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DOCKET
07-AFC-9
DATE NOV 10 2009
RECD NOV 10 2009

November 10, 2009

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **STIPULATION BETWEEN CEC STAFF AND SCPPA REGARDING ADDITIONS TO EVIDENTIARY RECORD DOCKET NO. (07-AFC-9)**

Enclosed for filing with the California Energy Commission is the original of the **STIPULATION BETWEEN CEC STAFF AND SCPPA REGARDING ADDITIONS TO EVIDENTIARY RECORD**, for the Canyon Power Project (07-AFC-9).

Sincerely,

Marie Mills

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of: Application for Certification for the Canyon Power Project	**DOCKET NO. 07-AFC-09** **STIPULATION BETWEEN CEC STAFF AND SCPPA REGARDING ADDITIONS TO EVIDENTIARY RECORD**

CEC Staff and SCPPA ('the parties") presented evidence relating to the Canyon Power Project (CPP) at the evidentiary hearing conducted on November 2, 2009. Discussion between the parties and the Committee led to directions from the Committee that the parties modify certain conditions of certification, exchange such modifications, and if agreement is reached to prepare and file a stipulation that such modifications may be entered into the evidentiary record. The parties have exchanged modifications to the following conditions of certification.

- AQ-SC7
- TRANS-1
- CUL-1 through CUL-7

The modifications to these conditions of certification are attached and the parties agree that they should be entered into the evidentiary record for the purpose of formally modifying the Final Staff Assessment, Exhibit 201. Please enter this stipulation and attached modified conditions of certification as Exhibit 78.

Dated: November 10, 2009

/original signed/
Deborah R. Dyer
CEC Senior Staff Counsel

/original signed/
Scott A. Galati
Counsel to SCPPA

AQ-SC7 The project owner shall surrender the ERCs for SOx, VOC and PM10 as listed in the table below or a modified list, as allowed by this condition. An additional pound per day of VOC and SO2 ERCs shall be identified prior to initiation of construction. If ~~additional or~~ revised ERCs are submitted, the project owner shall submit an updated table including the ~~additional or~~ revised ERCs to the CPM. The project owner shall request CPM approval for any substitutions~~,~~ or modifications~~, or additions~~ of credits listed.

Certificate Number(s)	Amount (lbs/day)	Pollutant
AQ008840	10	VOC
AQ008842	10	VOC
AQ008862	4	SO2
AQ008907, -09, -11, -13,-15, -17, -19, -21	1	PM10
AQ008864, -66, -68, -70, -72, -74, -76, -78	2	PM10
AQ008844	4	PM10
AQ008846	4	PM10
AQ009059, -61, -63, -65, -67, -69, -71, -73	6	PM10
AQ008891, -93, -95, -97, -99, -01, -03, -05	7	PM10
AQ009027, -29, -31, -33, -35, -37, -39, -41	2	PM10
AQ009043, -45, -47, -49, -51, -53, -55, -57	19	PM10
AQ009325, -27, -29, -31, -33, -35, -37,-39	2	PM10
AQ008838	1	PM10

The CPM, in consultation with the District, may approve any such change to the ERC list provided that the project remains in compliance with all Conditions of Certification, and applicable laws, ordinances, regulations, and significant environmental impact, and the SCAQMD confirms that each requested change is consistent with applicable federal and state laws and regulations.

Verification: The project owner shall provide the ERC certificate information for the additional pound per day of VOC and SO2 ERCs as required by the District and this condition at least 30 days prior to initiating construction. This information will provide the following information for each of the additional ERC certificates: 1) the location/address of the reduction; 2) the date of reduction; and 3) the method of reduction.

The project owner shall submit to the CPM the NSR Ledger Account from the District, showing that the project's offset requirements have been met, 30 days prior to turbine first fire for the traditional ERCs. If the CPM approves a substitution or modification ~~to the list~~ of ERCs on the list, the CPM shall file a statement of the approval with the project owner and commission docket. The CPM shall maintain an updated list of approved ERCs for the project.

TRANS-1 The project owner shall prepare a construction traffic control and implementation plan for the project and its associated facilities. The project owner shall consult with the affected local jurisdiction(s), Caltrans and Orange County (if applicable) and the Anaheim Public Works Department, in the preparation of the traffic control and implementation plan.

The traffic control and implementation plan shall include and describe the following minimum requirements:

A. Timing of heavy equipment and building materials deliveries and related hauling routes;

B. Redirecting construction traffic with a flag person;

C. Signing, lighting, and traffic control device placement;

D. Timing of construction work hours and arrival/departure intervals outside of peak traffic periods;

E. Ensuring safe access to the main entrance;

F. Ensuring access for emergency vehicles to the project site;

G. Closing of travel lanes on a temporary basis;

H. Ensuring access to adjacent commercial land industrial properties during the construction of all linears;

I. Devising a construction workforce ridesharing plan; and

J. The project owner shall monitor the foot traffic of site workers that park at the most distant parking areas. After direction or admonition to the foot traffic workers of the relevant traffic safety laws, should the project owner determine that the traffic laws are not being followed by the walking workers in their ingress and egress to the site, the project owner shall then p~~P~~rovide a shuttle service from the most distant off-street parking areas.

The project owner shall submit the proposed traffic control and implementation plan to the affected local jurisdiction, Orange County (if applicable) and Caltrans for review and comment.

Verification: At least 60 days prior to start of site mobilization, the project owner shall provide to the city of Anaheim and county of Orange, Caltrans, and the California Highway Patrol for review and comment and to the CPM for review and approval, a copy of the construction traffic control plan. The plan must document consultation with the applicable agencies.

CULTURAL RESOURCES

Testimony of Beverly E. Bastian and Michael D. McGuirt

SUMMARY OF CONCLUSIONS

California Energy Commission staff's cultural resources analysis has determined that the proposed Canyon Power Plant (CPP) project would have no impact on known California Register of Historical Resources-eligible archaeological resources, ethnographic resources, built-environment resources, historic districts, or cultural landscapes in the project's construction areas. With the adoption of cultural resources Conditions of Certification **CUL-1** through **CUL-7**, the CPP project would have no significant impact on as-yet-unidentified buried archaeological deposits. Additionally, with the adoption and implementation of these conditions, the project would be in conformity with all applicable laws, ordinances, regulations, and standards (LORS). Staff therefore recommends that the Commission adopt **CUL-1** through **CUL-7**.

INTRODUCTION

This cultural resources assessment identifies the potential impacts of the CPP project on cultural resources. Cultural resources are defined under state law as buildings, sites, structures, objects, and historic districts. Three kinds of cultural resources, classified by their origins, are considered in this assessment: prehistoric, ethnographic, and historic.

Prehistoric archaeological resources are associated with the human occupation and use of California prior to prolonged European contact. These resources may include sites and deposits, structures, artifacts, rock art, trails, and other traces of Native American human behavior. In California, the prehistoric period began over 12,000 years ago and extended through the eighteenth century until 1769, when the first Europeans settled in California.

Ethnographic resources represent the heritage of a particular ethnic or cultural group, such as Native Americans or African, European, Latino, or Asian immigrants. They may include traditional resource collecting areas, ceremonial sites, topographic features, cemeteries, shrines, or ethnic neighborhoods and structures.

Historic-period resources, both archaeological and architectural, are associated with Euro-American exploration and settlement of an area and the beginning of a written historical record. They may include archaeological deposits, sites, structures, traveled ways, artifacts, or other evidence of human activity. Groupings of historic-period resources are also recognized as historic districts and as historic vernacular landscapes. Under federal and state historic preservation law, cultural resources must be at least 50 years old to have the potential to be of sufficient historical importance to merit consideration of eligibility for listing in the California Register of Historical Resources (CRHR). A resource less than 50 years of age must be of exceptional historical importance to be considered for listing.

For the CPP project, staff provides an overview of the environmental setting and history of the project's vicinity, an inventory of the cultural resources identified in the project

vicinity, and an analysis of the potential impacts to cultural resources from the proposed project using criteria from the California Environmental Quality Act (CEQA).

If cultural resources are identified, staff determines which are historically significant (defined as eligible for the CRHR) and whether the CPP would have a significant impact on those that are CRHR eligible. Staff's primary concern is to ensure that all potentially CRHR-eligible cultural resources are identified, that all potential CPP impacts to those resources are identified and assessed, and that conditions are proposed that ensure that all significant impacts that cannot be avoided are mitigated to a less-than-significant level.

LAWS, ORDINANCES, REGULATIONS, AND STANDARDS

Projects licensed by the Energy Commission are reviewed to ensure compliance with all applicable laws. For this project, which has no federal involvement,[1] the applicable laws are primarily state laws. Although the Energy Commission has pre-emptive authority over local laws, it typically ensures compliance with local laws, ordinances, regulations, standards, plans, and policies.

[1] Cultural resources in California are also protected under provisions of the federal Antiquities Act of 1906 (Title 16, United States Code, Section 431 et seq.) and subsequent related legislation, policies, and enacting responsibilities, e.g., federal agency regulations and guidelines for implementation of the Antiquities Act.

CULTURAL RESOURCES Table 1
Laws, Ordinances, Regulations, and Standards

Applicable Law	Description
State	
Public Resources Code 5097.98 (b) and (e)	Requires a landowner on whose property Native American human remains are found to limit further development activity in the vicinity until he/she confers with the NAHC-identified Most Likely Descendents (MLDs) to consider treatment options. In the absence of MLDs or of a treatment acceptable to all parties, the landowner is required to reinter the remains elsewhere on the property in a location not subject to further disturbance.
Health and Safety Code, section 7050.5	Makes it a misdemeanor to disturb or remove human remains found outside a cemetery; also requires a project owner to halt construction if human remains are discovered and to contact the county coroner.
Local	
County of Orange General Plan, 2005	County areas sensitive for historical, archaeological, and paleontological resources are identified; CEQA evaluation of cultural resources is required.
County of Orange Codified Ordinances	Protection policies for historical, archaeological, and paleontological resources in the county.
City of Anaheim Municipal Code	Prescribes the treatment of cultural resources in the City of Anaheim; defines the boundaries of the Anaheim Colony Historic District; requires specific plans to consider properties of historical value.

SETTING

Information provided regarding the setting of the proposed project places it in its geographical and geological context and specifies the technical description of the project. Additionally, the prehistoric, ethnographic, and historical background provides the context for the evaluation of the CRHR eligibility of any identified cultural resources within staff's area of analysis for this project.

REGIONAL SETTING

The proposed project is in the lower Santa Ana River watershed, located in the Los Angeles Basin, at the northern end of the Peninsular Ranges Geomorphic Province. The basin's boundaries are the Santa Monica Mountains on the north, the Puente Hills and the Whittier Fault on the east, the Santa Ana Mountains and the San Juan Hills on the south, and the Palos Verde Peninsula and Pacific coastline on the west (CofA2007a, pp. 6.3-3–6.3-4). The site is on an alluvial plain, associated with either (or both) young alluvial fan deposits from the nearby uplands or alluvial terrace deposits of the Santa Ana River (CofA2007a, pp. 6.3-11–6.3-12). The site (and the entire area) is underlain by 1.0–2.5 feet of fill and 2,000 feet of native, unconsolidated sand, silt, and gravel deposits (CofA2007a, p. 6.3-4). Along the Santa Ana River, these deposits

historically were mined for construction materials, leaving three abandoned pits near the proposed project site that now serve as groundwater recharge basins (CofA2007a, p. 6.3-12). The proposed project site is at an elevation of 218 feet above mean sea level, sloping gradually to the southwest (CofA2007a, p. 3-3–4).

SITE, VICINITY, AND PROJECT DESCRIPTION

The proposed CPP project site is located at 3071 Miraloma Avenue, in the City of Anaheim, Orange County. The site consists of 10 acres of previously developed land, mostly paved with asphalt and concrete. From the 1930s to the 1960s, the site was part of an orange grove (AMEC 2007, p. 2). At the time of the submission of the AFC, buildings were present on the site that formerly housed a mobile food catering service and maintenance facilities for the associated vehicles. The large food service building is of tilt-up concrete construction and dates to 1967 (JRP 2007, p. 15). Three residential structures formerly occupied the southwest corner of the site, but these were demolished prior to submission of the AFC.

The vicinity of the proposed project is an industrial park, occupied by warehouses and light industry. Most of the buildings are tilt-up concrete construction, dating to the 1960s and 1970s (JRP 2007, p. 15).

The proposed project is a nominal 200-MW, simple-cycle, peaker power plant, which would take up the eastern half of the proposed project site, and which would consist of four natural gas-fired GE LM 6000PC Sprint gas turbines and their auxiliary equipment. A laydown area would occupy approximately the western half of the proposed project site (CofA2007a, pp. 3-1–3-2; p. 3-47).

Additionally the project includes off-site linear facilities consisting of (CofA2007a, pp. 3-2; 3-22; 3-50; Brock 2008):

- a new, 3,240-foot-long, 12-inch, natural gas underground pipeline running east on East Miraloma Avenue to Kraemer Boulevard, then north on Kraemer Boulevard to East Orangethorpe Avenue to connect into SoCal Gas Company's (SCGC) natural gas transmission pipeline L-1218;
- a new, 2,185-foot-long, 14-inch, recycled water pipeline, running from the proposed project site to the Orange County groundwater replenishment system (GWRS) on the southeastern side of Kraemer Basin, near the Carbon Canyon Diversion Channel, where a new off-site recycled water booster pump station would also be installed;
- four new underground 69-kV transmission lines running from the on-site switchyard under nearby streets to connect with two existing 69-kV overhead transmission lines, with two new lines running 100 feet to connect to the Vermont-Yorba line and the other two new lines running a total of 7,000 feet to connect to the Dowling-Yorba line;
- fiber optic cable for the supervisory control and data acquisition (SCADA) system running in a common trench with the two 7,000-foot, 69-kV underground transmission lines, to tie into existing underground fiber optic cable; and

- two 10-inch pipelines, each 75 feet long, running from the proposed project site to a COA-owned 14-inch pipeline running along East Miraloma Avenue, to provide potable water, fire water, and a back-up process water supply; and
- a 6-in sewer pipeline, 40 feet long, running from the proposed project site to the Orange County Sanitation District wastewater pipeline running along East Miraloma Avenue, to dispose of both sanitary and process wastewater.

