

4.5 Cultural Resources

4.5.1 Introduction

This section assesses the potential for the Project to result in significant impacts to cultural resources. Discussed are the physical and regulatory settings, the baseline for determining environmental impacts, the significance criteria used for determining environmental impacts, and potential impacts associated with the Project construction and demolition, the transitional phase, and operation and maintenance at the Rodeo Refinery. The Santa Maria Site is addressed to the extent information is available and at a qualitative level of discussion.

The Project also includes the Pipeline Sites—four regional pipelines serving the Santa Maria Site and the Rodeo Refinery. The Santa Maria Site is connected to the Rodeo Refinery by approximately 200 miles of subterranean pipeline, crossing San Luis Obispo, Santa Barbara, Kern, Kings, Fresno, Merced, Stanislaus, San Joaquin, Alameda, and Contra Costa Counties. Phillips 66 proposes to empty and clean the pipelines at existing maintenance access points and to decommission or sell them; they would not be excavated as part of this Project. No physical changes would occur. Therefore, the Pipeline Sites are not further addressed in this section.

The cultural resources considered in this section are historic-period architectural, structural, and archeological resources. Tribal cultural resources are addressed in Section 4.14, *Tribal Cultural Resources*, and paleontological resources are considered in Section 4.7, *Geology and Soils*.

4.5.2 Environmental Setting

4.5.2.1 *Regional Setting*

Rodeo Refinery

The Rodeo Refinery is in unincorporated northwestern Contra Costa County, near the community of Rodeo and adjoining the shore of San Pablo Bay. The San Pablo Bay region is within the Coast Ranges Geomorphic Province of California, which probably began to form 2 to 3 million years ago. A system of northwest/southeast-trending longitudinal mountain ranges and valleys, such as nearby Pinole Ridge and Refugio Valley, controlled by faulting and folding, characterizes the Coast Ranges. Prior to development, native vegetation in the vicinity of the refinery included coastal salt marsh, annual grassland, coastal scrub, and riparian woodlands. Development and agriculture have substantially modified the landscape, but extensive grasslands and woodlands still occur in the region, particularly in the hilly areas.

The area was inhabited by humans for approximately 10,000 years before the arrival of the first Europeans (see Section 4.14, *Tribal Cultural Resources*, for a description of the area's prehistoric context). The following historic context is summarized from Contra Costa County (2013). The first European expedition into the East Bay occurred in 1772 when Pedro Fages and his party explored the east shore of San Francisco Bay up to San Pablo Bay, then traveling east along the south shore of the Carquinez Strait, and returning to the San Jose area through the Diablo and Livermore Valleys near Concord. The Fages expedition encountered five villages between the locations of the towns of Rodeo and Crockett.

Three years later, the ship *San Carlos* sailed through the Golden Gate, tasked with charting the bay. The ship's commander, Lieutenant Juan Manuel de Ayala, and his crew encountered many Ohlone (from the Contra Costa shore) and neighboring Coast Miwok villagers (from the Marin County shore). The natives recounted the earlier visit by Fages and provided food and gifts to the new arrivals. Between 1776 and 1797, the Spanish established three missions in the Bay Area (San Jose, Santa Clara, and San Francisco [Mission Dolores]) in their attempt to Christianize the Bay Area native people. The native population soon declined precipitously from the disease, famine, and mistreatment brought by the Europeans.

In 1821, Mexico won its independence from Spain, and most of present-day California south of Sonoma became part of the new country as Alta California. Historic settlement in the region began in earnest in 1823 when the Mexican government awarded large grants of land to wealthy and politically influential individuals willing to settle in what was still known as Alta California. In 1833 and 1834, the Mexican government secularized the Spanish missions, and many mission lands were also subsequently granted to individuals who established vast cattle-raising estates, or ranchos. The present-day site of the Rodeo Refinery was part of the Rancho El Pinole, which was granted in 1842 to Ygnacio Martinez, a retired commandant of the Presidio of San Francisco.

At the end of the Mexican War in 1848, all of Alta California was ceded to the US under the Treaty of Guadalupe Hidalgo. One condition of the treaty was that the US government would honor the Mexican rancho grants. Rancho El Pinole was passed to Martinez' children with a large portion, including the Rodeo area, going to his daughter Rafaela and her husband Dr. Samuel Tennent.

