laws are effective in that they require construction work to stop, notification of the lead agency staff and County Coroner, notification of the NAHC and the MLD, and the appropriate treatment of the remains. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

If the Proposed Project would have potentially significant impacts even with the implementation of the above standard construction practices, the impact analysis identifies mitigation measures. The mitigation measures developed to address impacts to unique archaeological resources, historical resources of an archaeological nature, and subsurface tribal cultural resources addresses potential impacts both to identified archaeological resources, if any, and to archaeological resources that might be discovered during construction.

4.4.4.3 Project Impact Analysis

This section provides a detailed evaluation of cultural resources and tribal cultural resource impacts associated with the Proposed Project.

Impact CUL-1: Historic Built Environment Resources (Significance Standard A). Construction of some of the Proposed Project infrastructure components could cause a substantial adverse change in the significance of historical built environment resource. ***(Less than Significant with Mitigation)***

Water Rights Modifications

The water rights modifications would not directly result in construction activities that could damage or otherwise alter historical built environment resources. Given that, the water rights modifications would not result in direct impacts to historical built environment resources, as defined in CEQA Guidelines Section 15064.5, and as a result would not cause a substantial adverse change in the significance of such a resource. Therefore, this project component of the Proposed Project would have no direct impacts.

The following analysis evaluates the potential indirect impacts to historic built environment resources as a result of the proposed water rights modifications, that once approved could result in the implementation of the project and programmatic infrastructure components of the Proposed Project.

Infrastructure Components

The Proposed Project includes infrastructure components including ASR, water transfers and exchanges and associated intertie improvements, and surface water diversion improvements. Operation of these components, involving the diversion of water, the movement of water in pipelines and the pumping and extraction of water into and out of groundwater basins would not have the potential to impact historic built environment resources and therefore operation of these components is not further evaluated. However, construction of these infrastructure components would have the potential to impact historic built environment resources if such resources are present and therefore construction impacts are further evaluated below.

Aquifer Storage and Recovery Facilities

The Proposed Project includes ASR facilities that could be installed within the Santa Cruz Mid-County Groundwater Basin inside and outside the areas served by the City, and/or in the Santa Margarita Groundwater Basin outside the areas served by the City. ASR would include new ASR facilities at unidentified locations and Beltz ASR facilities at the existing Beltz well facilities, which are analyzed below.

New ASR Facilities. Given that specific locations for these facilities have not been identified at this time, information about the potential for historical built environment resources is not fully known. In consideration of the region and property options for the proposed new ASR facilities, there is a low likelihood of finding historical built environment resources eligible for listing in the NRHP, CRHR or SCCHRI at the eventual sites for new ASR facilities. Regardless, if historical built environment resources are discovered on these sites, construction of new ASR facilities could cause a substantial adverse change in the significance of a historical built environment resource. Therefore, this programmatic component of the Proposed Project could have a potentially significant impact on a historical built environment resource.

Implementation of MM CUL-1a and 1b would avoid a substantial adverse change in the significance of a historical built environment resource by requiring: a records search and potential site survey on new ASR site(s) to confirm that there is no potential for historical built environmental resources to be present; preparation of a Historic Resources Evaluation Report (HRER) for properties 45 years old or older that could be impacted during construction; and avoidance of any identified significant resources or implementation of design in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties such that the historical resource continues to convey its historical significance. Therefore, implementation of MM CUL-1a and 1b would reduce potentially significant impacts of this programmatic component on historical built environment resources to a less-than-significant level.

Beltz ASR Facilities. Dudek conducted background research and a CHRIS records search within 0.25 miles of the Beltz ASR sites. No previously recorded or evaluated built environment resources were identified on these sites. Of the four sites (Beltz 8, 9, 10, and 12 ASR sites), the Beltz 8 ASR site, was found to contain buildings and structures over the age of 45 years that required evaluation under NRHP, CRHR, and Santa Cruz County significance criteria. The Beltz 8 ASR site and facility was not recommended as eligible for listing in the NRHP, the CRHR, or the SCCHRI due to a lack of historical associations, architectural merit, and compromised integrity, as described in Appendix G. As such, this property is not a historical resource under CEQA. Implementation of the Beltz ASR facilities would not cause a substantial adverse change in the significance of a historical built environment resource. Therefore, these project components of the Proposed Project would have no impact on historical built environment resources.