Prehistoric Setting

Human Occupation in Southern California

The earliest generally accepted evidence for the human occupation of the North American continent dates to the geological epoch known as the Late Pleistocene, about 10,000 years BC. The evidence occurs primarily in the form of large, very skillfully made stone spear points, sometimes in association with the bones of large game animals. This occupation is known archaeologically as the Big Game Hunting Tradition. The Big Game Hunting Tradition, centered in the Great Plains and American Southwest, but evidenced all over the continent, apparently had a nearly exclusive focus on the exploitation of now-extinct giant mammals (megafauna), such as mammoths and giant bison. Archaeologists believe that California did not have the Big Game Hunting Tradition, although its characteristic fluted projectile points have been found all over the state (scantily in Southern California). Rather, California's Late Pleistocene peoples were forced to adopt a general hunter-forager subsistence mode and to live near reliable water sources where food and plant resources were consistently available when the glaciers of the Pleistocene era retreated and the warmer and drier climate of the succeeding geological era, the Holocene, caused major environmental changes, including a rise in sea level along the coast, desiccation of the formerly plentiful inland lakes, and extinction of megafauna (Moratto 1984, pp. 78–81; Byrd and Raab 2007, p. 215).

Early Holocene Cultures (9600 to 5600 BC)

For the Early Holocene epoch, previous archaeological interpretations had characterized a prevailing, region-wide hunting tradition in Southern California, known as the Western Pluvial Lakes Tradition, as follows: site locations on or near shorelines of bodies of fresh water; economy based on hunting a variety of animals and birds and on gathering shellfish and vegetal products; the absence of ground-stone artifacts (indicating no use of hard seeds as food); distinctive percussion-flaked stone artifacts; and a diverse stone toolkit. Gradually, archaeologists thought, people carrying this tradition spread to the coast where they increasingly exploited marine foods in the later part of this period (Moratto 1984, pp. 90–103; Byrd and Raab 2007, p. 218).

Moratto sums up the primary cultural-historical developments of the Early Holocene era in Southern California, listing several trends: increasing regional specialization, increasing technological diversification, increasing population, increasing sedentism, and intensification of use of plant resources (Moratto 1984, p. 113, Table 3.10).

In the Los Angeles area, human skeletal remains and faunal remains evidencing butchering have produced radiocarbon (C^{14}) dates corresponding to this early period. A

partial skeleton of a young woman was recovered from one of the La Brea tar pits, located about 35 miles northwest of the proposed CPP project site. Bones impregnated with tar do not produce reliable C^{14} dates, but the “Brea Maid’s” bones were decontaminated and dated, resulting in a date of 7,000 ± 80 years BC (Moratto 1984, pp. 53–54). The tar pits have also yielded six long bones from extinct megafauna (lion, sabertooth cat, and bison) that have what appear to be butchering cut marks, and three of the bones also have what may be drilled holes. One of the bones was radiocarbon-dated to 13,200 ± 800 years BC. Moratto concludes that this is plausible evidence for the presence of humans at Rancho La Brea some 15,000 years ago, if the C^{14} date can be accepted (1984, p. 54). This evidence for the presence of humans in the Los Angeles area in the Early Holocene period suggests the possibility of additional important buried archaeological remains being encountered anywhere in the region, including the proposed CPP project site.

A more recent archaeological interpretation of this period, based on several subsequent decades of field work, identifies the earliest occupation sites in Southern California as located on the coast and on the Southern Channel Islands, where evidence of some of the earliest sea-faring (in wooden seagoing canoes) in North America has been found. Rather than being a later development, this very early adaptation to the exclusive use of maritime food resources, such as seals, sea lions, dolphins, and shellfish, has caused archaeologists to re-think their concept of technological developments in California prehistory (Byrd and Raab 2007, pp. 219, 226).

Middle Holocene Cultures (5600 to 1650 BC)

After 5000 BC, the present climate and environment were established in California. Previous archaeological interpretations saw Native Americans in Middle Holocene Southern California refining their exploitative abilities by developing their technology and adapting to the seasonal availability of a wide variety of local food sources through a mobile lifestyle that required no substantial houses or permanent villages. One of the key technological developments of this era was the millingstone, which was a rock slab or shallow basin shaped by painstaking grinding with a smaller rock and used to process hard seeds into meal. Along with millingstones, important developments in this era in Southern California were: the appearance of many large shell midden sites on the bays and estuaries of what are now San Diego and Orange Counties; the wide regional distribution of shell beads; and the introduction of pottery and clay figurines. These developments were thought to signal the greater exploitation of marine resources on the coast, the greater exploitation of vegetal food sources throughout the region, and the development of a regional trading network (Moratto 1984, pp. 147–153).

While the coastal shell middens, known as the La Jolla Culture, were the archaeological type site for the Middle Holocene period, archaeologists also identified two variants which co-existed with the shell midden sites during this time period: the Pauma Culture and the Sayles Culture, known from inland sites. Archaeologists characterize the three collectively as “Millingstone” cultures because sites of all three evidence extensive use of millingstones, an indication of dependence on vegetal food sources. Comparisons of sites of the three cultures suggest a basic similarity in subsistence among them, with variations reflecting adaptation to particular local resources, with shellfish remains being absent at Pauma and Sayles sites.

After several thousand years of unchanging coastal subsistence based on shellfish, nuts, and grasses, the end of the Middle Holocene period, as recognized previously by archaeologists, came as a result of estuarine silting, which reduced the availability of the essential shellfish. As the use of littoral resources decreased, archaeologists believed the use of inland resources, particularly acorns, increased, resulting in a shift in site locations from the coast to interior uplands in the Late Holocene period (Byrd and Raab 2007, pp. 219–220).

A more recent archaeological interpretation of the Middle Holocene, based on several subsequent decades of field work, in part contradicts and in part refines key aspects of the earlier interpretation. Paleoenvironmental studies have shown that estuarine silting was not uniform along the entire Southern California coast, and archaeologists have excavated at coastal sites evidencing continuous occupation well up into the Late Holocene (Byrd and Raab 2007, p. 220). Shell bead studies have shown the Middle Holocene trade network was considerably more extensive than previously suspected, across the entire Southern California region, and north through the Great Basin as far as what is now southeastern Oregon (Byrd and Raab 2007, pp. 220–221). Finally, excavations at Middle Holocene sites in the Southern Channel Islands have revealed substantial houses framed with whale ribs, situated in what appears to be a permanent village, possibly occupied year-round. These structures may be the earliest known residential structures in the state (Byrd and Raab 2007, pp. 221–222).

Late Holocene Cultures (1650 BC to AD 1769)

Previous archaeological interpretations of this period in Southern California identify it as the developmental time for the Native American groups and lifeways that Euro-Americans encountered and described. These interpretations recognized three gradual changes: increasing social complexity in adaptation to a stable, resource-rich environment; assimilation of the technology and practices of Northern and Central California Native American groups; and immigration to the coastal area by Native American groups from the eastern interior (Moratto 1984, p. 153; Byrd and Raab 2007, p. 222). The most important new practice introduced from Northern and Central California into Southern California was the technology of processing acorns for food, in particular ground-stone mortars and pestles. Another new practice introduced in this period was cremation of the dead, probably adopted from Native American groups to the east. The use of the bow and arrow and of pottery emerged during this period, as well.

To explain these changes, archaeologists pointed to linguistic evidence, which suggested that, beginning around 500 BC at the latest, newcomers emigrated from the Great Basin area to the coast between northern San Diego County and southern Los Angeles County. The migrants displaced the resident groups but rapidly adopted the local technology and economic practices. The descendants of the migrants include the Luiseños, Gabrielinos, and Nicoleños. The migrants' displaced neighbors to the north were probably the ancestors of the Chumash, and to the south, the ancestors of the Diegueños (Moratto 1984, pp. 156, 164–165).

A more recent archaeological interpretation of the Late Holocene, based on several subsequent decades of field work, again, in part contradicts and in part refines key

aspects of the earlier interpretation. Instead of environmental stability and an adaptive balance between the population and the food resources, the new interpretation sees a trend toward overexploitation of high-value food species resulting in intensified use of less-productive food species and less foraging efficiency over time. A related change in settlement pattern occurred in the Late Holocene, in which three linked kinds of sites were arrayed over a group's territory: large, permanent residential bases, short-term, satellite, residential camps, and specialized-activity sites, facilitating the necessary intensified use of lesser-value foods. A related change in social complexity is posited, brought about by the need for structured decision-making and labor assignment, resulting in the emergence of differing social statuses within a group. A possibly causal factor is implied by paleoenvironmental data, which indicate that periods of drought and other environmental stresses may have required rapid adaptation and could have played a role in all of these changes (Byrd and Raab 2007, pp. 224–225). The newer interpretation additionally explains the Late Holocene immigration of Great Basin newcomers into Southern California as the continuation and expansion of the linkages between the two areas forged in the Middle Holocene via the shell bead trade network (Byrd and Raab 2007, p. 221).

Ethnographic Setting

The proposed project's construction areas are in territory formerly occupied by the Native American group known to the Spanish as the Gabrielino (from their previous association with the Mission San Gabriel Arcángel), but their present-day descendants prefer to be called Tongva. Gabrielino[2] territory included the watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers, the four southern Channel Islands, the Los Angeles Basin, and the coast from Topanga Creek to Aliso Creek. A Gabrielino population figure has been suggested by an estimate of some 50-100 mainland villages inhabited simultaneously by an average of 50-100 persons at the time of European contact (Bean and Smith 1978, pp. 538–540).

Because few Gabrielino culture-bearers survived into the twentieth century to leave a record of their society, only a sketchy outline can be suggested. They were patrilineal, with each lineage having a chief who inherited the office but had to have the approval and cooperation of his (chiefs were usually male) followers. Status in the society depended on both wealth and birth. Intergroup relations included diplomacy, trade, and war, all directed by the chief. Their material culture can be more fully described. The Gabrielino utilized a wide variety of both marine and terrestrial sources of food and materials. Their technology included the bow and arrow, spears, clubs, fish hooks and line, fish nets, basketry fish traps for use in rivers, harpoons, and ocean-going boats constructed of lashed planks and made waterproof with the asphaltum from natural seeps in the area (for example, the La Brea tar pits). The Gabrielino used these boats to take pelagic fish, to hunt sea mammals, and to settle the southernmost Channel Islands. They also gathered shellfish in the littoral zone and a wide range of plants from their inland territory for food and raw materials. The best-known Gabrielino material culture items were utilitarian or ornamental objects made from steatite. Santa Catalina Island was the source for this material, and both the finished objects and the raw

[2] "Gabrielino" is used here because the sources consulted and cited are twentieth-century ethnographers, and that is the term they use.

material were widely traded by the Gabrielino to other Native American groups in the southern California region (Bean and Smith 1978, pp. 542–543).

The project's construction areas are also located near the traditional territory of the Juaneño, or the Acjachemen, as some descendents prefer to be known. The name "Juaneño" was given by the Spanish to those Native Americans who were brought into the Mission San Juan Capistrano from the surrounding area. Similarly, "Luiseño" was the Spanish name for the Native Americans who came to be associated with the Mission San Luis Rey. Anthropologists and linguistics specialists consider the Juaneño and the Luiseño to be one ethnic nationality, which they call Luiseño (Bean and Shipek 1978, p. 550). Population estimates for the Luiseño vary from 5,000 to 10,000 persons at the time of first European contact in 1769 (Bean and Shipek 1978, p. 557).

The traditional territory of the Luiseño was located to the south of that of the Gabrielino and included coastal, inland, and mountain areas. Villages owned specific territories whose boundaries were marked and which residents used communally at the discretion of the hereditary chief. Within the village territory, some resource areas were privately owned and used exclusively by household groups. Material goods, including houses, were privately owned. Property ownership was an important concept to the Juaneño, and trespass could be a cause for war or severe punishment (Bean and Shipek 1978, p. 551).

Men were the primary hunters, going out as individuals and in groups. Meat sources included deer, antelope, a variety of small land mammals, game birds, sea mammals, shellfish, and mountain trout. Women were the primary gatherers of plant foods, including many kinds of grass seeds, prickly pear, pine nuts, yucca buds and pods, and the seeds of the chia, sunflower, and manzanita, but the principal plant food source was the acorn, six species of which were used (Bean and Shipek 1978, pp. 552, 555).

Conical houses were constructed in shallow excavated basins and thatched with reeds, brush, or bark. Villages were permanent and consisted of a clan tribelet, a group of related people who owned an area communally and were politically and economically autonomous. In addition to houses, a village usually had a sweathouse and a ceremonial structure enclosed by circular fencing. Villages were usually located in sheltered coves or canyons, near a water supply, and with defensibility considered. Their neighbors were wary of the Luiseño because of their propensity to expand their territory through warfare. Their political organization reflected this in putting war leadership duties in the hands of the chief and in institutionalizing an initiated warrior class. The chief also had economic and religious powers, which he wielded with the assistance of a council of hereditary shamans and ritual specialists, each of whom had special knowledge about the environment or ritual magic (Bean and Shipek 1978, pp. 550, 551, 553, 555).

Historic Setting

Spanish explorers and priests reached the area that would become Los Angeles in 1769. Priests established Mission San Gabriel Arcángel, southeast of what is now Pasadena, in 1771, and the Mission San Juan Capistrano in 1775. Three other missions and a mission station were also established within the territories of the Gabrielino and

Luiseño: Mission San Fernando Rey de España (founded 1797), Mission San Luís Rey de Francia (founded 1798), and the Asistencia de San Bernardino (founded 1830, near the current town of Pala) (Smith 1995). The missions introduced and converted the Gabrielino and Luiseño to Catholicism and to European lifeways and settled the Christianized Indians (called neophytes) on lands near the missions. The missions also introduced the Gabrielino and Luiseño to European diseases, to which they had no natural immunities, with the result that their numbers were greatly reduced.

