

Appendix D

Cultural Resources

January 21, 2021

12620

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3347 Michelson Drive
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Subject: *Cultural Resources Inventory Report for the 14800 W. Schulte Road Logistics Center Project, City of Tracy, San Joaquin County, California – Negative Findings*

Dear Ms. Mandrup:

This letter documents the negative cultural resources inventory conducted by Dudek for the 14800 W. Schulte Road Logistics Center Project (Project), located in the City of Tracy, in an unincorporated area of San Joaquin County, California. The purpose of this study is to identify all previously identified cultural resources within the Project site, identify the potential for unidentified cultural resources to exist within the Project site, and determine whether implementation of the Project would have the potential to impact known and unknown cultural resources.

A California Historical Resources Information System (CHRIS) records search completed at the Central California Information Center (CCaIC) did not identify the presence of cultural resources within the Project site. A Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search did not suggest the presence of any Native American cultural resources. No archaeological resources were identified as a result of the intensive-level pedestrian survey of the proposed Project site. The County of San Joaquin (County) is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA).

Project Location and Present use

The Project site is located within southwestern unincorporated San Joaquin County, California. The Project site is within the Tracy Sphere of Influence and is generally located east of the Tracy city limits within Section 36 of public land survey system (PLSS) Township 2 South, Range 4 East as shown on the *Tracy and Midway, CA* 7.5-minute USGS Quadrangles (Appendix A: Figure 1). Locally, the approximately 37.96-acre Project site is located at 14800 West Schulte Road and is composed of one parcel (Assessor's Parcel Number 209-240-23). The Project site is currently vacant but was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019. The Project site is located within an area that is characterized as containing a mix of agricultural and industrial uses. The Project site is bounded by Schulte Road and agricultural uses to the north, Quality Road and agricultural uses to the east, a manufacturing/warehouse use to the south, and a warehouse/distribution use to the west (Appendix A: Figure 2).

The Project site was formerly used as a biomass energy facility, which was decommissioned and demolished in 2019. Under the existing conditions, the Project site is vacant and contains bare expanses of soil interspersed with ruderal vegetation.

The Project site is located approximately 133 feet above mean sea level and is relatively flat; however, the Project site includes various depressions and elevated areas (ranging from approximately 5 to 25 feet in height/depth) that are the result of previous earthmoving and demolition activities. Two drainage basins are located along the northern edge of the Project site with depths of about 15 to 25 feet below adjacent grades. In addition, stockpiles of soil and organic material and the other composed of aggregate base and/or rock are located on the Project site.

Project Description

The Project would include construction and operation of three, one-story, industrial warehouse buildings totaling approximately 678,913 square feet. Building A would be located within the northwestern third of the Project site and would include approximately 228,313 square feet of warehouse space and 2,968 square feet of office space (231,281 square feet of building area in total). Building B would be located within the southwestern third of the Project site and would include approximately 278,650 square feet of warehouse space and 3,006 square feet of office space (281,656 square feet of building area in total). Building C would be located within the eastern third of the Project site and would include approximately 163,012 square feet of warehouse space and 2,964 square feet of office space (165,976 square feet of building area in total).

Single loaded truck bays would be located on the south and north sides of Buildings A and B and on the west side of Building 3 such that all loading areas face the interior of the site and are not visible from adjacent public streets. Building A would provide 42 loading docks, Building B would provide 43 loading docks, and Building C would provide 30 loading docks. Paved passenger vehicle parking areas would be provided along the northern and southeastern portions of the project site near the frontage of Schulte Road and Quality Road. Truck/trailer parking would be provided in between Buildings A and B. In total, the Project site would include 111 stalls for trailers and 522 standard parking spaces for passenger vehicles and trailers.

To facilitate adequate on-site circulation, sufficient site access for both passenger vehicles and trucks, and to ensure efficient off-site circulation on nearby roadway facilities, the Project would involve street improvements on Schulte Road, including adding a right-turn lane on eastbound Schulte Road and widening a portion of westbound Schulte Road. These improvements would be constructed to accommodate the future build-out condition of Schulte Road. In addition, the Project would include internal drive aisles to facilitate on-site circulation.

Construction is expected to commence in 2021 and would last through 2022.

Regulatory Context

This section includes a discussion of the applicable state laws, ordinances, regulations, and standards governing cultural resources, which must be adhered to before and during Project implementation.