Water Transfers and Exchanges and Intertie Improvements

City/SVWD Intertie. The City/SVWD intertie would result in the placement of a new pipeline along Sims Road and La Madrona Road and construction of a new pump station. Based on the 2020 survey and records search conducted for the Proposed Project, this site does not contain historic built environment resources. This is consistent with the conclusions of a prior cultural resource study conducted of the same intertie facilities and location (URS 2013). Implementation of the City/SVWD intertie would not cause a substantial adverse change in the significance of a historical built environment resource. Therefore, this programmatic component of the Proposed Project would have no impact on historical built environment resources.

City/SqCWD/CWD Intertie – Soquel Village and Park Avenue Pipelines and McGregor Pump Station Upgrade. The City/SqCWD/CWD intertie would result in replacement of an existing pipeline in two segments, one in Soquel Village and one in Park Avenue, and upgrade of an existing pump station on McGregor Drive. Background research on these component site locations indicate that the only built environment properties that are likely 45 years old or older are the existing Soquel Village and Park Avenue pipelines, given that the pump station was recently constructed. Based on the historic context of the existing water management system, the likelihood of the pipelines or any related water facility structure being found eligible for listing in the NRHP, CRHR or SCCHRI is low. Regardless, if these pipelines are determined to be historic resources, construction of the intertie could cause substantial adverse changes in the significance of such historical built environment resources. Therefore, this programmatic component of the Proposed Project could have a potentially significant impact on a historical built environment resource.

Implementation of MM CUL-1b would avoid a substantial adverse change in the significance of a historical built environment resource by requiring: a records search and potential site survey on new ASR site(s) to confirm that there is no potential for historical built environmental resources to be present; preparation of a HRER for properties 45 years old or older that could be impacted during construction; and avoidance of any identified significant resources or implementation of design in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties such that the historical resource continues to convey its historical significance.

Therefore, implementation of MM CUL-1b would reduce potentially significant impacts of this programmatic component on historical built environment resources to a less-than-significant level.

City/SqCWD/CWD Intertie – New Pump Stations. The portion of the City/SqCWD/CWD intertie that would connect SqCWD and CWD would require the construction of two new pump stations, one on Valencia Road and one on Freedom Boulevard; however precise locations are not known at this time. Based on the 2020 survey and records search conducted for the Proposed Project, these two pump station sites do not contain historic built environment resources. Implementation of these new pump stations would not cause a substantial adverse change in the significance of a historical built environment resource. Therefore, this programmatic component of the Proposed Project would have no impact on historical built environment resources.

Felton Diversion Improvements

Based on the background research, a records search, and the 2020 site survey, no previously recorded or evaluated built environment resources were identified on the Felton Diversion Fish Passage Improvements site. No buildings or structures currently over the age of 45 years were identified that required evaluation under NRHP, CRHR, and Santa Cruz County significance criteria. As such, this property is not currently a historical resource under CEQA. However, as indicated in Chapter 3, Project Description, this programmatic component could be under construction by 2027, at which time the facility would be over 50 years old. Based on the historic context of the existing water management system the likelihood of the diversion being found eligible for listing in the NRHP, CRHR, or SCCHRI is low. Regardless, if the Felton Diversion is determined to be a historical resource, construction of the diversion improvements could cause substantial adverse changes in the significance of such a historical built environment resource. Therefore, this programmatic component of the Proposed Project could have a potentially significant impact on a historical built environment resource.

Implementation of MM CUL-1a and 1b would avoid a substantial adverse change in the significance of a historical built environment resource by requiring: a records search and potential site survey on the Felton Diversion site when this component is pursued to confirm that there is no potential for historical built environmental resources to be present; preparation of a HRE for properties 45 years old or older that could be impacted during construction; and avoidance of any identified significant resources or implementation of design in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties such that the historical resource continues to convey its historical significance. Therefore, implementation of MM CUL-1a and 1b would reduce potentially significant impacts of this programmatic component on historical built environment resources to a less-than-significant level.