Unlike the policy of the priests at Mission San Gabriel, where the Gabrielino neophytes were forced to live in mission housing and to depend entirely on the mission for their subsistence, the priests at Mission San Juan Capistrano allowed the Luiseño neophytes to continue their pre-contact settlement pattern in villages and their pre-contact subsistence modes, to which were added agriculture (wheat, corn, orchards), irrigation, and animal husbandry (Bean and Shipek 1978, p. 558).

The mission system started to decline in 1833, when the Mexican government decreed that the Indians were emancipated. In 1835 the missions were confiscated by the Mexican government, and mission lands, which were vast and encompassed the traditional territories of many California tribes, were then broken up and granted to private Mexican citizens for use as cattle ranches. The secularization of Mission San Gabriel and the disposition of its lands forced the remaining Gabrielino from the life they had led as neophytes at the mission and deprived them of the territory which they needed to return to their ancestral way of life. They scattered and joined other groups up and down the coast and in the interior, resulting in the loss of much of the traditional Gabrielino culture (Bean and Smith 1978, p. 541). The disposition of Mission San Juan Capistrano lands also displaced many Luiseño, but some of their villages became Mexican pueblos, and a few Luiseño individuals obtained land grants from the Mexican government. Traditional Luiseño culture was sustained in these enclaves (Bean and Shipek 1978, pp. 551, 561).

Later forces—including the discovery of gold, California statehood, and the influx of the great numbers of Americans, Europeans, Asians, and others who came to the new state as a result of these developments—accelerated the decline in Native American population and the loss of traditional lifeways for all Native Americans in California.

The Mexican land grant in which the proposed CPP project site is located was the 35,790-acre grant made to Juan Pacifico Ontiveros in 1837, called Rancho San Juan Cajon de Santa Ana. In September, 1857, Ontiveros sold a 1,165-acre parcel of this rancho to the Los Angeles Vineyard Society (City of Anaheim, 2007). This parcel included a 32-foot-wide strip of land running from Rancho San Juan Cajon de Santa Ana across Bernardo Yorba's Rancho San Antonio to the Santa Ana River, purchased by Ontiveros from Yorba for an irrigation ditch (AHS 2005). Another 3,900 acres of the rancho, which Ontiveros had deeded to his son and daughter-in-law, was purchased by Ontiveros' son-in-law, Augustus Langenberger, an Anaheim merchant, in 1864. By 1873, the rest of the Rancho San Juan Cajon de Santa Ana was added to the vast land holdings of the estate of the eminent Los Angeles merchant and rancher, Abel Stearns (CofA2007a, pp. 6.7-12–6.7-13). No evidence has been found of use of the proposed CPP project site for anything but cattle grazing during the rancho period.

The Los Angeles Vineyard Society (LAVS) was organized in San Francisco by a group of German immigrants in February, 1857. It had two purposes—founding a cooperative vineyard in Los Angeles and founding a German colony. The four founders had all come to the United States in the aftermath of the German Revolution of 1848, and all shared the revolution's political philosophy of utopian and humanitarian socialism. The business prospects of viticulture in the burgeoning but under-supplied California wine market of the 1850s, however, dominated the men's political idealism when they met to plan the venture in 1855. Two of the founders, John Frohling and Charles Kohler, were already making wine in Los Angeles to supply their wineshop in San Francisco. The third, Otto Weyse, was the editor of a newspaper, *The San Francisco Democrat*, and the fourth, George Hansen, was a lawyer, civil engineer, and land surveyor who had served as a Los Angeles County Deputy Supervisor for six years and knew Southern California well. To Hansen the LAVS entrusted the task of choosing and purchasing land for the colony (Carosso 1949, pp. 80–82; AHS 2005).

Forty-six Germans, most of them residents of San Francisco, purchased the fifty initial shares of the LAVS in the summer of 1857, with each share entitled to a 20-acre agricultural plot and a town-site for a home. Hansen laid out the central 40 acres of the colony lands as town lots, with some lots set aside for schools, churches, and other public uses, and with a European-style central plaza. Hansen aligned the colony's grid system to maximize water flow through the irrigation system he designed, which depended on a six-mile-long channel excavated from the colony to the Santa Ana River along the route originally planned by Juan Pacifico Ontiveros. The channel, eight feet wide and 2–3 feet deep, was a large investment in labor—it took six months in 1857-58 for Hansen's Indian, Mexican, and Chilean laborers to excavate it—but it was crucial to the colony's future success (Carosso 1949, pp. 82–83; CofA2007a, p. 6.7-14).

In January, 1858, the LAVS shareholders chose the name, "Annaheim" (later shortened to Anaheim), for their colony, combining "Anna," for the Santa Ana River, and "heim," German for "home." In 1858, Hansen turned his laborers to planting vines. Within a year, each of the 50 agricultural plots had eight acres of Mission grapes growing on it. The first colonists arrived in September, 1859 (Carosso 1949, pp. 81–82; CofA2007a, p. 6.7-14; AHS 2005).

The continuing high labor costs of the venture and its failure to pay any dividends caused the cooperative to disband, but the settlement continued. The agricultural plots and town lots were distributed by a random drawing held in San Francisco in September, 1859. The common property of the LAVS was sold to the Anaheim Water Company, which was incorporated on November 10, 1859. George Hansen was its first president, and each holder of 50 shares of the LAVS held 50 shares in the water company, although the water shares could not be transferred separately from the land. Soon more land was acquired by the community, bringing the total to 3,200 acres in 1868. The population of Anaheim at about that time was 1,200 (Carosso 1949, pp. 84–85; City of Anaheim, 2007; CofA2007a, p. 6.7-15).

Anaheim's first vintage was in 1861 and totaled 70,000 gallons (Carosso 1949, p. 85). By 1884, annual production of Anaheim's 50 wineries totaled more than one million gallons. Between 1884 and 1889, Anaheim's grape industry was destroyed by Pierce's Disease, a bacterium spread by leafhopper insects, that blighted and killed the vines.

Anaheim farmers experimented over the next several years with various crops before fixing on Valencia oranges and other citrus as a replacement for grapes, sparking the next era in Anaheim's agricultural boom (City of Anaheim, 2007).

Anaheim's infrastructure also developed as its agricultural economy grew. The Southern Pacific railroad reached Anaheim in 1875. Anaheim's thrifty civic leaders began a municipally-owned water department in 1879, consisting of a shallow well, a steam-driven pump, and a 20,000-gallon redwood tank. Orange County separated from Los Angeles County in 1889, and although Anaheim lobbied to be the new county seat, that honor went instead to the town of Santa Ana (CofA2007a, p. 6.7-16). In 1895, Anaheim opened the first municipally-owned electric utility in Southern California, which was powered by steam until 1916. The City of Anaheim continues today to provide highly economical water and electrical service to the city's residents and businesses (City of Anaheim, 2007; AHS 2005).

Between 1908 and 1911, canning, soda, and sugar factories were opened in Anaheim. In the 1920s, Anaheim sought to attract additional industry to the town through the outreach of the Anaheim Industrial Land Development Company. A group of Anaheim's business leaders privately purchased 40 acres of vacant land northeast of La Palma Avenue and Los Angeles Street (now Anaheim Boulevard) and sold the property at reduced prices to industries willing to relocate. Later increased to 416 acres, this area became the core of the Anaheim North Central Heavy Industrial District (City of Anaheim, 2007).

As developers began buying up farmland in the 1920s, Anaheim established the first City Planning Commission in Orange County in 1927. In 1928, Anaheim joined 12 other regional cities to create the Metropolitan Water District of Southern California, to assure Anaheim's water supply for the remainder of the century by participating in the plan to bring Colorado River water to Southern California (City of Anaheim, 2007).

The production of oranges grew steadily, even during the Great Depression, reaching a peak in 1938. In that year, heavy rains following a drought caused the Santa Ana River to flood, covering downtown Anaheim and depositing sand on valuable farm land. As a result, the Army Corps of Engineers planned the Prado Dam to control the Santa Ana River and its tributaries, but World War II delayed the funding and construction of the control system. It was 1961 before the Carbon Canyon Creek Diversion Channel, the part of the Santa Ana River control system located in the vicinity of the proposed project, was put in place (JRP 2007, p. 12).

Anaheim's agricultural production was its most important contribution to World War II, but after the war, aware of what wartime industrial development had done for other Southern California communities, Anaheim consciously sought to attract industry. Tactics such as advertisements in *The Wall Street Journal*, a streamlined permitting process, and the arrangement of tours for visiting businessmen worked well for Anaheim, attracting companies like Kwikset and several defense companies, such as Northrop Nortronics, Boeing, and Rockwell International's Autonetics. Autonetics became a major occupant of Northeast Annexation No. 2-A, the area where the proposed CPP project would be located. This area was added to Anaheim in 1956 as part of the city's new annexation policy that enlarged its area from 4.3 square miles in

1954 to 42 square miles by 1980, largely taking in the hill and canyon areas to the east. The Northeast Annexation separated the residential and industrial parts of the city and gave Anaheim more land to offer to industrial developers. Prior to 1950, Anaheim had 27 independent industries, employing 1,400 workers. By 1968, there were 460 industries, with a total of 48,500 workers (City of Anaheim, 2007; JRP 2007, pp. 13–14; CofA2007a, p. 6.7-17).

With the completion of the Interstate 5 freeway in 1953, the direction of Anaheim's economy took a turn toward what has become the mainstay of the city's prosperity today: tourism. The easy access of the freeway to large parcels of undeveloped land in Anaheim brought the Walt Disney company to the city in 1954 with plans to build the nation's first theme park, Disneyland. The park opened live on national television on July 17, 1955. Only three months later, Disneyland counted its one millionth guest (City of Anaheim, 2007). That same year, 61 Anaheim business leaders formed the Anaheim Visitor and Convention Bureau, seeking to increase the city's year-round appeal to tourists. The organization promoted the establishment of hospitality and retail businesses that would attract tourism dollars. The Anaheim Convention Center, which opened in 1967, was one of the Bureau's projects. The construction of Anaheim Stadium and the move of the California Angels to Anaheim in 1966 added Major League baseball to the Anaheim entertainment and recreation mix, which was further enhanced when the Stadium hosted the L.A. Rams in 1980 and two Olympic wrestling events in 1984 (City of Anaheim, 2007).

In 1986, Anaheim's population reached 250,000. In the 1990s, three large ranches in the hill and canyon area were developed as housing. In addition to housing development, Anaheim expanded its involvement in professional sports when the Mighty Ducks became the first major tenant of the newly constructed, city-owned Anaheim Arena (later called the Arrowhead Pond and more recently, the Honda Center) in 1993 (City of Anaheim, 2007).

Attuned to enhancing its appeal as a tourist destination, Anaheim celebrated its own history. In 1995, Anaheim Public Utilities commemorated its 100th year of service, and in 1997, the City Council designated the area bounded by North, South, East and West Streets, the initial Anaheim colony settlement, as the Anaheim Colony Historic District, recognizing its significant historic, architectural, cultural, and aesthetic value to the city. With the new millennium, Anaheim continued to recognize its history. In 2002, the Anaheim Public Library marked 100 years of service. Anaheim added two additional historic districts: the Five Points Historic District was created in 2004, and the Historic Palm District was created in 2006. Also in 2004, Anaheim's Water Utility operation celebrated its 125th anniversary. In 2005, Disneyland held an 18-month-long celebration to mark its 50th anniversary, drawing greater numbers of visitors to the city (City of Anaheim, 2007).

Many civic improvements also came with the new millennium. In 2001, the Anaheim Convention Center was renovated to become the largest convention center on the West Coast. That same year, the Disneyland Resort added Downtown Disney, the Grand Californian Hotel, and Disney's California Adventure. In 2002, Anaheim Stadium was renamed Angel Stadium of Anaheim. That same year, Anaheim implemented a $500 million Capital Improvement Program, including parks, street improvements, water and

electric improvements, new commercial entertainment venues, and downtown revitalization. In 2003, the Anaheim City Council re-zoned the Platinum Triangle, an 800-acre area surrounding the stadium and arena, envisioned as the new "downtown of Orange County," to allow for mixed-use development. In May 2004, the City Council approved an updated General Plan and Zoning Code, intended to implement Anaheim's vision for all future growth and development. Anaheim partnered with EarthLink Municipal Networks to install the first and largest citywide Wi-Fi system in the United States in 2006 (City of Anaheim, 2007).

On October 5, 2006, 149 years after the land was deeded to the original settlers of Anaheim Colony, the city kicked off a 15-month-long celebration of its 150th Anniversary, commemorated with a large slate of activities and more than a dozen major capital improvement projects (City of Anaheim, 2007).

CULTURAL RESOURCES INVENTORY

A project-specific cultural resources inventory is a necessary step in staff's effort to determine whether the proposed project may cause significant impacts to historically significant cultural resources and would therefore, under CEQA, have an adverse effect on the environment.

The development of a cultural resources inventory entails working through a sequence of investigatory phases. Generally the research process proceeds from the known to the unknown. These phases typically involve doing background research to identify known cultural resources, conducting fieldwork to collect requisite primary data on not-yet-identified cultural resources in the vicinity of the proposed project, assessing the results of any geotechnical studies or environmental assessments completed for the proposed project site, and compiling recommendations or determinations of historical significance (see "Determining the Historical Significance of Cultural Resources," below) for any cultural resources that are identified.

This subsection describes the research methods used by the City of Anaheim (COA) and Energy Commission staff for each phase, including literature and records searches (California Historical Resources Information System and local records), Native American consultation, and field investigations. Staff also provides the results of this research in descriptions of each identified cultural resource, its historical significance, and the basis for its significance evaluation. Assessments of the project's impacts on historically significant cultural resources, potential impacts on previously unidentified, buried archaeological resources, and proposed mitigation measures for all significant impacts are presented in a separate subsection, "Direct/Indirect Impacts and Mitigation," below.