State

The California Register of Historical Resources (CRHR)

In California, the term “historical resource” includes, but is not limited to, “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code (PRC), Section 5020.1(j)). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

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

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 California Code of Regulations [CCR] 4852(d)(2)).

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

Assembly Bill 52

Assembly Bill 52 of 2014 (AB 52) amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3.

Consultation with Native Americans

AB 52 formalizes the consultation process between lead agencies and tribal representatives, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with a project area. This includes tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Tribal Cultural Resources

Section 4 of AB 52 adds Sections 21074 (a) and (b) to the PRC, addressing tribal cultural resources and cultural landscapes. Section 21074 (a) defines tribal cultural resources as one of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

Native American Historic Cultural Sites

The Native American Historic Resources Protection Act (California Public Resources Code Section 5097, et seq.) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NRHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, requires all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Environmental Quality Act

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

- California Public Resources Code Section 21083.2(g): Defines “unique archaeological resource.”
- California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a): Defines historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource. It also defines the circumstances when a project would materially impair the significance of a historical resource.
- California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e): These statutes set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4: These statutes and regulations provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; identifies preservation-in-place as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(b)). An “historical resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria are intended to examine whether the resource in question: (a) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; (b) is associated with the lives of persons important in our past; (c) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or (d) has yielded, or may be likely to yield, information important in pre-history or history.

The term “historical resource” also includes any site described in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code Section 5024.1(q)).

CEQA also applies to “unique archaeological resources.” California Public Resources Code Section 21083.2(g) defines a “unique archaeological resource” as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In 2014, CEQA was amended to apply to “tribal culture resources” as well, but the amendment did not provide a definition for such resources or identify how they were to be evaluated or mitigated (California Public Resources Code Sections 21084.2 and 21084.3). Instead, California Public Resources Code Section 21083.09 required that the Office of Planning and Research develop and adopt guidelines for analyzing “tribal cultural resources” by July 1, 2016. As of the effective date of this report, however, those guidelines have not been finalized or adopted. Consequently, this report addresses only historic resources and unique archaeological resources.

All historical resources and unique archaeological resources – as defined by statute – are presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). A site or resource that does not meet the definition of “historical resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (California Public Resources Code Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)).

Under CEQA and significant cultural impact results from a “substantial adverse change in the significance of an historical resource [including a unique archaeological resource]” due to the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5(b)(1); California Public Resources Code Section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project:

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

[CEQA Guidelines Section 15064.5\(b\)\(2\)](#)

Pursuant to these sections, the CEQA first evaluates evaluating whether a project site contains any “historical resources,” then assesses whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

When a project significantly affects a unique archeological resource, CEQA imposes special mitigation requirements. Specifically, “[i]f it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:”

1. “Planning construction to avoid archeological sites.”
2. “Deeding archeological sites into permanent conservation easements.”
3. “Capping or covering archeological sites with a layer of soil before building on the sites.”
4. “Planning parks, greenspace, or other open space to incorporate archeological sites.”

California Public Resources Code Section 21083.2(b)(1)-(4)

If these “preservation in place” options are not feasible, mitigation may be accomplished through data recovery (California Public Resources Code Section 21083.2(d); CEQA Guidelines Section 15126.4(b)(3)(C)). California Public Resources Code Section 21083.2(d) states that “[e]xcavation as mitigation shall be restricted to those parts of the unique archeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.”

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows:

- (A) Preservation in place is the preferred manner of mitigating impacts to archeological sites. Preservation in place maintains the relationship between artifacts and the archeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
- (B) Preservation in place may be accomplished by, but is not limited to, the following:
 1. Planning construction to avoid archeological sites;
 2. Incorporation of sites within parks, greenspace, or other open space;
 3. Covering the archeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site [; and]
 4. Deeding the site into a permanent conservation easement.
- (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.” However, “[d]ata recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archeological or historic resource, provided that

determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center” (CEQA Guidelines Section 15126.4(b)(3)(D)).

California Health and Safety Code

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in California Public Resources Code Section 5097.98.

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

Local Regulations

San Joaquin County 2035 General Plan – Natural and Cultural Resources Element

Section 3.4 of San Joaquin County’s 2035 General Plan Policy Document, adopted in 2016, details the County’s goals for the protection of valuable architectural, historical, archaeological, and cultural resources under Goal NCR-6. The following goals and policies for cultural resources may be applicable to Project:

NCR-6.1 Protect Historical and Cultural Resources: The County shall protect historical and cultural resources and promote expanded cultural opportunities for residents to enhance the region's quality of life and economy.