Tait Diversion and Coast Pump Station Improvements

Based on the background research, records search, and the 2020 site survey, no previously recorded or evaluated built environment resources were identified on the Tait Diversion and Coast Pump Station site. The site was found to contain buildings and structures over the age of 45 years that required evaluation under NRHP, CRHR, and SCCHRI designation criteria. Neither facility was recommended as eligible for listing in the NRHP, the CRHR, or the SCCHRI due to a lack of historical associations, architectural merit, and compromised integrity. As such, this property is not a historical resource under CEQA. Implementation of the Tait Diversion and Coast Pump Station Improvements would not cause a substantial adverse change in the significance of a CEQA historical built environment resource. Therefore, this programmatic component of the Proposed Project would have no impact on historical built environment resources.

Mitigation Measures

Implementation of the following mitigation measure would reduce the potentially significant impact related to historical built environment resources to a less-than-significant level.

MM CUL-1: **Historic Era Built Environment Resources.** Potentially significant impacts to historic built environmental resources on the infrastructure component sites shall be addressed through the following measures:

a. **Identify Potential Historic Built Environment Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities and the Felton Diversion).** When new or upgraded facilities move into project-level design and those developments are being pursued by the City of Santa Cruz (City), a qualified cultural resource specialist shall review the project site and conduct a California Historical Resources Information System (CHRIS) records search. If there are no previously recorded resources or historic era buildings or structures located on the site, no further action is warranted. If these project site review efforts indicate a potential for California Environmental Quality Act (CEQA) historical resources, all buildings and structures within the component site that are 45 years or older, shall be identified and measure b shall be implemented.

b. **Evaluate Potential Built Environment Resources (Applies to New ASR Facilities, City/Soquel Creek Water District/Central Water District Intertie – Soquel Village and Park Avenue Pipelines, and the Felton Diversion).** Should potential CEQA historical resources be identified within the above programmatic infrastructure component sites, prior to project implementation, the City or other lead agency overseeing the Proposed Project shall retain a qualified architectural historian, meeting the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations Part 61), to record such potential resources based on professional standards, to formally assess their significance under CEQA Guidelines Section 15064.5. A Historic Resources Evaluation Report (HRER) shall be prepared by the architectural historian to evaluate properties over 45 years of age under all applicable significance criteria. In consideration of the historic context for the existing water management systems in the region there is a low-likelihood that water management structures that postdate the late 1800s or early 1900s (pioneering water system era) will be found historically significant. Therefore, for existing infrastructure component sites it is likely that the HRER will find that no properties meet the significance criteria and therefore, no CEQA historical resources are likely to be present. No further work shall be required for historic era-built environment properties, buildings, or structures 45 years old or older at these sites that are not found to meet the CEQA historical significance criteria as historical resources. If a property is found to be eligible for listing under the applicable significance criteria and therefore considered a CEQA historical resource, the resource shall be avoided or preserved in place. If avoidance or preservation in place is not feasible, and the historical resource will be modified through design such that it may not be able to convey its historic significance, the City will retain a qualified architectural historian to prepare a subsequent technical report. This required report will assess the proposed project design plans and/or schematics in conjunction with the subject CEQA historical resource and determine whether the Proposed Project conforms with the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically, the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Structures). The City shall modify the

Proposed Project, as needed, to ensure that the Secretary of the Interior's Standards are met such that the historical resource continues to convey its historical significance.

Impact CUL-2: Archaeological Resources and Human Remains (Significance Standards A, B, and C). Construction of Proposed Project infrastructure components could cause a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, and/or disturb human remains. ***(Less than Significant with Mitigation)***

Water Rights Modifications

The water rights modifications would not result in construction activities that could damage or otherwise alter unique archaeological resources or historical resources of an archaeological nature or disturb human remains. Given that, the water rights modifications would not disturb human remain or result in direct impacts to unique archaeological resources or historical resources of an archaeological nature, as defined in CEQA and the CEQA Guidelines, and as a result would not cause a substantial adverse change in the significance of such resources. Therefore, this project component of the Proposed Project would have no direct impacts on archaeological resources, historical resources of an archaeological nature, or human remains.