Patrick Tormey and his brother John bought several large tracts of the Rancho El Pinole from the Martinez heirs in the 1860s. Patrick's section included today's townsites of Rodeo, Oleum, and Selby. In 1890, the Union Stockyard Company bought a large parcel from Patrick Tormey with the intent of establishing a meat canning center in the area where Ygnacio Martinez had once held his yearly cattle roundups, or rodeos. The resulting establishment became known as Rodeo.

The success of the stockyards, slaughterhouse, and packing plants soon encouraged the establishment of other businesses catering to plant employees and their families. A year after the town's official founding, Rodeo had its own newspaper, and by 1894, it held its first local election. A fire department and other services soon followed. By 1895, the Union Stockyard Company went bankrupt, slowing the booming rate of growth in Rodeo. The Union Oil Company bought a nearby piece of land and a wharf from a lumber company in 1895, and in 1896 opened the first oil refinery in the East Bay. This area became known as "Oleum," abbreviated from the word "petroleum," and it provided an economic base for several nearby larger towns including Rodeo. Because this portion of Contra Costa County had become increasingly industrialized, the Southern Pacific Railroad added a regular stop in Rodeo to its local train schedule in 1898 (Rodeo Chamber of Commerce 2003).

The region grew slowly through the early 1900s, and a variety of industries flourished along the southeastern San Pablo Bay shoreline. As automobile traffic increased, a ferry was established between Rodeo and Vallejo and ran until the completion of the Carquinez Bridge in 1927. In the 1930s, the Lincoln Highway was completed, linking San Francisco and New York, and long-distance traffic drove through the center of Rodeo, leading to an increase in restaurants and service stations along the route (Rodeo Chamber of Commerce 2003).

Following the industrial and economic boom of the post-World War II years, the region gradually settled into the current pattern of small downtowns and bedroom communities interspersed with ongoing industrial activities. The completion of I-80 in 1958 routed long-distance traffic away from downtown Rodeo, and many of the restaurants, service stations, and other traveler-related enterprises closed down or relocated closer to the new freeway. While the explosives factory and shipyards in Pinole and Richmond eventually closed, the Rodeo Refinery has continued production even as it changed hands. In 1997, Union Oil Company of California (Unocal) sold its western US refining and marketing operations to Tosco Corporation, which was later acquired by Phillips Petroleum.

Santa Maria Site

This description of the cultural setting of the Santa Maria Site is summarized from the *Phillips 66 Rail Spur Extension and Crude Unloading Project Final EIR* (San Luis Obispo County 2015). The Santa Maria Site has been occupied by humans for at least 10,000 years. In historic times, the area was inhabited by the Obispeño Chumash, one of a group of linguistically related societies inhabiting the region between San Luis Obispo and northwestern Los Angeles County. Missionization devastated these populations,

and during the Mexican period (1821–1848) and the American period (post-1848), the area was dominated by European settlers.

The Santa Maria Site vicinity has been largely agricultural from the earliest settlements until the present, even as control passed from the Spanish to the Mexican government and then to the US government, and very little infrastructure that could constitute historic cultural resources was ever constructed. One exception is the railroad main line, which reached the Guadalupe area in 1885 and was completed by the Southern Pacific Railroad in 1900 as the Coast Line between Los Angeles and San Francisco.

4.5.2.2 Local Setting

Rodeo Refinery

The Rodeo Refinery has been continuously operating at its current location since it was originally built by Union Oil Company in 1896. It was the first major oil refinery in the Bay Area, and the original site occupied 22 acres and processed 1,600 bpd of crude oil. Currently, the Rodeo Refinery occupies approximately 1,600 acres and can be divided into three main areas. The section west of San Pablo Avenue includes the Marine Terminal, a railcar loading facility, crude oil and product storage, a hydrogen generating plant, a cogeneration steam/power plant, and support and administration buildings. Development in this area dates from 1940 to 1994. The section between San Pablo Avenue and I-80 contains most of the process, blending, and storage units and the Wastewater Treatment Plant. Construction in this area dates from 1940 to the present. These two sections, containing most of the active refinery infrastructure and units, make up the 495-acre Rodeo Site. The section of the Rodeo Refinery west of I-80 is mostly undeveloped open space but does include a small tank farm and the Carbon Plant that processes petroleum coke.