Staff's Project Area of Analysis

The inventorying of cultural resources within what staff defines as the appropriate area for the analysis of a project's potential impacts is the first step in the assessment of whether the proposed project may cause a significant impact to an important cultural resource and therefore have an adverse effect on the environment. The area that staff considers when identifying and assessing impacts to historical resources, called the "project area of analysis," is usually defined as the area within and surrounding the

project site and associated linear facility corridors. This area is sufficiently large to facilitate considerations of archaeological, ethnographic, and built-environment resources.

- For archaeological resources, the area of analysis is minimally defined as the project site footprint, plus a buffer of 200 feet, and the project linear facilities routes, plus 50 feet to either side of the routes. For its archaeological area of analysis, staff has used the above surface parameters but has added 24 feet in depth in the power block area on the plant site, 26 feet in depth for the area of the jack-and-bore tunnel under the Diversion Channel, and six feet in depth along the off-site routes of the underground linear facilities.
- For ethnographic resources, the area of analysis may be expanded to take into account traditional use areas and traditional cultural properties which may be far-ranging, including views that contribute to the historical significance of the properties. The Native American Heritage Commission (NAHC) assists project cultural resources consultants and staff in identifying these resources, and consultation with Native Americans and other ethnic or community groups may contribute to defining the area of analysis. For the CPP, staff identified no ethnographic resources (see "Native American Consultation" subsection, below) and so defined no area of analysis for them.
- For built-environment resources, the area of analysis is minimally defined as one parcel deep from the project site footprint in urban areas, but in rural areas is expanded to include a 0.5-mile buffer from the project site and above-ground linear facilities to encompass resources whose setting could be adversely affected by industrial development. Staff's built-environment area of analysis corresponds to the urban definition here.
- For a historic district or a cultural landscape, staff defines the area of analysis based on the particulars of each siting case. For the CPP, staff defined no area of analysis for a cultural landscape.

As used by staff in this document, the term "construction areas" means the footprints of the several project components, including the plant site, the laydown area(s), and the several linear facility corridors, plus any new access roads and any borrow and disposal sites.

Determining the Historical Significance of Cultural Resources

CEQA requires the Energy Commission, as a lead agency, to evaluate the historical significance of cultural resources by determining whether they meet several sets of specified criteria. Under CEQA, the definition of a historically significant cultural resource is that it is eligible for listing in the CRHR, and such a cultural resource is referred to as a "historical resource, which is a "resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR", or "a resource listed in a local register of historical resources or identified as significant in a historical resource survey meeting the requirements of section 5024.1, subdivision (g) of the Public Resources Code," or "any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social,

political, military, or cultural annals of California, provided the agency's determination is supported by substantial evidence in light of the whole record" (Cal. Code Regs., tit. 14, § 15064.5, subd. (a)). The term, "historical resource," therefore, identifies a cultural resource that is historically significant, which equates to being eligible for the CRHR.

Consequently, under the CEQA Guidelines, to be historically significant, a cultural resource must meet the criteria for listing in the CRHR. These criteria are essentially the same as the eligibility criteria for the National Register of Historical Places (NRHP). In addition to being at least 50 years old,[3] a resource must meet at least one (and may meet more than one) of the following four criteria (Pub. Resources Code, § 5024.1):

- Criterion 1, is associated with events that have made a significant contribution to the broad patterns of our history;
- Criterion 2, is associated with the lives of persons significant in our past;
- Criterion 3, embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values; or
- Criterion 4, has yielded, or may be likely to yield, information important to history or prehistory.

Historical resources must also possess integrity of location, design, setting, materials, workmanship, feeling, and association (Cal. Code Regs., tit. 14, § 4852, subd. (c)).

Additionally, cultural resources listed in or formally determined eligible for the NRHP and California Registered Historical Landmarks numbered No. 770, and up, are automatically listed in the CRHR and are therefore also historical resources (Pub. Resources Code, § 5024.1, subd. (d)). Even if a cultural resource is not listed or determined to be eligible for listing in the CRHR, CEQA allows a lead agency to make a determination as to whether it is a historical resource (Pub. Resources Code, § 21084.1).

The assessment of potentially significant impacts to historical resources and the mitigation that may be required of a proposed project to ameliorate any such impacts depend on CRHR-eligibility evaluations.

Literature and Records Searches

CHRIS Records Search

The California Historical Resources Information System, or CHRIS, is a federation of 11 independent cultural resources data repositories governed by the California State Office of Historic Preservation. These centers are located around the state, and each holds information about the cultural resources of several surrounding counties. Qualified cultural resources specialists obtain data on known resources from these centers and in turn submit new data from their ongoing research to the centers.

[3] The Office of Historic Preservation's "Instructions for Recording Historical Resources" (1995) endorses recording and evaluating resources over 45 years of age to accommodate a potential five-year lag in the planning process.

Methods

On August 23, 2007, Laurie Solis, URS Project Archaeologist and consultant to the COA, requested a CHRIS records search from the South Central Coastal Information Center (SCCIC) at California State University, Fullerton (CofA2007a, p. 6.3-19). The requested search was to identify all recorded cultural resources located on or within a 1.0-mile radius of the boundaries of the 10-acre, proposed CPP project site, including:

- previously recorded prehistoric and historical archaeological sites;
- previously recorded historic built-environment resources;
- resources listed on the CRHR; and
- resources listed on the NRHP.

A local records search was also done in connection with a field evaluation of the potential CRHR eligibility of three vacant and deteriorated residences (3053 East Miraloma, 3065 East Miraloma, and 3065A East Miraloma), located near the southwest corner of the proposed CPP project site and slated for demolition. Jeremy Hollins of URS, a qualified architectural historian and consultant to the COA, carried out background research on-line and in the Orange County Assessor's Office, in the Bureau of Land Management land patent records, in the maps, files, and city directories in the Anaheim Heritage Reading Room of the Anaheim Muzeo, and in the Orange County Archives (Solis and Hollins 2007, pp. 7-1–7-4).

A further review of local historical records was done for a potentially CRHR-eligible historic architectural resource, 3233 East Miraloma. The URS Corporation subcontracted with JRP Historical Consulting, LLC, to research, evaluate, and record this residence that appeared to be older than 45 years and that was located adjacent to the CPP's underground transmission line, the recycled water pipeline, and the recycled water pump station (JRP 2007, p. i; Solis 2007 p. 5-5). JRP associate Cheryl Brookshear, a qualified architectural historian, reviewed inventories of known historic architectural resources in or just adjacent to the proposed CPP impact areas. She consulted the NRHP on-line database and the California State Office of Historic Preservation's listing of California Historical Landmarks and California Points of Historical Interest. To see if any local historical organizations had recognized as CRHR-eligible any built-environment resources in the project vicinity, she contacted the Orange County Planning Department, the Orange County Historical Society, and the City of Anaheim Historic Preservation Department. She also conducted background research at the following: California State Library, Sacramento; the Shields Library, University of California, Davis; the Orange County Archives; the University of California, Irvine, and the Local History Room of the Fullerton Public Library (JRP 2007, pp. 4–5).

Results

The COA CHRIS records search at the SCCIC returned information on four known prehistoric archaeological sites, two known historical archaeological sites, and three known historic-period built-environment resources located within a 1.0-mile radius of the proposed CPP project site. The SCCIC records search found no NRHP-listed resources, CRHR-listed resources, California Historical Landmarks, or California Points of Historical Interest in that same area. The SCCIC identified reports from five prior

cultural resources studies covering parts of that area. These resources and reports will be discussed below.

At the request of Ms. Brookshear, Mike Sands, the Neighborhood Preservation Coordinator for the COA Historic Preservation Department, searched the department's files and found no previously recognized historical resources. Mr. Sands, however, identified nine buildings earmarked for future evaluation. Among them was 3233 East Miraloma, the residence to be evaluated by Ms. Brookshear, which will be discussed below.

While the other eight structures identified by Mr. Sands are all located within a mile of the proposed CPP project, no further information on them is available at this time (JRP 2007, p. 4). Through use of the "Street View" feature of Google Maps, staff was able to tentatively identify what kind of building each of these was, and this identification is included in Cultural Resources Table 4, below.

Previous Pedestrian Archaeological Surveys

The COA CHRIS records search identified reports from five prior cultural resources studies covering parts of the area within a 1.0-mile radius of the proposed CPP site. These studies dated from 1994 to 2002 and were conducted for proposed development projects. Two of these studies were pertinent to the CPP project, with one of them, Padon 1998, covering part of the route of the proposed CPP project's underground transmission line, and the other, McKenna, et al., 2002, including the entire route of the proposed natural gas pipeline and parts of the routes of the proposed CPP project's off-site linear facilities (Solis 2007, p. 5-5).

Padon 1998, Methods

The Padon study, relevant to the proposed CPP's transmission line, was a 1998 review of archived cultural resources information in the impact area of the Orange County Water District's Groundwater Replenishment System. The impact area covered 5,000 acres along both sides of 13 miles of the Santa Ana River (Padon 1998, p. 5), which in the vicinity of the proposed CPP project included only the Carbon Canyon Creek Diversion Channel and the Santa Ana River floodplain southwest of where the Diversion Channel joins the river. This review covered the Diversion Channel where the proposed CPP underground transmission line would intersect it at East Miraloma Avenue.

Padon 1998, Results

The study identified a Native American burial (site CA-OR-517) 0.8 miles from the proposed project site and three prehistoric food processing sites (CA-OR-428, CA-OR-429, and CA-OR-430) about a mile from the proposed project site (Padon 1998, p. 15; Solis 2007, p. 5-5). The study concluded that the riverine area had a high potential for significant prehistoric and historic remains (Padon 1998, p. 2). These sites are discussed below.

McKenna, et al., 2002, Methods

The McKenna, et al., 2002 study was for a CALTRANS repaving project that necessitated the cultural resources pedestrian survey of Kraemer Avenue between Orangethorpe and East Miraloma. This survey included the entire route of the CPP's proposed natural gas pipeline.

McKenna, et al., 2002, Results

No archaeological deposits or potentially historic built-environment resources were identified, but the survey coverage was inclusive of only the right-of-way, consisting of the paved street (McKenna, et al., 2002).

Previous Windshield or Intensive Built-Environment Surveys

Another of the CHRIS-identified, prior cultural resources studies covering parts of the area within a 1.0-mile radius of the proposed CPP site, Conkling, et al., 1994, included a survey of built-environment resources.

Conkling, et al., 1994, Methods

This was a study of a large area in northeast Anaheim slated for redevelopment. This 1994 assessment study surveyed five vacant lots (none of them near proposed CPP project construction areas) for archaeological deposits and assessed 42 potentially historic buildings that had been identified in an earlier phase of cultural resources identification for the redevelopment project. Among the 42 potentially historic buildings were the three houses, since demolished, at the southwest corner of the proposed CPP project site (3053 East Miraloma, 3065 East Miraloma, and 3065A East Miraloma), and a fourth house (3233 East Miraloma), which is extant, located adjacent to the proposed underground transmission line, the recycled water pipeline, and the recycled water pump station.

Conkling, et al., 1994, Results

None of these houses was assessed for CRHR eligibility because in 1994 they were not 100 years old, the CEQA threshold for potential CRHR eligibility at that time (Conkling, et al., 1994, pp. 2, 6). These four resources will be discussed below.

Native American Consultation

Methods

On August 20, 2007, Ms. Solis sent a letter asking the Native American Heritage Commission (NAHC) to search its Sacred Lands File for any Native American traditional cultural properties. She also asked for a list of Native Americans who had heritage ties to Orange County and wanted to be informed about new development projects there. The NAHC responded on August 23, 2007, providing contact information for six Native Americans.

Ms. Solis sent certified letters, dated September 5 and September 27, 2007, to these six persons, describing the proposed CPP project and requesting information on known

cultural resources that could be affected by the project. On November 14, 2007, Ms. Solis made follow-up telephone calls to two persons affiliated with the Juaneño Band of Mission Indians (CofA2007a, pp. 6.3-18–6.3-19; G&B 2008a).

On March 19, 2008, Energy Commission staff also requested from the NAHC a list of Native Americans interested in development in Orange County, and on that same day, staff received a list of 12 contacts from the NAHC. Staff then sent letters informing the 12 Native American individuals or groups about the proposed CPP project on March 24, 2008.

Results

The NAHC reported to the COA on August 23, 2007, that the search of its Sacred Lands File had not resulted in the identification of any known Native American heritage sites (G&B 2008a).

On November 14, 2007, in a telephone call, Mr. Alfred Cruz, the Cultural Resources Coordinator and designated Most Likely Descendent (MLD) for the Juaneño Band of Mission Indians Band, informed Ms. Solis that there might be a number of sites in the vicinity of the project and asked that he be contacted to examine any prehistoric archaeological finds made during project construction. In the other telephone call, Ms. Sonia Johnston, the Tribal Vice Chairperson of the Juaneño Band, stated that she knew of no Native American sacred or archaeological sites within or adjacent to the project's construction areas, but asked that Mr. Alfred Cruz be contacted if any prehistoric archaeological finds are made during project construction (CofA2007a, pp. 6.3-18–6.3-19; G&B 2008a).

Staff received no responses from the 12 Native Americans to whom informational letters regarding the proposed CPP project were sent.

Geoarchaeological Literature Summary

To establish a more factual basis for proposing mitigation measures for potential project impacts to potentially CRHR-eligible resources, staff asked the COA to provide geoarchaeological information about the proposed project site.