The following analysis evaluates the potential indirect impacts to unique archaeological resources, historical resources of an archaeological nature, or human remains as a result of the proposed water rights modifications, that once approved could result in the implementation of the project and programmatic infrastructure components of the Proposed Project.

Infrastructure Components

As indicated in Impact CUL-1, operation of the Proposed Project infrastructure components, involving the diversion of water, the movement of water in pipelines and the pumping and extraction of water into and out of groundwater basins would not have the potential to impact unique archaeological resources or historical resources of an archaeological nature, or disturb human remains and therefore operation of these components is not further evaluated. However, construction of these infrastructure components would have the potential to impact unique archaeological resources or historical resources of an archaeological nature if such resources are present, or disturb human remains and therefore construction impacts are further evaluated below.

Aquifer Storage and Recovery Facilities

New ASR Facilities. The Proposed Project includes new ASR facilities that could be installed within the Santa Cruz Mid-County Groundwater Basin inside or outside the areas served by the City, and in the Santa Margarita Groundwater Basin outside the City's service area. Given that there are not identified locations for these facilities at this time, site-specific information about potential archaeological resources and human remains is not available. If such resources are present on these sites, Standard Construction Practices would be implemented, as described Chapter 3, Project Description and evaluated in Section 4.4.4.2, Analytical Methods. Standard Construction Practice #24 requires that standard inadvertent discovery clauses be included in all construction contracts to address the discovery of potential resources during construction. Standard Construction Practice #25 provides for the proper handling of human remains discovered inadvertently during construction. With the implementation of Standard Construction Practice #25, potential impacts related to construction of new ASR facilities on human remains would be less than significant. However, with the implementation of Standard Construction Practice #24, potential impacts related to construction of these programmatic components could still cause substantial adverse changes

in the significance of such unique archaeological resources or historical resources of an archaeological nature, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2. Therefore, the impact of this programmatic component of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Implementation of MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature by requiring: a records search and site survey on these component sites to identify the potential for resources to be present on the site(s); inclusion of standard inadvertent discovery clauses in all construction contracts to address the discovery of potential resources during construction; determination by a qualified archaeologist whether the resource qualifies as an unique archaeological resource or a historical resource of an archaeological nature under CEQA Guidelines Section 15064.5; preservation in place, if feasible, if resources are determined to be significant; and appropriate data recovery and permanent curation of recovered materials if preservation in place is not feasible. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of this programmatic component on unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

Beltz ASR Facilities. Dudek conducted a CHRIS records search and a NAHC SLF search within 0.25 miles of Beltz 8, 9, 10, and 12 ASR facility sites as well as an intensive surface reconnaissance within and immediately adjacent to these components. No archaeological resources were identified within any of these component sites. There is low potential for encountering potentially significant unknown archaeological resources during construction. If such resources are present on these sites, Standard Construction Practices #24 and #25 would be implemented, as described in Section 4.4.4.2, Analytical Methods. With the implementation of Standard Construction Practice #25, potential impacts on human remains related to construction of Beltz ASR facilities would be less than significant. However, with the implementation of Standard Construction Practice #24, potential impacts related to construction of these project components could still cause substantial adverse changes in the significance of such unique archaeological resources or historical resources of an archaeological nature, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2. Therefore, the impact of this project component of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Notwithstanding the low sensitivity of the Beltz ASR sites, MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, as described above for new ASR facilities. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of this project component on unique archaeological resources or archaeological resources of a historical nature to a less-than-significant level.

Water Transfers and Exchanges and Intertie Improvements

City/SVWD Intertie. Dudek conducted a CHRIS records search and a NAHC SLF search within 0.25 miles of this component site as well as an intensive surface reconnaissance within and immediately adjacent to this site. No archaeological resources were identified within this component site. This component was also evaluated for the Scotts Valley Multi-Agency Regional Intertie Project in 2010 (Section 2.1.1); there were no impacts to significant archaeological resources found relative to this component (URS 2013). There is low potential for encountering potentially significant unknown archaeological resources during construction. If such resources are present on this site, Standard Construction Practices #24 and #25 would be implemented, as described in Section 4.4.4.2, Analytical Methods. With the implementation of Standard Construction Practice #25, potential impacts on human remains related to construction of the City/SVWD Intertie would be less than significant. However, with the implementation of