NCR-6.2 No Destruction of Resources: The County shall ensure that no significant architectural, historical, archeological, or cultural resources are knowingly destroyed through County action.

NCR-6.3 Encourage Public and Private Preservation Efforts: The County shall continue to encourage efforts, both public and private, to preserve the historical and cultural heritage of San Joaquin County and its communities and residents.

NCR-6.5 Protect Archeological and Historical Resources: The County shall protect significant archeological and historical resources by requiring an archeological report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archeological artifacts that could be disturbed by project construction.

NCR-6.6 Tribal Consultation: The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State’s Local and Tribal Intergovernmental Consultation requirements.

NCR-6.9 Educational Programs: The County shall support educational and outreach programs that promote public awareness of and support preservation of historical and cultural resources.

Background Research

CCaIC Records Search

On October 9, 2020, a CHRIS records search was conducted by staff of the CCalC, located on the campus of California State University, Stanislaus. The search of the Project site and a 0.5-mile (2640 feet) radius included the CCalC’s collections of mapped prehistoric, historic, and built environment resources, Department of Parks and Recreation Site Records, and technical reports. The search also included historical maps of the study area, the NRHP, the CRHR, the California Historic Property Data File, the lists of California State Historical Landmarks, California Points of Historical Interest, and the Archaeological Determinations of Eligibility. Dudek reviewed the CCalC records to determine whether implementation of the Project would have the potential to impact known and unknown cultural resources. The complete results of the records search are presented in Confidential Appendix B and summarized below.

Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicated that 12 previous cultural resources studies have been conducted within 0.5-mile of the Project site between 1989 and 2013. Of these, three intersect or overlap the Project site. Table 1, below, summarizes all 12 previous studies followed by a brief summary of each study that overlaps or intersects the Project site.

Table 1. Previous Technical Studies Within 0.5-mile of the Project Site

CCaIC Report No.	Authors	Date	Title	Proximity to Project Site
SJ-00621	Moratto, M. and et al.	1990	Cultural Resources Assessment Report PGT-PG&E Pipeline Expansion Project in Idaho, Washington, Oregon and California; Phase 1: Survey, Inventory, and Preliminary Evaluation of Cultural Resources [partial report only].	Intersecting/Overlapping
SJ-00790	Napton, L. K.	1989	Cultural Resources Investigation of 1250 Acres Proposed for Development in Tracy, San Joaquin County, California.	Outside
SJ-01846	Canaday, T., M. Ostrogorsky, and M. Hess	1992	Archaeological Survey of Right-of-Way Corridor and Extra Work Spaces Construction Spread 5B, California; PGT-PG&E Pipeline Expansion Project, California.	Outside
SJ-02080	Lanier, K. and R. J. Jackson	1993	A Cultural Resource Survey for the Proposed Tracy Materials Recovery and Transfer Facility, San Joaquin County, California.	Outside

Table 1. Previous Technical Studies Within 0.5-mile of the Project Site

CCalC Report No.	Authors	Date	Title	Proximity to Project Site
SJ-02646	Foster, John W.	1995	A Cultural Resource Survey and Assessment of the South Schulte Village Property, Tracy, California	Outside
SJ-02753	Moratto, Michael (ed.), R. Pettigrew, B. Price, L. Ross, R. Schalk, and et al.	1994	Archaeological Investigations PGT-PG&E Pipeline Expansion Project, Idaho, Washington, Oregon and California, Volumes I-V. [Only Vol. 1 and IV are unbound and available at CCIC; Vol. 1 = Project Overview, Research Design and Archaeological Inventory; Vol. IV = Synthesis of Findings].	Intersecting/ Overlapping
SJ-02759	Hatoff, Brian, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente	1995	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project, Final.	Outside
SJ-02930	Jensen, Peter	1996	Archaeological Inventory Survey; Tracy to Fresno Longhaul Fiber Optics Data Transmission Line, Portions of Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California.	Intersecting/ Overlapping
SJ-03559	Foster, J. W.	1999	A Cultural Resource Survey and Assessment of the Tracy Learning Center Property, Tracy, California.	Outside
SJ-04509	Egherman, Rachael	2001	GWF Tracy Peaker Project, Cultural Resources (Archaeological and Historic Built Environment Resources) Technical Report; Appendix C of Application for Certification.	Outside
SJ-05159	Reno, R.	2003	Tracy Peaker Project Cultural Resources Final Report (Docket No. 01-AFC-16).	Outside
SJ-07935	Morris, P.	2013	Cultural Resources Survey, Fabian/ Ensite #15456 (207190), South Lammers Road, Tracy, San Joaquin County, California 95377, SW 1/4 SE 1/4 S-25, T2S R4E; EBI Project No. 61133826 (FCC Form 620)	Outside