Geoarchaeology is a subfield of archaeology that uses the concepts and methods of the earth sciences to conduct archaeological research. The broader goal of geoarchaeology is to firmly establish the most basic elements of archaeological interpretation, which are the physical contexts of archaeological sites and the human material residues that are a part of them, in order to understand the structure of archaeological deposits and their origins and development. Geoarchaeology typically draws on a suite of concepts and methods from geomorphology (the study of landform development and history), stratigraphy (the study of the character and age of sequences of geologic deposits), pedology (the study of soils and soil development), and sedimentology (the study of the composition, character, and age of geologic sediments). For many proposed projects, a geoarchaeological investigation is essential to the analysis of their potential impacts on buried prehistoric archaeological deposits because such an investigation provides a factual assessment of the likelihood that such deposits may be present and establishes the likely character of any such deposits.

Geoarchaeology can provide factual evidence about the potential presence of subsurface archaeological resources, either through the data in published geoarchaeological or Quaternary science studies identifying the age and origins of the soils and sediments at a proposed project's site, and/or through the acquisition of new data obtained by excavating through the soils and sediments of a project's site and identifying their age through various dating techniques and their origins through examination of their physical characteristics. A geoarchaeology field study offers an actual subsurface window into a proposed project site's third dimension and a time scale for the soils and sediments there. Thus it provides a greater assurance of identifying the extent of a project's potential impacts to potentially CRHR-eligible buried archaeological resources.

The primary purpose of a geoarchaeological investigation is not to locate archaeological deposits, but rather to assess the likelihood that such deposits may lie buried in the portions of a proposed project's location that will be subject to ground disturbance. A geoarchaeological field investigation seeks to identify and date buried soils (paleosols) that may at one time have been a ground surface on which prehistoric peoples could have left remains of their activities. Such paleosols, if found, may extend across the entire project site and can therefore become the object of focused archaeological monitoring during project-related ground disturbance. If the paleosols lie deeper than any project excavations except those for the power block, archaeological monitoring could be limited to just that area and to only the depth of the paleosols.

Geoarchaeology has its limits. Its use is not justified on all project sites. For example, on a proposed project site where it is known that all native soils and sediments were stripped to bedrock and replaced with fill, geoarchaeology would be pointless. For less disturbed sites, geoarchaeology can be most useful in establishing that no ancient ground surface underlies a project site above the greatest depth to which the project proposes to excavate. Establishing this informs staff that no likelihood exists that prehistoric archaeological deposits will be encountered during project-related ground disturbance. Geoarchaeology cannot with such certainty inform staff that prehistoric archaeological deposits will be present on a proposed project site, but if a geoarchaeological study identifies a buried ground surface less than 14,000 years old—the most commonly accepted span of time that humans have lived in the Western Hemisphere—that is 100 percent more information than staff would otherwise have and at the very least provides a factual basis on which staff can more precisely formulate contingency mitigation measures, including archaeological monitoring, as CEQA requires.

A geoarchaeological investigation for a proposed project typically involves two stages:

1. A review of maps, aerial photography, and published literature in the fields of archaeology, geomorphology, sedimentology, pedology, stratigraphy, and Quaternary studies pertinent to the area in which a project is proposed; and

2. Field work in the project's construction areas entailing trenches and/or "potholes"[4]excavated to the greatest depth the project would reach, in which the exposed soil and sediment layers are analyzed, recorded, and dated, with the goal of identifying those layers where archaeological deposits would be most likely to occur.

On May 5, 2008, Energy Commission staff requested geoarchaeological information from the COA, providing two options as possible responses—a field study or a literature study (CEC 2008hh, Data Requests 15 and 16). The COA opted for the latter, which staff had specified as a study:

- to identify the geologic landforms on which the construction areas are located; and
- to provide a summary of the known archaeological resources that have been found on those landforms, emphasizing the kinds of buried archaeological deposits that have been found on those landforms, the stratigraphy in, above, and below the deposits, and the depths at which the archaeological deposits occur.

Methods

In undertaking the literature study, Ms. Solis found that published information pertinent to the area in which the CPP is proposed was not available in the fields of geomorphology, sedimentology, pedology, stratigraphy, and Quaternary studies. So she relied on the regional geological information in the AFC and the historical geography information in Padon's 1998 summary of prehistoric sites associated with the Santa Ana River to respond to staff's request (G&B 2008d, Data Responses 15 and 16).

Results

In its June 5, 2008 responses to staff's Data Requests, the COA provided Ms. Solis's general summary of the regional geological setting and of prehistoric sites in the area. This summary will be discussed further below in the "Applicant's Geoarchaeological Field Investigations" subsection.

Field Investigations

Applicant's Pedestrian Archaeological Survey

Most of the proposed CPP construction areas had not previously been surveyed for cultural resources, so the cultural resources consultants for the COA undertook a pedestrian archaeological field survey of the surface of these areas.

Methods

Ms. Solis and Brent Leftwich conducted the pedestrian archaeological field surveys on August 21, 2007, and on October 3, 2007, covering an area equal to the project's footprint plus a 200-foot-wide zone beyond the footprint. They walked a zig-zag pattern across 5-meter transects over the proposed project site and walked along the sidewalks on both sides of the streets where the transmission line and pipelines would be installed. Soils and sediments were exposed for the archaeologists' inspection over

[4] A pothole is a short trench, approximately 3 meters long, allowing stratigraphy to be observed from outside the trench, but not intended for human entry.

some parts of the proposed project site, but only minimally along the linear facility routes, where only the built environment could be observed. Ground visibility was estimated at 0-20 percent. Such soils and sediments as could be observed were noted to be significantly disturbed by erosion, bioturbation, and development (CofA2007a, p. 6.7-23; Solis 2007, pp. 1-8, 6-1).

Results

The COA archaeological field survey of the proposed CPP project site and linear facility routes identified no new archaeological sites, but the ground visibility conditions were not conducive to reaching a definitive conclusion about the presence of archaeological deposits (CofA2007a, p. 6.7-24; Solis 2007, p. 6-1).

Geotechnical Testing

Project designers use geotechnical testing to gather data on the weight-bearing and stability characteristics of the subsurface soils and sediments on project sites and on the depth of the local water table. Testing usually entails the examination of extracted cores and the measurement of soil resistance, friction, and moisture content with a cone penetrometer. The descriptions of subsurface soil and sediment layers in the geotechnical boring logs can provide some information, albeit extremely limited, on soils that are present and that could be of archaeological interest. COA-provided geotechnical data were available only for the proposed CPP main plant site.

Methods

On August 31, 2007, MACTEC Engineering and Consulting (MACTEC) limited their testing to drilling five borings to depths ranging between 30 and 50.5 feet. The five borings were placed in those parts of the proposed main plant site where the foundations for heavy equipment would be constructed (MACTEC 2007, p. 5; fig. 2).

Results

The MACTEC geotechnical study showed artificial fill to a depth of 1.0–2.5 feet from the surface over the entire site, but the report noted that the fill could be deeper in the northern part of the site, where underground tanks, now removed, had formerly been located.[5] Native alluvial sediments were described as variably dense, silty sand and poorly graded sand with some isolated layers of sandy silt. Boring to 50.5 feet did not reach ground water (MACTEC 2007, pp. 4, 6). The geotechnical boring logs noted no materials that archaeologists associate with human subsistence activities, such as charcoal, shell, or fire-affected clay (MACTEC 2007, figs. A-1.1–A-1.5). Staff, however, cannot be certain that these materials, if present, would have been observed by the geologists or would be routinely included in their descriptions of strata encountered in the borings.

Applicant's Geoarchaeological Field Investigations

With its Data Request 16, staff sought published geoarchaeological information assessing the potential for subsurface prehistoric archaeological deposits at the

[5] The removal and former location of these tanks is documented in the environmental site assessment studies done for the COA to gauge the extent of soil remediation measures that would be required for the proposed CPP project site (AMEC 2007a; AMEC 2007b; AMEC 2007c; URS 2007a).

proposed CPP project site. The COA reported that such published information was not available and provided a general discussion of the regional geological setting and the historical geographic setting (G&B 2008d, Data Response 16). Staff did not find the COA's response to Data Request 16 sufficiently site-specific to meet staff's needs to develop effective mitigation measures to reduce to less than significant the potential CPP impacts on potentially CRHR-eligible buried prehistoric archaeological deposits that might be discovered during construction. Consequently, on July 15, 2008, staff presented new, additional Data Request asking the COA to conduct a geoarchaeological field study at the proposed CPP project site to provide the required site-specific information on the potential for buried prehistoric archaeological deposits (CEC 2008hh, Data Request 56). Between June 8 and June 10, 2009, the COA conducted the geoarchaeological field study, and on June 22, the COA submitted the preliminary results of the study to staff.

Methods

The COA's consultant geoarchaeologist, Jay Rehor, and two assisting archaeologists excavated three 30-meter long, 1-meter-wide trenches and six 3-meter long, 1-meter-wide potholes, using a backhoe equipped with a 36-inch-wide bucket. The planned depth of the longer trenches was to have been 3.8 meters, with aluminum hydraulic speed shoring employed to retain the walls so the geoarchaeologist and archaeologists could enter the trenches to record the stratigraphy. The shoring proved infeasible due to the unconsolidated nature of the encountered sands, from a depth of less than 3 feet down to the greatest depth reached. All available means of retaining vertical walls would have obscured the stratigraphy, so the geoarchaeologist was forced to make his observations from the stable, paved ground surface. The archaeologists sorted through the removed materials, and a sample was set aside and screened for cultural materials through ¼-inch hardware mesh (CofA2009f, pp. 1–2).

Results

No archaeological or other cultural materials were found, nor were paleobotanical specimens encountered. Observation of micro-bedding resulted in identifying characteristic stream channel deposits, including eddy bars, lag deposits, and fluvial dunes, indicative that the project area was "part of an active braided channel belt for much of the middle to late Holocene." No developed paleosols were identified, which is consistent with a dynamic environment in which surfaces were not exposed for sufficient time for soils to develop or where surfaces were consistently eroded away. Mr. Rehor indicated that the evidence suggests that the CPP project site has a low geoarchaeological potential (CofA2009f, pp. 2–3).

Mr. Rehor collected six bulk samples for radiocarbon dating, taken from finer-grained sediments more likely to contain preserved organic content. He obtained three date ranges from upper, middle, and low-lying sediments, but the ranges do not run from oldest to youngest, starting with the deepest, as would be expected. Rather, the date range from the lowest sample is the oldest (7940–7690 Cal BP,[6] taken about 4 meters

[6] "BP" means years before 1950. "Cal" means the dates have been calibrated to compensate for the variation over time in the amount of radiocarbon present in the atmosphere. Calibration results in more accurate and comparable dates.

below the surface), but the date range from the uppermost sample (6280–6000 Cal BP, taken about 1.2 meters below the surface) is older than the date range from the middle sample (23500–2290 Cal BP, taken about 1.7 meters below the surface). Mr. Rehor interprets this anomaly as the result of the Santa Ana River's erosion, transport, and redeposition on the project site of organic material from an older surface (CofA2009f, p. 3).

Applicant's Windshield Survey for Built-Environment Resources

Most of the proposed CPP construction areas had not previously been surveyed for built-environment resources. The cultural resources consultants for the COA undertook the evaluation and recordation of the four known built-environment resources potentially subject to impacts from the CPP.

Methods

The COA's consulting architectural historians carried out a field study of three residences located on the proposed CPP project site and, subsequently, another field study of a residence located along the routes of the proposed CPP linear facilities. The four residences appeared to be 45 years of age or older and consequently were evaluated for potential CRHR eligibility. The several buildings associated with the food service currently extant on the proposed CPP project site (3071 East Miraloma) were constructed no earlier than 1967 and so were not sufficiently old to require an evaluation of their CRHR eligibility (Solis 2007 p. 5-5; Solis and Hollins 2007, pp. 5-7–5-26; JRP 2007; CofA2007a, pp. 6-24–6-26).

Ms. Solis and URS architectural historian Jeremy Hollins (Solis and Hollins 2007, abstract) evaluated the CRHR eligibility of the three residences formerly located near the southwest corner of the proposed CPP project site (3053 East Miraloma, 3065 East Miraloma, and 3065A East Miraloma). Owned by the COA, at the time of the field visit these three vacant and deteriorated residences were slated for demolition as a risk to public health and safety and have since been demolished. On August 23, 2007, Mr. Hollins recorded in some detail the interior and exterior features of the three buildings and completed Department of Parks and Recreation (DPR) 523 "Primary" and "Building Structure, and Object" forms for them, including an evaluation of CRHR eligibility for each (Solis and Hollins 2007, pp. 7-1–7-4; attachments).

Cheryl Brookshear and Rand Herbert of JRP Historical Consulting, LLC, evaluated the CRHR eligibility of the fourth residence (3233 East Miraloma), which is extant. The proposed CPP project's recycled water pipeline and pumping station would be constructed next to the western and northern property lines of this residence, and the CPP underground transmission line would be laid in the street in front of this building. Ms. Brookshear visited the property on September 26-27, 2007, and recorded it on DPR 523 "Primary" and "Building Structure, and Object" forms (JRP 2007, p. 5; Appendix B).

Results

Ms. Solis's and Mr. Hollins's CRHR eligibility evaluation of the three residences (3053 East Miraloma, 3065 East Miraloma, and 3065A East Miraloma) recommended none of them as CRHR-eligible under any of the criteria (Solis and Hollins 2007, p. 5-12).

Jeremy Hollins dated the construction of 3053 East Miraloma to 1910, and the construction of the other two houses to 1954. His review of historic maps, however, suggested that these three building were moved to the East Miraloma location from elsewhere in the late 1950s or early 1960s. Mr. Hollins concluded, consequently, that these buildings lacked integrity of location. He also found that they lacked integrity of materials and workmanship due to inappropriate alterations, and lacked integrity of setting and integrity of feeling due to the industrialization of the area (Solis and Hollins 2007 pp. 5-1–5-12).

Ms. Brookshear and Rand Herbert identified the extant residence at 3233 East Miraloma Avenue as having been built in 1935 as a residence associated with a small orange grove, a rural historic landscape once common throughout Orange County. They recommended that the house was not eligible for the CRHR or the NRHP under any of the four CRHR-eligibility criteria. Moreover, because the house was greatly enlarged after the 1938 flood, its integrity of design was compromised (JRP 2007, p. 23; DPR 523 forms).