Standard Construction Practice #24, potential impacts related to construction of this programmatic component could still cause substantial adverse changes in the significance of such historical or unique archaeological resources, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2. Therefore, the impact of this programmatic component of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Notwithstanding the low sensitivity of this component site, MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, as described above for new ASR facilities. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of this programmatic component on unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

City/SqCWD/CWD Intertie - Soquel Village and Park Avenue Pipelines and McGregor Pump Station Upgrade. The CHRIS records search identified two recorded archaeological resources: CA-SCR-191, is located within 150 feet of the Soquel Village pipeline; and CA-SCR-214 is located within ten feet of the Park Avenue pipeline. Documentary research indicates the sites were subjected to subsurface testing and found to be of very low density and integrity (CA-SCR-191) or found not to constitute an actual archaeological deposit (Section 2.1.1). There is low potential for encountering potentially significant unknown archaeological resources during future construction. If such resources are present on these sites, Standard Construction Practices #24 and #25 would be implemented, as described above for new ASR facilities. With the implementation of Standard Construction Practice #25, potential impacts on human remains related to construction of the Soquel Village and Park Avenue pipelines and McGregor pump station upgrade would be less than significant. However, with the implementation of Standard Construction Practice #24, potential impacts related to construction of this programmatic component could still cause substantial adverse changes in the significance of such historical or unique archaeological resources, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2, Analytical Methods. Therefore, the impact of this programmatic component of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Notwithstanding the low sensitivity of these component sites, MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, as described above for new ASR facilities. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of this programmatic component on unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

City/SQCWD/CWD Intertie – New Pump Stations. As indicated in Impact CUL-1, precise locations are not known at this time for the two new pump stations on Valencia Road and Freedom Boulevard. No archaeological resources were identified within these component sites, based on the records search and site survey. There is low potential for encountering potentially significant unknown archaeological resources during future construction. If such resources are present on these sites, Standard Construction Practices #24 and #25 would be implemented, as described above for new ASR facilities. With the implementation of Standard Construction Practice #25, potential impacts on human remains related to construction of these pump stations would be less than significant. However, with the implementation of Standard Construction Practice #24, potential impacts related to construction of this programmatic component could still cause substantial adverse changes in the significance of such historic or unique archaeological resources, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2, Analytical Methods. Therefore, the impact of this programmatic component of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Notwithstanding the low sensitivity of this programmatic component site, MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, as described above for new ASR facilities. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of this programmatic component on unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

Felton Diversion and Tait Diversion and Coast Pump Station Improvements

Dudek conducted a CHRIS records search and a NAHC SLF search within 0.25 miles of Tait Diversion and Coast Pump Station improvements site and the Felton Diversion fish passage improvements site as well as an intensive surface reconnaissance within and immediately adjacent to these component sites. No archaeological resources or evidence of human remains were identified within these two component sites. There is low potential at both sites for encountering unknown archaeological resources during construction. If such resources are present on these sites, Standard Construction Practices #24 and #25 would be implemented, as described above for new ASR facilities. With the implementation of Standard Construction Practice #25, potential impacts on human remains related to construction of these diversion improvements would be less than significant. However, with the implementation of Standard Construction Practice #24, potential impacts related to construction of these programmatic components could still cause substantial adverse changes in the significance of such historical or unique archaeological resources, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2, Analytical Methods. Therefore, the impact of these programmatic components of the Proposed Project on unique archaeological resources or historical resources of an archaeological nature would be potentially significant.

Notwithstanding the low sensitivity of these component sites, MM CUL-2 would avoid a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, as described above for new ASR facilities. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of these programmatic components on unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

Mitigation Measures

Implementation of the following mitigation measure would reduce the potentially significant impact related to unique archaeological resources or historical resources of an archaeological nature to a less-than-significant level.