SJ-00621

The confidential Cultural Resources Assessment Report PGT-PG&E Pipeline Expansion Project, Idaho, Washington, Oregon, and California, Phase I: Survey, Inventory, and Preliminary Evaluation of Cultural Resources was prepared by INFOTEC Research, Inc. and BioSystems Analysis, Inc. in 1990 for Pacific Gas Transmission Co. The study consists of a cultural resources inventory, including a review of published and archival literature, an intensive pedestrian survey to document all potentially affected cultural resources, followed by management recommendations for resources identified within the project's Area of Potential Effect (APE). No cultural resources were identified within the current Project site as a result of the 1990 study.

SJ-02753

The confidential Archaeological Investigations, PGT-PG&E Pipeline Expansion Project, Idaho, Washington, Oregon, and California, Volume 1: Project Overview, Research Design, and Archaeological Inventory was prepared by INFOTEC Research, Inc. and Far Western Anthropological Research Group, Inc. in 1994 for Pacific Gas Transmission Company. The study is one of a five-volume report of archaeological studies for the PGT-PG&E Pipeline Expansion Project, Idaho, Washington, Oregon, and California. The study consists of a summary of a seven-year program (1988-1995) of intensive field surveys, excavations, and data analyses of 482 archaeological sites to address local, regional, and project-wide archaeological issues in consideration of regulatory compliance and pipeline construction. None of the archaeological investigations reported in report SJ-02753 identified archaeological resources within the current Project site.

SJ-02930

The Archaeological Inventory Survey: Tracy to Fresno Longhaul Fiberoptics Data Transmission Line, Portions of Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California was prepared by Jensen & Associates in 1996 for North State Resources, Inc. The report consists of an archaeological inventory of the project’s APE, including a CHRIS records search completed at the Southern San Joaquin Valley Information Center, a pedestrian survey, and recommendations based on those findings for the project’s APE. No archaeological resources were identified within the current Project site as a result of the 1996 study.

Previously Recorded Cultural Resources

CCaIC records indicate that a total of four previously recorded cultural resources fall within 0.5-mile of the Project site; none of these resources intersect or overlap the Project site (Table 2).

Table 2. Previously Recorded Cultural Resources Within 0.5-mile of the Project Site

Primary (P-39-)	Trinomial (CA-SJO-)	Age	Resource	Recorded By/Year	Proximity to Project Site
000002	000250H	Historic	Buried mortared red-brick footing	(see Confidential Appendix B)	Outside
004287	-	Historic	Brick and concrete structural foundations	2001 (R. Egherman, URS Corporation); 2002 (R. Reno, Tracy Peaker Project Cultural Resources Monitoring Report); 2002 (R. Reno, Tracy Peaker Project Cultural Resources Monitoring Report)	Outside
004288	-	Historic	Historic Telegraph Poles along section of the Southern Pacific Railroad	2001 (R. Egherman, URS Corporation); 2002 (R. Reno, MACTEC); 2002 (R. Reno, MACTEC)	Outside

Table 2. Previously Recorded Cultural Resources Within 0.5-mile of the Project Site

Primary (P-39-)	Trinomial (CA-SJO-)	Age	Resource	Recorded By/Year	Proximity to Project Site
004358	000285H	Historic	Historic site comprised of privies/refuse deposit and/or scatters and walls/fences	2002 (R. Reno, Tracy Peaker Project Cultural Resources Monitoring Report, MACTEC); 2002 (R. Reno, Tracy Peaker Project Cultural Resources Monitoring Report, MACTEC)	Outside

Note: No record of formal evaluation was provided within related records for any of the resources listed.

CHRIS Historical Maps

The CHRIS records search results included two historical maps, *Map of the County of San Joaquin* (1883) and *History of San Joaquin County with Illustrations* (1879; 1968 reprint). Neither of the two historical maps provided depict any discernable changes to the landscape within the Project site.