Summary of CRHR-Eligible Archaeological Resources

Prehistoric Archaeological Resources

The previously identified and newly identified prehistoric archaeological resources located within one mile of the proposed CPP project are listed, and the information concerning them is summarized, in Cultural Resources Table 2. A brief discussion of these resources follows Table 2.

CULTURAL RESOURCES Table 2
Prehistoric Archaeological Resources Located Within One Mile of the Proposed CPP Project

Resource Designation	Type of Resource	CRHR Eligibility	Project Impact
Previously Identified:			
CA-Ora-428	Food processing locus.	Not determined.	None.
CA-Ora-429	Food processing locus.	Not determined.	None.
CA-Ora-430	Food processing locus.	Not determined.	None.
CA-Ora-517	Human burial; found at depth of 5–6 feet during backhoe trenching; no artifacts associated.	Not determined.	None.
Newly Identified: None			

The four known prehistoric archaeological sites located within a 1.0-mile radius of the proposed CPP site included three food processing loci, which featured portable milling

stones, and one human burial. None of them was evaluated for eligibility for the CRHR or the NRHP, but their locations at a distance from the proposed CPP project site would prevent them being impacted by the project. These sites do, however, evidence use of the immediate area in prehistory.

The COA archaeological field survey of the proposed CPP project site and linear facility routes identified no new prehistoric archaeological sites (CofA2007a, p. 6.7-24; Solis 2007, p. 6-1).

Historical Archaeological Resources

The previously identified and newly identified historical archaeological resources located within one mile of the proposed CPP project are listed, and the information concerning them is summarized, in Cultural Resources Table 3. A brief discussion of these resources follows Table 3.

CULTURAL RESOURCES Table 3
Historical Archaeological Resources Located Within One Mile of the Proposed CPP Project

Resource Designation	Type of Resource	CRHR Eligibility	Project Impact
Previously Identified:			
P 30-001670, reported in December, 2006	Large, buried refuse deposit; 1930s-1940s; on native soils, covered by seven feet of fill; discovered in trench associated with the Ground Water Replenishment System.	Not determined.	None.
P 30-001671, reported in December, 2006.	Refuse deposit; mid-1940s; no depth or dimensions; identified by artifacts in backdirt of trench associated with the Ground Water Replenishment System.	Not determined.	None.
Newly Identified: None			

The two known historical archaeological sites located within a 1.0-mile radius of the proposed CPP site were both large, buried refuse deposits dating to circa 1940. Neither of them was evaluated for eligibility for the CRHR or the NRHP, but their locations at a distance from the proposed CPP project site would prevent them being impacted by the project. Their presence in the immediate area of the proposed CPP suggests at least one historical archaeological site type that could also be present on the CPP site.

The COA archaeological field survey of the proposed CPP project site and linear facility routes identified no new historical archaeological sites (CofA2007a, p. 6.7-24; Solis 2007, p. 6-1).

Summary of CRHR-Eligible Ethnographic Resources

Unless further communications with Native Americans disclose sites of concern, at this time no CRHR-eligible ethnographic sites have been identified that could be impacted by the construction of the proposed CPP project.

Summary of CRHR-Eligible Built-Environment Resources

The previously identified and newly identified historic-period built-environment resources located within one mile of the proposed CPP project are listed, and the information concerning them is summarized, in Cultural Resources Table 4. A discussion of these resources follows Table 4.

CULTURAL RESOURCES Table 4
Built-Environment Resources Located Within One Mile of the Proposed CPP Project

Resource Designation	Type of Resource	CRHR Eligibility	Information Source	Project Could Impact Physically	Project Could Impact Visually
Previously Identified:					
P 30-176705 220 East Santa Fe Avenue	Placentia Co-operative Orange Association Building; 1930 packinghouse	Not eligible for CRHR due to lack of integrity.	SCCIC	No, too far from project.	No, too far from project.
P 30-176706 100 East Santa Fe Avenue	Bradford Brothers Packinghouse; 1922 packinghouse	Not eligible for CRHR due to lack of integrity.	SCCIC	No, too far from project.	No, too far from project.
P 30-176707 207 A-E Crowther Avenue	Placentia Orange Growers Association Building; 1935 packinghouse	Not eligible for CRHR due to lack of integrity.	SCCIC	No, too far from project.	No, too far from project.
Newly Identified:					

Resource Designation	Type of Resource	CRHR Eligibility	Information Source	Project Could Impact Physically	Project Could Impact Visually
3053 East Miraloma Avenue	Residence; built in 1910; probably moved to this location	Not eligible for CRHR.	COA cultural resources consultant (URS)	No, demolish-ed.	No, demolish-ed.
3065 East Miraloma Avenue	Residence; built in 1954; probably moved to this location	Not eligible for CRHR.	COA cultural resources consultant (URS)	No, demolish-ed.	No, demolish-ed.
3065A East Miraloma Avenue	Residence; built in 1954; probably moved to this location	Not eligible for CRHR.	COA cultural resources consultant (URS)	No, demolish-ed.	No, demolish-ed.
3233 East Miraloma Avenue	Residence; built in 1935	Not eligible for CRHR due to lack of integrity.	COA cultural resources consultant (JRP)	No.	No; altera-tions to setting all under-ground.
2831 East Coronado Street	Residence; no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.
3006 East Coronado Street	Residence; no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.
1373 North Miller Street	Residence; no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.
1401 North Miller Street	Residence; no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.
1397 North Jefferson Street	Commercial; no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.

Resource Designation	Type of Resource	CRHR Eligibility	Information Source	Project Could Impact Physically	Project Could Impact Visually
2983 East Miraloma Avenue	Residence; no information available.	Not determined.	COA Historic Preservation Department	No.	Yes, but resource unlikely to be CRHR-eligible due to degrad-ed integrity of setting.
2901 La Jolla Street	Residence, now part of auto-painting business (?); no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.
2901 La Jolla Street	Commercial (auto-painting shop?); no information available.	Not determined.	COA Historic Preservation Department	No.	No, too far from project.

The SCCIC records search identified three known historic-period built-environment resources (220 East Santa Fe Avenue, 100 East Santa Fe Avenue, and 207 A-E Crowther Avenue) located within a 1.0-mile radius of the proposed CPP project site. All of these were packinghouses associated with Anaheim's orange growing and packing industry (CofA2007a, p. 6.7-23). The recorder of these buildings recommended that they were not eligible for the CRHR or NRHP.

The COA's URS archaeologist and architectural historian assessed three now-demolished houses (3053 East Miraloma, 3065 East Miraloma, and 3065A East Miraloma), and their JRP architectural historian assessed one extant additional house (3233 East Miraloma), all four located less than 0.5 mile from the proposed CPP project. None was recommended as eligible for the CRHR.

The Neighborhood Preservation Coordinator for the COA Historic Preservation Department identified nine buildings earmarked by his department for future evaluation, including 3233 East Miraloma, the residence evaluated by JRP. The other eight structures are all located within a mile of the proposed CPP project, and, through the use of the "Street View" feature of Google Maps, staff was able to tentatively identify what kind of building each of these was (see Cultural Resources Table 4, above), but no

recommendations or determinations of CRHR eligibility have been made for these resources.

In summary, there are 15 built-environment resources located within one mile of the proposed CPP project having potential historic interest. Seven resources, known to be 45 years of age or older, and about which some recorded information was obtained, were all recommended by their recorders as not eligible for the CRHR, with which staff agrees, so any impacts from the proposed project on them would not be significant. Additionally, three resources have already been demolished, and three are located at too great a distance from the proposed project to be affected by it. The remaining one, 3233 East Miraloma Avenue, while not CRHR-eligible, would not be significantly affected by the project because the project components adjacent to it would all be installed underground.

Eight additional built-environment resources were identified by the COA Historic Preservation Department as of local historical interest but no information was available on their age or CRHR eligibility. All but one of these eight were located at too great a distance from the proposed CPP project to be subject to any kind of impact from it. The proposed project could have a visual impact on the remaining one of the eight, 2983 East Miraloma Avenue (located about 600 feet west of the project), but this residence, if evaluated, would not be recommended as CRHR-eligible because its integrity of setting and integrity of feeling are already greatly compromised by the commercial and industrial buildings all around it.

Staff considered the potential for identifying a cultural landscape/a historic district inclusive of the proposed CPP construction areas. Area-wide land use that could form the basis for identifying a cultural landscape would be limited to either the previous use for citrus production or the current use for light industry. The former is only sparsely represented now and so could not be a justifiable basis for defining a cultural landscape. The latter land use is relatively recent in this part of Anaheim and so its age does not provide a justifiable basis for defining a cultural landscape, unless it could be demonstrated that this land use was in some way exceptionally significant in local, state, or national history.

Summary of All CRHR-Eligible Resources Subject to CPP Impact

No CRHR-eligible cultural resources on or near the present surface of the project's construction areas that could be significantly impacted by the project-related ground disturbance, construction, or operation of the proposed CPP project were identified through the records of known resources or through the COA's field work.

ASSESSMENT OF IMPACTS AND DISCUSSION OF MITIGATION

METHOD AND THRESHOLD FOR DETERMINING SIGNIFICANCE OF IMPACTS TO HISTORICAL RESOURCES

Under CEQA, "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment" (Pub. Resources Code, § 21084.1). Thus, staff analyzes whether a

proposed project would cause a substantial adverse change in the significance, that is, the CRHR eligibility, of all historical resources identified in the Cultural Resources Inventory as CRHR-eligible. The significance of an impact depends on:

- The cultural resource impacted;
- The nature of the resource's historical significance;
- How the resource's historical significance is manifested physically and perceptually;
- Appraisals of those aspects of the resource's integrity that figure importantly in the manifestation of the resource's historical significance; and
- How much the impact would change those integrity appraisals.

DIRECT/INDIRECT IMPACTS AND MITIGATION

In the abstract, direct impacts to cultural resources are those associated with project development, and construction. Construction usually entails surface and subsurface disturbance of the ground, and direct impacts to archaeological resources may result from the immediate disturbance of the deposits, whether from vegetation removal, vehicle travel over the surface, earth-moving activities, excavation, or demolition of overlying structures. Construction can have direct impacts on historic built-environment resources when those structures must be removed to make way for new structures or when the vibrations of construction impair the stability of historic structures nearby. New structures can have direct impacts on historic structures when the new structures are stylistically incompatible with their neighbors and the setting, and when the new structures produce something harmful to the materials or structural integrity of the historic structures, such as emissions or vibrations.

Generally speaking, indirect impacts to archaeological resources are those which may result from changed circumstances that result from project activities, such as increased erosion due to site clearance and preparation, or inadvertent damage or outright vandalism to exposed cultural resources due to improved accessibility. Similarly, historic structures can suffer indirect impacts when project construction causes obsolescence and demolition or creates improved accessibility with consequent vandalism and/or greater weather exposure.

Project-related ground disturbance at a proposed plant site, along proposed linear facilities, and at a proposed laydown area has the potential to directly impact archaeological resources, unidentified at this time. The potential direct, physical impacts of the proposed project on unknown archaeological resources are commensurate with the extent of ground disturbance entailed in the particular mode of construction. This varies with each component of the proposed project. Placing the proposed plant into this particular setting could have a direct impact on the integrity of association, setting, and feeling of nearby historic built-environment resources.

Construction Impacts and Mitigation

CEQA advises a lead agency to make provisions for archaeological resources unexpectedly encountered during construction, and a project owner may be required to train workers to recognize cultural resources, fund mitigation, and delay construction in

the area of the find (Pub. Resources Code, § 21083.2; Cal. Code Regs., tit. 14, §§ 15064.5, subd. (f) and 15126.4, subd. (b)). To identify construction-related impacts to cultural resources that would need to be mitigated, staff first identifies all CRHR-eligible cultural resources (above), since only project impacts to CRHR-eligible cultural resources require mitigation and so must be evaluated to determine if they are substantial and adverse.

Staff identified no known CRHR-eligible archaeological, ethnographic, or built-environment resources that the construction or operation of the proposed CPP would impact. Only the project's potential to adversely impact at-this-time-unidentified buried archaeological resources requires a consideration of the need for contingency mitigation measures.

Identification and Assessment of Direct Impacts on Archaeological Resources and Recommended Mitigation

Construction generally entails the subsurface disturbance of the ground, which can affect archaeological resources that could be CRHR-eligible under Criterion 4: "likely to yield information important in history or prehistory." The proposed CPP construction activities that involve ground disturbance primarily entail foundation excavation for plant equipment and transmission line poles, trench excavation for underground transmission lines and pipelines, and jack-and-bore tunneling under Carbon Canyon Creek Diversion Channel for the underground transmission line. No additional off-site areas, however, would be needed for either borrowing imported dirt or disposing of unsuitable on-site dirt, so ground disturbance would be limited to the proposed project site and the pipeline and underground transmission line routes (CofA2007a, p. 3-39; G&B 2008d, Data Response 11).

Because neither the COA nor staff identified any prehistoric or historical archaeological sites on or near the present surface of the project plant site and linear routes, because contacted Native Americans disclosed no archaeological sites in the area, and because the applicant's geoarchaeological field investigation indicated that prehistoric buried archaeological deposits are unlikely on the project site and adjacent areas, impacts from ground disturbance associated with the proposed CPP project would not affect prehistoric archaeological resources on or below the surface of the project site and adjacent linear routes.

The negative results from the geoarchaeological field investigation, however, do not preclude the possible presence of buried historical archaeological deposits on the plant site. This is the case because historical archaeological deposits of sufficient age to be potentially eligible for the CRHR could post-date the agricultural use of the project site and vicinity, such that these deposits would not be associated with the presence of a recognizable paleosol due to the disruption resulting from plowing. Additionally, the proposed jack-and-bore tunneling under Carbon Canyon Creek Diversion Channel for the underground transmission line, expected to reach a depth of 26 feet (CofA2007a, p. 4-2; G&B 2008d, Data Response 14), would disturb soils and sediments which, because they are located adjacent to a creek and lie deeper than the sediments evaluated on the project site, could be of a different geomorphic character and therefore have a different geoarchaeological potential. Consequently, staff cannot be confident

that the negative results of the plant site geoarchaeological investigation extend to this location, and the tunneling disturbance could, therefore, affect as-yet-unidentified buried prehistoric archaeological resources.