MM CUL-2: Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources. Potentially significant impacts to unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources on the infrastructure component sites shall be addressed through the following measures:

a. **Identify Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to New Aquifer Storage and Recovery [ASR] Facilities and Other Components where Five Years Have Elapsed).** When new ASR facilities sites are identified and those components are being pursued by the City of Santa Cruz (City), a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall conduct a California Historical Resources Information System (CHRIS) records search, a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search and perform an intensive surface reconnaissance within a specifically defined Area of Direct Impact (ADI). Based on the above, all

archaeological sites within or near the component site or area of potential effect shall be identified. The sensitivity of the site for discovering unknown resources, shall also be identified. The qualified archaeologist will prepare a technical report with the results of the above. The qualified archaeologist shall attempt to ascertain whether the archaeological sites qualify as unique archaeological resources, historical resources of an archaeological nature, or subsurface tribal cultural resources. If known or identified resources of these kinds are present on the site, measure c shall be implemented.

This measure shall also be implemented for any other project or programmatic components that are implemented more than five years after the CHRIS records search and NAHC SLF search were conducted.

b. **Standard Sensitivity Training and Inadvertent Discovery Clauses (Applies to all Components).** The City or other lead agency shall include a standard clause in every construction contract for the Proposed Project, which requires cultural resource sensitivity training for workers prior to conducting earth disturbance in the vicinity of a documented cultural-resource-sensitive area, should one be identified in the future. Prior to site mobilization or construction activities on the project site, a qualified archaeologist with training and experience in California prehistory and historical period archaeology shall conduct the cultural resources awareness training for all project construction personnel. The training shall address the identification of buried cultural deposits, including Native American and historical period archaeological deposits and potential tribal cultural resources, and cover identification of typical prehistoric archaeological site components including midden soil, lithic debris, and dietary remains as well as typical historical period remains such as glass and ceramics. The training must also explain procedures for stopping work if suspected resources are encountered. Any personnel joining the work crew subsequent to the training shall also receive the same training before beginning work.

   Consistent with Standard Construction Practice #24, standard inadvertent discovery clauses shall also be included in every construction contract for the Proposed Project by the City or other lead agency, which requires that in the event that an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease until a qualified archaeologist can evaluate the find and make a recommendation for how to proceed, as specified in measure c.

c. **Evaluate Potential Unique Archaeological Resources, Historical Resources of Archaeological Nature, and Subsurface Tribal Cultural Resources (Applies to all Components).** For an archaeological resource that is discovered during initial site review (measure a) or during construction (measure b), the City or other lead agency shall:

   - Retain a qualified archaeologist to determine whether the resource has potential to qualify as either a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource under Public Resources Code section 21074, California Environmental Quality Act (CEQA) Guidelines Section 15064.5, or Section 106 of the National Historic Preservation Act.
   - If the resource has potential to be a unique archaeological resource, a historical resource of an archaeological nature, or a subsurface tribal cultural resource, the qualified archaeologist, in consultation with the lead agency, shall prepare a

research design and archaeological evaluation plan to assess whether the resource should be considered significant under CEQA criteria.

- If the resource is determined significant, the lead agency shall provide for preservation in place, if feasible. If preservation in place is not feasible, the qualified archaeologist, in consultation with the lead agency, will prepare a data recovery plan for retrieving data relevant to the site's significance. The data recovery plan shall be implemented prior to, or during site development (with a 100-foot buffer around the resource). The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the Northwest Information Center, and provide for the permanent curation of recovered materials. The written report will provide new recommendations, which could include, but would not be limited to, archaeological and Native American monitoring for the remaining duration of project construction.

Impact CUL-3: Tribal Cultural Resources (Significance Standard D). Construction of Proposed Project infrastructure components could cause a substantial adverse change in the significance of a tribal cultural resource. ***(Less than Significant with Mitigation)***

A NAHC SLF search did not identify any known tribal cultural resources within any of the study area and a 0.25-mile buffer from the study area. Dudek notified tribes traditionally associated with the study area about the Proposed Project and requested information regarding tribal cultural resources on April 7, 2020. The outreach effort has not resulted in the identification of a tribal cultural resource within or near the study area. No known geographically defined tribal cultural resources have been identified. On April 7, 2020, Valentin Lopez, Chair of the Amah Mutsun Tribal Band, requested that a Native American monitor from the Amah Mutsun Tribal Band be hired for all ground-disturbance work within 400 feet of known cultural resource sites. As indicated in Impact CUL-2, there are two locations where recorded prehistoric sites are within 400 feet of a component of the study area. In both instances, the subject prehistoric sites have been the subject of subsurface testing with findings that suggest either that the resources in question are of very low integrity and or of such low density that their designation as actual prehistoric sites is questionable.