Historical Maps and Aerial Photographs Review

In addition to the historical maps from the CHRIS records search, Dudek also consulted historical topographic maps and aerial photographs through the Nationwide Environmental Title Research, LLC (NETR) to understand the development of the Project site and surrounding properties. Topographic maps are available from 1916 to 2018 and aerial images are available from 1949 to 2016 (NETR 2020a, NETR 2020b).

Topographic maps show the Project site as undeveloped from 1916 to 1951. The 1953 topographic map shows a pipeline transecting the northwest section of the Project site towards the southeast section. The 1965 topographic map shows no significant change to the Project site since the 1953 topographic map was created. The 1969 topographic map shows Quality Road and a structure within the northeast corner of the Project site. The following topographic maps show no change to the Project site until 2012. The 2012 topographic map does not show the pipeline first seen in 1953, Quality Road, or the structure that was previously present within the northeast corner of the Project site, instead the topographic map shows a pool of water within the northeast corner of the Project site. Aside from understanding a general level of development, topographic maps do not depict minute changes within the proposed Project site and surrounding blocks.

The 1949 aerial shows a line transecting from the northwest section of the Project site towards the southeast section, presumably the pipeline shown on the 1953 topographic map. Other than the presence of this pipeline, the Project site appears to have been undeveloped in 1949. The 1967 and 1968 aerials show the Project site being used for agricultural purposes. The 1968 aerial shows the pipeline originally seen in 1953; it is not visible in any aerials after 1968. There appears to have been a structure within the northeast corner of the Project site, which is consistent with the 1969 topographic map; however, the quality of the aerial does not illustrate what the structure was. In the 1982 aerial, the Project site no longer appears to be used for agricultural purposes. At the time the 1982 aerial was taken, the Project site was cleared except for the structure within the northeast corner. From 1993 to 2016, aerials show that the proposed Project site was being used as a biomass facility.

Other Reports Reviewed

Dudek reviewed the following reports to determine subsurface soil conditions for the Project site: *In-Place Relative Compaction Testing of the Demo Excavation Backfill Construction* (Technicon Engineering Services, Inc. 2019) and *Geotechnical Investigation – LBA Logistics Center III* (Cornerstone Earth Group 2020). According to these reports, 11 subsurface exploratory borings by a hollow-stem auger drilled to depths between 11 ½ and 31 ½ feet below ground surface (bgs) on June 19 and 20, 2018. Additional subsurface investigations in the form of five Cone Penetration Tests (CPTs) to depths between 50 to 100 feet bgs was conducted on January 30, 2020. As a result of the subsurface investigation completed by Technicon Engineering Services, Inc., two types of soils were encountered: dark brown silty clay with sand (native) and yellow clayey silt (native); however, the results do not indicate whether any fill soils were encountered. The report by Cornerstone Earth Group acknowledges this and notes that there is a high potential for undocumented fills to be present across the site, though no specific information relating to the locations or depths of the potential undocumented fill soils is provided in the documents reviewed.

In addition to these reports, Dudek reviewed the demolition plan in connection with the decommissioned former biomass energy facility by LBA Realty. According to the demo plan, which captures the entire footprint of the former biomass facility, depth of disturbance includes up to 6 feet deep from ground surface for the removal of the footings of the former facility; however, the areas surrounding this footprint, within the current Project site, was not disturbed as part of this demo.

Native American Coordination

Dudek contacted the NAHC on October 6, 2020 and requested a review of the SLF for the Project site. The NAHC replied via email on November 12, 2020 stating that the SLF search was completed with negative results. On December 18, 2020, in compliance with the requirements for AB 52, Dudek mailed letters, on behalf of the County of San Joaquin, notification of the proposed Project site to all California Native American tribal representatives that have requested project notifications from the County pursuant to AB 52 via certified mailing. These notification letters included a Project map and description inquiring if the tribe would like to consult to discuss the Project and the potential to impact any potential tribal cultural resources. To date, the County has not received any responses to the AB 52 notification letters. Documents related to the NAHC SLF search results is provided in Appendix C and AB 52 notification documentation are included in confidential Appendix D.

Cultural Resource Survey

Field Methodology

A qualified Dudek archaeologist conducted a survey of the Project site on October 12, 2020. The survey was conducted to identify and record any cultural resources that may occur in the Project site. The intensive-level survey methods consisted of a pedestrian survey conducted in parallel transects, spaced no more than 15 meters apart (approximately 50 feet), over the entire Project site, from north to south. Deviations from transects occurred only in the center of the subject property where an active excavation and removal of soil was taking place. The ground

surface was inspected for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, groundstone tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of structures and/or buildings (e.g., standing exterior walls, post holes, foundations), and historical artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, spoils piles and vehicle were also visually inspected for exposed subsurface materials. No artifacts were collected during the survey.