Since no known surface archaeological deposits on and adjacent to the plant site were identified, and the COA has provided persuasive geoarchaeological evidence of the probable absence of previously unidentified buried prehistoric deposits on and adjacent to the plant site, staff concludes that the proposed CPP project would not impact either known archaeological deposits or unidentified prehistoric archaeological deposits. However, staff cannot conclude that the CPP project would not impact unknown potentially CRHR-eligible buried historical archaeological deposits on the plant site and buried prehistoric archaeological deposits in the construction area associated with the jack-and-bore tunneling under Carbon Canyon Creek Diversion Channel.

Consequently, in conformity with the CEQA provision cited above, staff recommends the adoption of Conditions of Certification **CUL-1** through **CUL-7**, providing for the unexpected discovery of cultural resources during construction.

The COA also recognized the possibility that intact buried prehistoric and historical archaeological deposits could be encountered during project construction (CofA2007a, p. 6.7-36). The COA therefore suggested a number of measures intended to mitigate potential impacts to archaeological resources that could be discovered during the proposed CPP's project-related ground disturbance, including the following (CofA2007a, pp. 6.7-37–6.7-38):

Archaeological Monitoring. The applicant shall arrange for a qualified professional archaeological monitor to be present during project-related excavation and trenching.

Evaluation and Documentation. If archaeological resources are discovered during earth-moving activities, all construction activities within 50 feet of the find (or as deemed appropriate by the monitoring archaeologist) shall cease until the archaeologist evaluates the significance of the resource. If the resource is determined to be significant, the archaeologist shall follow the research design set forth in the Cultural Resources Monitoring and Mitigation Plan (CRMMP). The archaeologist shall complete a report of the excavations and findings.

Personnel Training. Training will be given to construction personnel by the monitoring archaeologists on procedures for the handling of discovered archaeological resources, including the need to stop work until a qualified archaeologist has assessed the significance of the find and implemented appropriate mitigation measures and the prohibition of unauthorized collection of cultural resources.

Protection and Preservation of Remains. In the event human remains are encountered, construction in the area of the remains will cease, and the remains will stay in situ pending definition of an appropriate plan. The Orange County Coroner will be contacted to determine the origin of the remains. In the event the remains are Native American in origin, the Native American Heritage Commission will be contacted, as provided in the CEQA Guidelines, Section 15064.5 subd. (e).

The COA, in its final comments on the cultural resources analysis in the PSA, conveyed its understanding that, based on the results of the geoarchaeological field investigation, staff might modify its standard cultural resources conditions providing procedures for treating the unexpected discovery of cultural resources during construction (GB 2009g, p. 4). Staff, in consideration of the geoarchaeological results, recommends required archaeological monitoring in just one of the project's construction areas and required cultural resources awareness training for all workers involved in ground-disturbing activities in all of the project's construction areas. These conditions of certification are intended to provide for the identification, evaluation, and appropriate treatment of any buried historical archaeological deposits encountered during project-related excavations on or near the project site and for the identification and recordation of any buried prehistoric archaeological sites encountered during jack-and-bore tunneling under the Carbon Canyon Creek Diversion Channel.

The applicant's suggested mitigation measures and staff's additional recommendations are incorporated into the proposed Conditions of Certification **CUL-1** through **CUL-7**, below, intended to provide for the contingency of discovering archaeological resources during CPP construction-related ground-disturbing activities. Staff's proposed **CUL-1** requires a Cultural Resources Specialist (CRS) to be retained and available during CPP construction-related excavations to evaluate any discovered buried resources and, if necessary, to conduct data recovery as mitigation for the project's unavoidable impacts on them. **CUL-2** requires the project owner to provide the CRS with all relevant cultural resources information and maps. **CUL-3** requires the CRS to write and submit for Energy Commission Compliance Project Manager (CPM) approval a Cultural Resources Monitoring and Mitigation Plan (CRMMP). **CUL-4** requires the CRS to write and submit to the CPM a final report on all CPP cultural resources monitoring and mitigation activities and to include the geoarchaeological final report as an appendix. **CUL-5** requires the project owner to train workers to recognize cultural resources and instruct them to halt construction and notify the CRS if cultural resources are discovered. **CUL-6** requires the archaeological monitoring of the jack-and-bore tunneling under the Carbon Canyon Creek Diversion Channel. **CUL-7** requires the project owner to halt ground-disturbing activities in the area of an archaeological discovery and to fund data recovery, if the discovery is evaluated as CRHR-eligible.

Identification and Assessment of Direct Impacts on Built-Environment Resources and Recommended Mitigation

The only built-environment resources identified by the COA and staff in the vicinity of the proposed CPP project are at some distance from the project. Thus its only potential impact on them would be to their integrity of setting and integrity of feeling resulting from the introduction of new, tall elements (four 85-foot-tall stacks), out of scale relative to the surrounding structures. But none of the historic built-environment resources in the vicinity of the proposed CPP project is considered a CRHR-eligible historical resource, so potential impacts from the project do not have to be evaluated or mitigated.

Identification and Assessment of Direct Impacts on Ethnographic Resources and Recommended Mitigation

No ethnographic resources were identified by the COA or staff, so no mitigation measures for proposed CPP project impacts would be required for this type of cultural resources.

Indirect Impacts

Neither the COA nor staff identified any indirect impacts to any identified cultural resources in the impact areas of the proposed CPP project, and so no mitigation measures for indirect impacts would be required for any class of cultural resources.

Summary of Significant Impacts to CRHR-Eligible Cultural Resources Requiring Mitigation

No significant impacts to known CRHR-eligible cultural resources that would require mitigation were identified in the project's construction areas. Staff's proposed measures for identifying, evaluating, and possibly mitigating impacts to previously unknown archaeological resources discovered during project-related ground disturbance, Conditions of Certification **CUL-1** through **CUL-7**, ensure that impacts to previously unknown but CRHR-eligible archaeological resources so discovered would be mitigated to a less-than-significant level.

Operation Impacts and Mitigation

During operation of the proposed CPP, if a leak should develop in the gas or water pipelines supplying the plant, or the underground transmission line should require repair, extensive excavation and disturbance of previously undisturbed soils and sediments could become necessary. Such repairs could impact previously unknown subsurface archaeological resources in areas unaffected by the original trench excavations. The measures proposed for mitigating impacts to previously unknown CRHR-eligible archaeological resources discovered during the original project-related ground disturbance at the main project site and along linear facilities, proposed Conditions of Certification **CUL-1** through **CUL-7**, would continue to apply and so also serve to mitigate impacts from repairs occurring during the later operation of the plant.

Cumulative Impacts and Mitigation

A cumulative impact refers to a proposed project's incremental effects, considered over time and together with those of other, nearby, past, present, and reasonably foreseeable future projects whose impacts may compound or increase the incremental effect of the proposed project (Pub. Resources Code, § 21083; Cal. Code Regs., tit. 14, §§ 15064, subd. (h), 15065, subd. (a)(3), 15130, and 15355).

The COA identified seven proposed or approved projects within one mile of the proposed CPP project site or within 0.5 mile of the proposed CPP transmission line (CofA2007a, pp. 6.18-3–6.18-4):

- Kaiser Permanente Orange County Anaheim Medical Center (3400 East La Palma Avenue)
- The Crossings (condominiums) (3530 East La Palma Avenue);
- Industrial Park (1041 North Shepard Street)

- Boeing site redevelopment (Miraloma Avenue and Miller Street)
- Concourse Bowling addition (3364 East La Palma Avenue)
- La Jolla Groundwater Basin (West La Jolla Street)
- Gualberto Valadez Middle School (West La Jolla Street)

These projects must be considered as contributing to potential cumulative impacts on the cultural resources within this area. Cumulative impacts to cultural resources in the project vicinity could occur if impacts on cultural resources from the proposed CPP project, when added to those of the other seven projects would be cumulatively considerable.

Staff assumes that cultural resources studies would have been completed for these seven projects as part of the local lead agency's CEQA review. Consequently, staff assumes that these studies identified CRHR-eligible cultural resources and potential project impacts to these cultural resources, and that any impacts have either been avoided or mitigated to a less-than-significant level. Staff, however, has not reviewed the cultural resources studies for these seven projects.

This FSA has identified cultural resources near the proposed CPP project site, assessed potential CPP project impacts to these cultural resources, and determined that construction of the proposed CPP would not result in any significant impacts to known cultural resources. Staff has also provided conditions of certification to mitigate any significant impacts to CRHR-eligible archaeological resources discovered during CPP project-related ground disturbance. Proponents of future projects in the vicinity of CPP can mitigate impacts to as yet undiscovered CRHR-eligible subsurface archaeological resources to less-than-significant levels by requiring archaeological monitoring protocols for ground disturbance that are developed on the basis of previous reports and surveys and refined by the results of geoarchaeological analyses, by evaluating resources discovered during monitoring, and by avoidance or data recovery. Impacts to human remains can be mitigated by following the protocols established by state law in Public Resources Code, section 5097.98.

Since any impacts from the proposed CPP project to CRHR-eligible cultural resources discovered during CPP project-related ground disturbance would be mitigated to a less-than-significant level by the project's compliance with Conditions of Certification **CUL-1** through **CUL-7**, and since similar protocols can be applied to other current and future projects in the area, staff does not expect any incremental effects of the proposed CPP project to be cumulatively considerable, when viewed in conjunction with other projects.

COMPLIANCE WITH LORS

If the conditions of certification (below) are properly implemented, the proposed CPP project would result in a less-than-significant impact on known cultural resources and on any new archaeological resources discovered during project-related ground disturbance. The proposed CPP project would therefore be in compliance with CEQA and the other applicable state laws, ordinances, regulations, and standards listed in Table 1. Similarly, the project would be in compliance with the County of Orange's

General Plan, which requires CEQA review of project impacts to cultural resources within the county, and in compliance with COA Municipal Code requiring consideration of resources of historical value.

RESPONSE TO AGENCY AND PUBLIC COMMENTS

Staff received no agency or public comments on the cultural resources analysis in the PSA.

CONCLUSIONS AND RECOMMENDATIONS

California Energy Commission staff's cultural resources analysis has determined that the proposed Canyon Power Plant (CPP) project would have no impact on known CRHR-eligible archaeological resources, ethnographic resources, built-environment resources, historic districts, or cultural landscapes in the project's construction areas. With the adoption of cultural resources Conditions of Certification **CUL-1** through **CUL-7**, the CPP project would have no significant impact on as-yet-unidentified buried archaeological deposits. Additionally, with the adoption and implementation of these conditions, the project would be in conformity with all applicable laws, ordinances, regulations, and standards (LORS). Consequently, staff recommends that the Commission adopt **CUL-1** through **CUL-7**.

PROPOSED CONDITIONS OF CERTIFICATION

CUL-1 Prior to the start of ~~ground disturbance~~construction-related ground disturbance (includes "preconstruction site mobilization," "construction ~~ground disturbance~~construction-related ground disturbance," and "construction grading, boring and trenching," as defined in the General Conditions for this project) the project owner shall obtain the services of a Cultural Resources Specialist (CRS), and one or more alternate CRSs, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation, and reporting activities required in accordance with the Conditions of Certification (Conditions). The CRS may elect to obtain the services of Cultural Resources Monitors (CRMs) and other technical specialists, if needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be affected in an unanticipated manner. No ~~ground disturbance~~construction-related ground disturbance shall occur prior to CPM approval of the CRS and alternates, unless such activities are specifically approved by the CPM. Approval of a CRS may be denied or revoked for reasons including but not limited to non-compliance on this or other Energy Commission projects.

CULTURAL RESOURCES SPECIALIST

The resumes for the CRS and alternate(s) shall include information demonstrating to the satisfaction of the CPM that their training and backgrounds conform to the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36,

Code of Federal Regulations, part 61 (36 C.F.R., part 61). In addition, the CRS shall have the following qualifications:

1. The CRS's qualifications shall be appropriate to the needs of the project and shall include a background in anthropology, archaeology, history, architectural history, or a related field;

2. At least three years of archaeological or historical, as appropriate (per nature of predominant cultural resources on the project site), resource mitigation and field experience in California; and

3. At least one year of experience in a decision-making capacity on cultural resources projects in California and the appropriate training and experience to knowledgably make recommendations regarding the significance of cultural resources.

The resumes of the CRS and alternate CRS shall include the names and telephone numbers of contacts familiar with the work of the CRS/alternate CRS on referenced projects and demonstrate to the satisfaction of the CPM that the CRS/alternate CRS has the appropriate training and experience to implement effectively the Conditions.

CULTURAL RESOURCES MONITORS

CRMs shall have the following qualifications:

1. a B.S. or B.A. degree in anthropology, archaeology, historical archaeology or a related field and one year experience monitoring in California; or

2. an A.S. or A.A. degree in anthropology, archaeology, historical archaeology or a related field, and four years experience monitoring in California; or

3. enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology or a related field, and two years of monitoring experience in California.

CULTURAL RESOURCES TECHNICAL SPECIALISTS

The resume(s) of any additional technical specialist(s), e.g., historical archaeologist, historian, architectural historian, and/or physical anthropologist, shall be submitted to the CPM for approval.