The project and programmatic components would not impact known archaeological sites or tribal cultural resources. Nevertheless, in the event that unknown archaeological sites or tribal cultural resources are uncovered during the course of construction Standard Construction Practices #24 and #25 would be implemented, as described above in Impact CUL-2. With the implementation of Standard Construction Practice #25, potential impacts on human remains would be less than significant. However, with the implementation of Standard Construction Practice #24, the Proposed Project could still cause substantial adverse changes in the significance of a historical or unique archaeological resource or tribal cultural resource, as the practice stops short of specifying how to appropriately treat such a significant resource, as described in Section 4.4.4.2, Analytical Methods. Therefore, the impact of the Proposed Project on archaeological sites or tribal cultural resources would be potentially significant.

Implementation of MM CUL-2 would avoid substantial adverse changes in the significance of archaeological sites or tribal cultural resources, as described above for new ASR facilities in Impact CUL-2. Therefore, implementation of MM CUL-2 would reduce the potentially significant impacts of the Proposed Project on archaeological sites or tribal cultural resources to a less-than-significant level.

Mitigation Measures

Implementation of MM CUL-2 described above would reduce the potentially significant impact related to archaeological sites or tribal cultural resources to a less-than-significant level.

4.4.4.4 Cumulative Impacts Analysis

This section provides an evaluation of cumulative cultural resources and tribal cultural resources impacts associated with the Proposed Project and past, present, and reasonably foreseeable future projects, as identified in Table 4.0-2 in Section 4.0, Introduction to Analyses, and as relevant to this topic. The geographic area of analysis for cumulative impacts to cultural resources and tribal cultural resources is the County of Santa Cruz.

Impact CUL-4: Cumulative Cultural Resource and Tribal Cultural Resource Impacts (Significance Standards A, B, C, and D). Construction of the Proposed Project, in combination with past, present, and reasonably foreseeable future development, could result in a significant cumulative impact related to cultural resources and tribal cultural resources, but the Proposed Project's contribution would not be cumulatively considerable. ***(Less than Significant)***

As shown in Table 4.0-2, there are numerous cumulative projects that would be located in Santa Cruz County. Some of these cumulative projects would be approved and implemented by the City and some would require discretionary approved from other local lead agencies in the County. The context for the cultural resources and tribal cultural resources cumulative analysis considers the former territory of the Costanoan or Ohlone people and the historic-era settlement patterns that have occurred over roughly the past two centuries. As there are a limited number of significant cultural resources, the loss of any one cultural resource site could affect the scientific value of others in a region. Implementation of appropriate mitigation measures that are identified during the discretionary approval process for cumulative projects can help to capture and preserve knowledge of such resources through a range of typical actions (e.g., preservation in place, data recovery, conformance with the Secretary of the Interior's Standards) and federal, state, and local laws can also protect these resources. However, preservation in place is not always feasible, and therefore cumulative projects could result in a potentially significant cumulative impact on cultural resources and tribal cultural resources.

As described above, construction of project and programmatic infrastructure components of the Proposed Project could result in potentially significant impacts related to historic built environment resources (Impact CUL-1), historic or unique archaeological resources (Impact CUL-2) and tribal cultural resources (Impact CUL-3). MM CUL-1 and MM CUL-2 have been identified to avoid substantial adverse changes to cultural resources and tribal cultural resources. Therefore, with the implementation of these mitigation measures, the Proposed Project would not have a considerable contribution to the cumulative impact. As such, the Proposed Project would result in a less-than-significant cumulative impact related cultural resources and tribal cultural resources.

4.4.5 References

Dudek. 2020. *Draft Cultural Resources Inventory, Evaluation, and Finding of Effect Report for the Santa Cruz Water Rights Project.* November 2020. (See Appendix G.)

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