All fieldwork was documented using field notes and an Apple Generation 8 iPhone (iPhone) equipped with ESRI Collector and Avenza PDF Maps software with close-scale georeferenced field maps of the Project site, and aerial photographs. Location-specific photographs were taken using the iPhone's 12-mega-pixel resolution camera. All field notes, photographs, and records related to the current study are on file at Dudek's Auburn, California office. All field practices met the Secretary of Interior's standards and guidelines for a cultural resources inventory.

Survey Results

The Project site has been substantially altered since the development of a biomass facility on the site in the 1990s. The perimeter of the Project site consists of graded roadways and staging areas with retention basins along the northern end of the site adjacent Schulte Road and spoils piles over 20 feet in height along the southern end of the site, north of an Owens Glass facility. Topsoil in the center of the Project site has been displaced and an active excavation greater than 3 feet below the surface was ongoing on the date of the survey and associated with subsurface exploratory drilling for Project well installation. Ground visibility varied across the Project site, but the majority of the site exhibited greater than 70% visibility. Fragments of concrete, modern bottle glass, and plastic were observed throughout the property with concentration along the perimeter. In the southeastern corner of the Project site a scatter of modern glass and metal objects was observed, including a knife blade and spoon. No historic-period or prehistoric cultural resources were identified during the cultural resources survey. Photos of the survey are provided in Appendix A: Figures 3 through 8.

Summary and Management Considerations

No archaeological resources have been identified within the Project site through the CCalC records, NAHC SLF review, or intensive-level pedestrian survey.

The Project site has been subject to consistent ground disturbance since the late 1940s up to present-day as a result of the following: a pipeline that bisected the site northwest to southeast; agricultural use of the site; two drainage basins along the northern edge of the Project site; the construction, operation, and subsequent demolition of the former biomass energy facility; and active ground disturbance for Project well installation that was observed during the archaeological survey.

Based on reviewed information, the Project site is of limited suitability to support the presence of cultural resources and the likelihood of encountering any buried archaeological deposits during ground disturbance activities associated with the Project is low. However, in the event that unanticipated archaeological resources are encountered during Project implementation, impacts to these resources would be significant. As such, the following management recommendations are provided to ensure that impacts to unanticipated archaeological resources and human remains would be less than significant.

Recommendations

In addition to the recommendations provided below, Dudek recommends that an unanticipated discovery clause be added to all construction plans associated with ground disturbing activities.

Unanticipated Discovery of Archaeological Resources

In the event that potential archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); California Public Resources Code Section 21082), the archaeologist may simply record the find and allow work to continue. Avoidance should be considered the preferred option for treatment of identified archaeological resources. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.

Unanticipated Human Remains

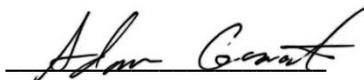
In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within two (2) working days of notification of the discovery, if the finds are of potential human origin. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete his/her inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

If you have any questions about this report, please contact me at lkry@dudek.com or Adam Giacinto at agiacinto@dudek.com.

Respectfully Submitted,



Linda Kry, BA, RA
Archaeologist



Adam Giacinto, MA, RPA
Archaeologist

cc: Collin Ramsey, Patrick Cruz, Dudek
Att: Appendix A: Figures
Appendix B: CONFIDENTIAL CCalC Records Search Information
Appendix C: NAHC SLF Search Results
Appendix D: AB 52 Notification Letters