Verification:

1. At least 45 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.

2. At least 10 days prior to a termination or release of the CRS, or within 10 days after the resignation of a CRS, the project owner shall submit the resume of the proposed new CRS to the CPM for review and approval. At the same time, the

project owner shall also provide to the proposed new CRS the AFC and all cultural resources documents, field notes, photographs, and other cultural resources materials generated by the project. If there is no alternate CRS in place to conduct the duties of the CRS, a previously approved monitor may serve in place of a CRS so that project~~-related~~ ~~ground disturbance~~construction-related ground disturbance may continue up to a maximum of 3 days without a CRS. If cultural resources are discovered then ~~ground disturbance~~construction-related ground disturbance will remain halted until there is a CRS or alternate CRS to make a recommendation regarding significance.

3. At least 20 days prior to ~~ground disturbance~~construction-related ground disturbance, the CRS shall provide a letter naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.

4. At least 5 days prior to additional CRMs beginning on-site duties during the project, the CRS shall provide additional letters to the CPM identifying the CRMs and attesting to their qualifications.

5. At least 10 days prior to any technical specialists, other than CRMs, beginning tasks, the resume(s) of the specialists shall be provided to the CPM for review and approval.

6. At least 10 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall confirm in writing to the CPM that the approved CRS will be available for onsite work and is prepared to implement the cultural resources conditions.

CUL-2 Prior to the start of ~~ground disturbance~~construction-related ground disturbance, if the CRS has not previously worked on the project, the project owner shall provide the CRS with copies of the AFC, data responses, and confidential cultural resources reports for the project. The project owner shall also provide the CRS and the CPM with maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas. Maps shall include the appropriate USGS quadrangles and a map at an appropriate scale (e.g., 1:2000 or 1” = 200’) for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the CRS and CPM. The CPM shall review map submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No ~~ground disturbance~~construction-related ground disturbance shall occur prior to CPM approval of maps and drawings, unless such activities are specifically approved by the CPM.

If construction of the project would proceed in phases, maps and drawings not previously provided shall be provided to the CRS and CPM prior to the start of each phase. Written notification identifying the proposed schedule of each project phase shall be provided to the CRS and CPM.

Weekly, until ~~ground disturbance~~construction-related ground disturbance is completed, the project construction manager shall provide to the CRS and CPM a schedule of

project activities for the following week, including the identification of area(s) where ~~ground disturbance~~construction-related ground disturbance will occur during that week.

The project owner shall notify the CRS and CPM of any changes to the scheduling of the construction phases.

Verification:

1. At least 40 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall provide the AFC, data responses, and confidential cultural resources documents to the CRS, if needed, and the subject maps and drawings to the CRS and CPM. The CPM will review submittals in consultation with the CRS and approve maps and drawings suitable for cultural resources planning activities.

2. At least 15 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, if there are changes to any project-related footprint, the project owner shall provide revised maps and drawings for the changes to the CRS and CPM.

3. At least 15 days prior to the start of each phase of a phased project, the project owner shall submit the appropriate maps and drawings, if not previously provided, to the CRS and CPM.

4. Weekly, during ~~ground disturbance~~construction-related ground disturbance, a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, e-mail, or fax.

5. Within 5 days of changing the scheduling of phases of a phased project, the project owner shall provide written notice of the changes to the CRS and CPM.

CUL-3 Prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall submit the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, to the CPM for review and approval. The authors' names shall appear on the title page of the CRMMP. Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, each CRM, and the project owner's on-site construction manager. No ~~ground disturbance~~construction-related ground disturbance shall occur prior to CPM approval of the CRMMP, unless such activities are specifically approved by the CPM.

The CRMMP shall include, but not be limited to, the following elements and measures:

1. The following statement included in the Introduction: "Any discussion, summary, or paraphrasing of the Conditions of Certification in this CRMMP is intended as general guidance and as an aid to the user in understanding the Conditions and their implementation. The conditions, as written in the Commission Decision, shall supersede any summarization, description, or interpretation of the

conditions in the CRMMP. The Cultural Resources Conditions of Certification from the Commission Decision are contained in Appendix A."

2. A proposed general research design that includes a discussion of archaeological research questions and testable hypotheses specifically applicable to the project area, and a discussion of artifact collection, retention/disposal, and curation policies as related to the research questions formulated in the research design. A prescriptive treatment plan may be included in the CRMMP for limited data types.

3. A detailed monitoring plan for the jack-and-bore tunneling for the underground transmission line under Carbon Canyon Creek Diversion Channel, including the monitoring of the excavation of the jack-and-bore entry and exit pits, the examination of auger-backdirt sediments, the logging of auger-backdirt sediment descriptions, the screening of samples of the auger backdirt for the presence of cultural materials, and the recordation of any archaeological deposits encountered.

4. A statement that all encountered cultural resources over 50 years old shall be recorded on Department of Parks and Recreation (DPR) 523 forms and mapped and photographed. In addition, all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery) shall be curated in accordance with the California State Historical Resources Commission's *Guidelines for the Curation of Archaeological Collections*, into a retrievable storage collection in a public repository or museum.

5. A statement that the project owner will pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project. The project owner shall identify three possible curation facilities that could accept cultural resources materials resulting from project activities.

6. A statement that the CRS has access to equipment and supplies necessary for site mapping, photography, and recovery of any cultural resource materials that are encountered during ~~ground disturbance~~construction-related ground disturbance and cannot be treated prescriptively.

7. A description of the contents and format of the final Cultural Resource Report (CRR), which shall be prepared according to ARMR guidelines.

Verification:

1. At least 30 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall submit the CRMMP to the CPM for review and approval.

2. At least 30 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, in a letter to the CPM, the project owner shall agree to pay curation fees for any materials collected as a result of the archaeological investigations (survey, testing, data recovery).

CUL-4 The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for approval. The final CRR shall be written by or under the direction of the CRS and shall be provided in the ARMR format. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, DPR 523 forms, geoarchaeological final reports, data recovery reports, and any additional research reports not previously submitted to the California Historical Resource Information System (CHRIS) and the State Historic Preservation Officer (SHPO) shall be included as appendices to the final CRR.

If the project owner requests a suspension of ~~ground disturbance~~construction-related ground disturbance and/or construction activities, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM for review and approval on the same day as the suspension/extension request. The draft CRR shall be retained at the project site in a secure facility until ~~ground disturbance~~construction-related ground disturbance and/or construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval at the same time as the withdrawal request.

Verification:

1. Within 30 days after requesting a suspension of construction activities, the project owner shall submit a draft CRR to the CPM for review and approval.

2. Within 90 days after completion of ~~ground disturbance~~construction-related ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM for review and approval. If any reports have previously been sent to the CHRIS, then receipt letters from the CHRIS or other verification of receipt shall be included in an appendix.

3. Within 90 days after completion of ~~ground disturbance~~construction-related ground disturbance (including landscaping) , if cultural materials requiring curation were collected, the project owner shall provide to the CPM a copy of an agreement with, or other written commitment from, a curation facility that meets the standards stated in the California State Historical Resources Commission's *Guidelines for the Curation of Archaeological Collections*, to accept cultural materials, if any, from this project. Any agreements concerning curation will be retained and available for audit for the life of the project.

4. Within 10 days after CPM approval of the CRR, the project owner shall provide documentation to the CPM confirming that copies of the final CRR have been provided to the SHPO, the CHRIS, and the curating institution, if archaeological materials were collected

CUL-5 Prior to and for the duration of ~~ground disturbance~~construction-related ground disturbance activities, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment in any aspect of project~~-related~~ ~~ground disturbance~~construction-related ground disturbance. The training shall be prepared by the CRS, may be conducted by

any member of the archaeological team, and may be presented in the form of a video. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ~~ground disturbance~~construction-related ground disturbance is completed or suspended, but must be resumed when ~~ground disturbance~~construction-related ground disturbance, such as landscaping, resumes. The training shall include:

1. A discussion of applicable laws and penalties under the law;

2. Samples or visuals of artifacts that might be found in the project vicinity;

3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed;

4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits;

5. Instruction that the CRS, alternate CRS, and CRMs have the authority to halt project~~-related~~ ~~ground disturbance~~construction-related ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS;

6. Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS;

7. An informational brochure that identifies reporting procedures in the event of a discovery;

8. An acknowledgement form signed by each worker indicating that they have received the training; and

9. A sticker that shall be placed on hard hats indicating that environmental training has been completed.

No ~~ground disturbance~~construction-related ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the CPM.

Verification:

1. At least 30 days prior to the beginning of ~~ground disturbance~~construction-related ground disturbance, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval.

2. At least 15 days prior to the beginning of ~~ground disturbance~~construction-related ground disturbance, the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP-trained worker to sign.

3. On a monthly basis, until ~~ground disturbance~~construction-related ground disturbance is completed, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of workers who have completed the training in the prior month and a running total of all persons who have completed training to date.

CUL-6 The project owner shall ensure that the CRS, alternate CRS, or CRMs monitor the excavation of the jack-and-bore entry and exit pits and examine, log, and screen auger backdirt samples, as detailed in the CRMMP, to identify and record the presence of any archaeological deposits encountered.

The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.

On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the Conditions and/or applicable LORS. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.

The CRS or alternate CRS shall report daily to the CPM on the status of cultural resources-related activities at the project site, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.

In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.

The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff.

Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions.

Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.

Verification:

1. At least 30 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log.

2. Monthly, while monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP.

3. At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level.

4. Daily, as long as no cultural resources are found, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail or in some other form of communication acceptable to the CPM.

5. At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting.

CUL-7 The project owner shall grant authority to halt project~~-related ground disturbance~~construction-related ground disturbance to the CRS, alternate CRS, and the CRMs in the event of a discovery. Redirection of ~~ground disturbance~~construction-related ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS.

In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the CPM), or impacts to such a resource can be anticipated, ~~ground disturbance~~construction-related ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting as provided in **CUL-6** shall continue during all ground-disturbing activities elsewhere on the project site. The halting or redirection of ~~ground disturbance~~construction-related ground disturbance shall remain in effect until the CRS has visited the discovery, and all of the following have occurred:

1. The CRS has notified the project owner, and the CPM has been notified within 24 hours of the discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the discovery (or changes in character or attributes), the action taken (i.e., work stoppage or redirection), a recommendation of CRHR eligibility, and recommendations for data recovery from any cultural resources discoveries, whether or not a determination of CRHR eligibility has been made.

2. If the discovery would be of interest to Native Americans, the CRS has notified all Native American groups, identified in the FSA, that expressed a desire to be notified in the event of such a discovery.

3. The CRS has completed field notes, measurements, and photography for a DPR 523 “Primary” form. Unless the find can be treated prescriptively, as specified in the CRMMP, the “Description” entry of the DPR 523 “Primary” form shall include a recommendation on the CRHR eligibility of the discovery. The project owner shall submit completed forms to the CPM.

4. The CRS, the project owner, and the CPM have conferred, and the CPM has concurred with the recommended eligibility of the discovery and approved the CRS’s proposed data recovery, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation have been completed.

Verification:

1. At least 30 days prior to the start of ~~ground disturbance~~construction-related ground disturbance, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, and CRMs have the authority to halt project~~-related~~ ~~ground disturbance~~construction-related ground disturbance in the vicinity of a cultural resources discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning.

2. Within 48 hours of the discovery of an archaeological or ethnographic resource, the project owner shall ensure that the CRS notifies all Native American groups that expressed a desire to be notified in the event of such a discovery.

3. Unless the discovery can be treated prescriptively, as specified in the CRMMP, completed DPR 523 forms for resources newly discovered during ~~ground disturbance~~construction-related ground disturbance shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of data recordation/recovery, whichever the CRS decides is more appropriate for the subject cultural resource.

CULTURAL RESOURCES ACRONYM GLOSSARY AND DEFINITION OF TERMS

CANYON POWER PLANT PROJECT

AFC	Application for Certification
Area of Analysis	The area within and around a project site that staff considers when compiling an inventory of cultural resources and when assessing potential impacts.
AD	After the Birth of Christ
ARMR	Archaeological Resource Management Report
BC	Before the Birth of Christ
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
COA	City of Anaheim
Conditions	Conditions of Certification
CPP	Canyon Power Plant
CRHR	California Register of Historical Resources
CRM	Cultural Resources Monitor
CRMMP	Cultural Resources Monitoring and Mitigation Plan
CRR	Cultural Resource Report
CRS	Cultural Resources Specialist
DPR 523	Department of Parks and Recreation cultural resource inventory form
FSA	Final Staff Assessment
LORS	laws, ordinances, regulations, and standards
MCR	Monthly Compliance Report
MLD	Most Likely Descendent
NAHC	Native American Heritage Commission
NRHP	National Register of Historic Places
OHP	Office of Historic Preservation
Paleosol	A buried soil horizon that may at one time have been a ground surface on which prehistoric peoples could have left remains of their activities.
PSA	Preliminary Staff Assessment
Project Site	The bounded area(s) identified by the applicant as the area within which they propose to build all the components of their project.
SCCIC	South Central Coastal Information Center, part of the CHRIS
SHPO	State Historic Preservation Officer
Staff	Energy Commission cultural resources technical staff
WEAP	Worker Environmental Awareness Program

REFERENCES

The *tn: 00000* in a reference below indicates the transaction number under which the item is catalogued in the Energy Commission's Docket Unit. The transaction number allows for quicker location and retrieval of individual items docketed for a case or used for ease of reference and retrieval of exhibits cited in briefs and used at Evidentiary Hearings.

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION FOR THE *CANYON POWER PLANT PROJECT*

Docket No. 07-AFC-9

PROOF OF SERVICE
(Revised 10/23/2009)

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DECLARATION OF SERVICE

I, Ashley Y. Garner, declare that on November 10, 2009, I served and filed copies of the attached **STIPULATION BETWEEN CEC STAFF AND SCPPA REGARDING ADDITIONS TO EVIDENTIARY RECORD**, dated November 10, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at [www.energy.ca.gov/sitingcases/canyon/index.html]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(*Check all that Apply*)

For service to all other parties:

__X__ sent electronically to all email addresses on the Proof of Service list;

__X__ by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked "email preferred."

AND

For filing with the Energy Commission:

__X__ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
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1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

Ashley Y. Garner

Ashley Y. Garner