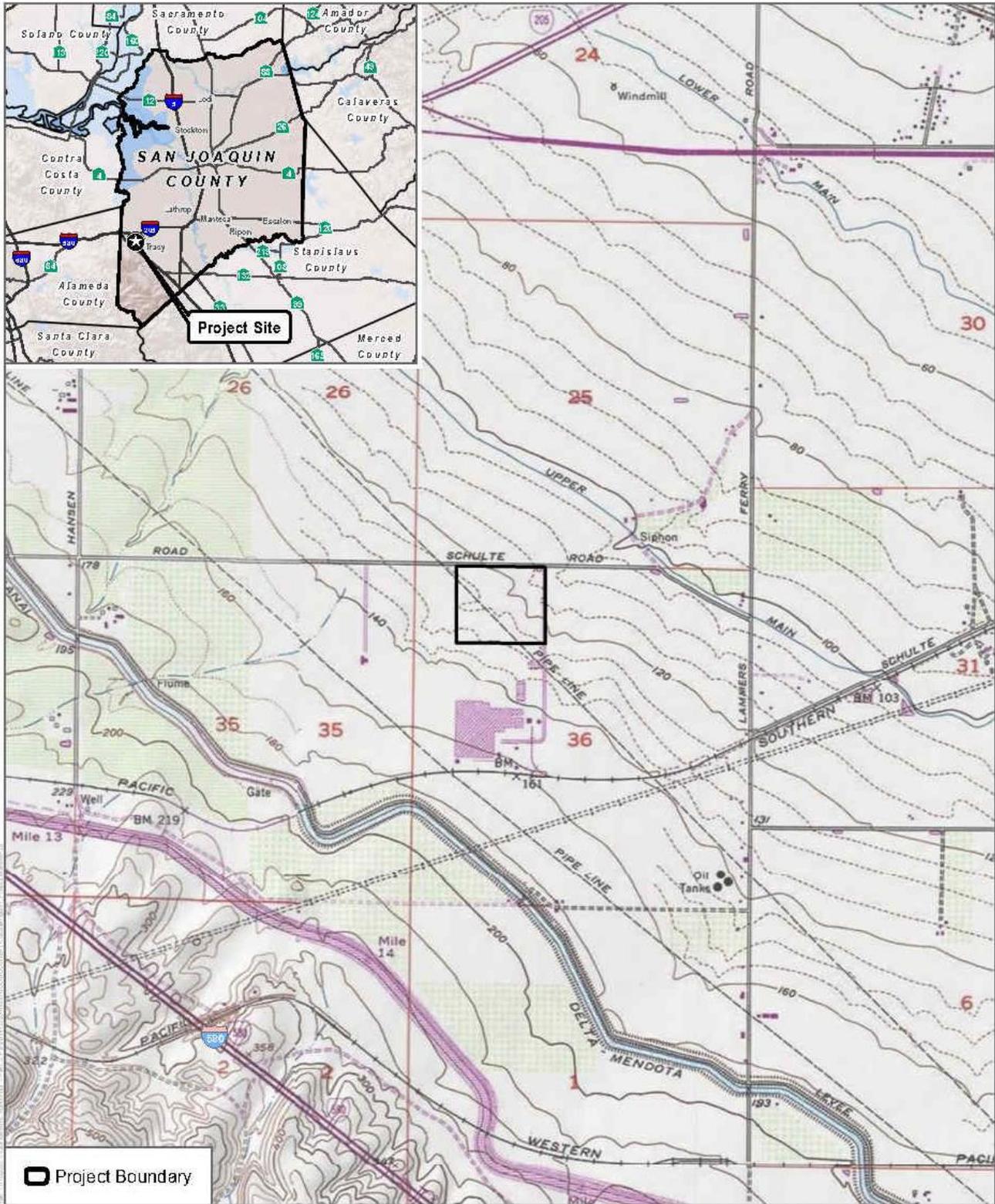
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Appendix A

Figures



SOURCE: USGS 7.5-Minute Series Tracy Quadrangle



FIGURE 1

Project Location

14800 W. Schulte Road Logistics Center Project



FIGURE 2

Project Site

14800 W. Schulte Road Logistics Center Project



Figure 3. Overview of active excavation in center of Project site, facing northwest



Figure 4. Overview of basin in northwestern quadrant of Project site, facing west



Figure 5. Overview of mound in southern end of Project site, facing east



Figure 6. Overview of spoils piles in southeastern quadrant of Project site, facing southeast



Figure 7. Overview of graded area with gravel north of the center of the Project site, facing south



Figure 8. Overview of basin in northeastern quadrant of the Project site, facing west



Appendix B

CONFIDENTIAL CCaIC Records Search Results



Attachment C

NAHC SLF Search Results

NATIVE AMERICAN HERITAGE COMMISSION

October 22, 2020

Linda Kry

DUDEK

Via Email to: lkry@dudek.com

Re: 12620 14800 Schulte Road Industrial Project, San Joaquin County

Dear Ms. Kry:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
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Marshall McKay
Wintun

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
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Attachment D

CONFIDENTIAL AB 52 Notification Letters