There have been no substantial recent developments within the Rodeo Refinery. Studies conducted at and near the Rodeo Refinery, including the *ConocoPhillips Rodeo Refinery Clean Fuels Expansion Project* (Contra Costa County 2006) and the *Phillips 66 Propane Recovery Project* (Contra Costa County 2013), indicated negative results within the areas of the Project component sites. In addition, the ground surface in these areas has been thoroughly graded, filled, and paved or built on during the various stages of development of the Rodeo Refinery.

A records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University on September 6, 2012 (File No. 12-0246). The purpose of the records search was to (1) determine whether known cultural resources have been recorded within or adjacent to the Project site; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and evaluation of cultural resources. The records search included an examination of the following documents (note that the portion of the search involving prehistoric resources is described in Section 4.14, *Tribal Cultural Resources*):

- **NWIC-digitized base maps:** US Geological Survey [USGS] Mare Island and Benicia 7.5-minute topographic maps to identify recorded archaeological sites and studies within or adjacent to the Rodeo Refinery.
- **NWIC-digitized base maps:** USGS Mare Island and Benicia 7.5-minute topographic maps to identify recorded historic-period resources of the built environment (buildings, structures, and objects) within or adjacent to the Rodeo Refinery.
- **Resource Inventories:** California Inventory of Historical Resources, California Historical Landmarks, Historic Properties Directory Listing by City (through April 5, 2012).

- **Historic Maps:** An extensive online historic map collection with more than 300 maps and views of California and Contra Costa County is available at <http://davidrumsey.com>; historic USGS topographic quadrangles were downloaded from the USGS website at <http://store.usgs.gov/>.

Table 4.5-1 identifies eight cultural resources that have been recorded in the vicinity of the Rodeo Refinery property: one historic-era ranch; a historic segment of the Atchison, Topeka and Santa Fe Railroad; a historic segment of State Route 4 (John Muir Parkway); and five prehistoric shell mounds (see Section 4.14, *Tribal Cultural Resources*). None of the three historic resources is within, or in the immediate vicinity of, the Rodeo Refinery.

In addition to these recorded sites, the site of Oleum is listed in the State Historic Properties Directory. This resource, the first (c. 1895) oil refinery in Contra Costa County, was recorded for the Contra Costa County Historic Resources Inventory as a structure of historical significance, but it has not been evaluated for its eligibility for listing in the National Register of Historic Places (National Register) or the California Register of Historical Resources (California Register). The site of the Selby Smelter, located between Oleum and Crockett, is also listed in the Contra Costa County Historic Resources Inventory and State Historic Properties Directory, although the physical remains of the plant were demolished and removed in 1971.

The records search identified 40 reports that have been prepared to describe the results of cultural resources research. Seventeen are literature searches, Master’s theses, or other “unmappable” studies that did not necessarily include physical inspections. The remaining 23 reports document the results of archaeological and/or historic architectural surveys, testing, or monitoring in or immediately adjacent to the Rodeo Refinery. Only four of those describe activities within the Rodeo Refinery that includes Project component sites, and all four reports yielded negative results.

Table 4.5-1. Identified Historic Cultural Resources Within or Adjacent to the Project Site

Primary Number	Trinomial	Age	Description	Comments	Location
P-07-000513	None	Historic: 1923	Barry Ranch Historic District including two groups of buildings about 0.25 mile apart	Modern buildings and structures co-mingled with historic ones; the district is not considered eligible for the National Register (Hill 1996a).	Adjacent to State Route 4, on southern edge of Refinery property
P-07-000514	CA-CCO-709H	Historic: 1895–1900	Atchison, Topeka and Santa Fe Railroad and associated telephone line	“...railroad right-of-way and infrastructure...have received numerous and continuous upgrades.” Does not appear eligible for the National Register (Hill 1996b).	North of State Route 4, through southern portion of Refinery property
P-07-000518	CA-CCO-710H	Historic: 1951 (current road)	Highway 4	“Route 4 was originally a trail between Ygnacio Martinez’s adobe [near Pinole] and his son’s house, located in the City of Martinez”(Samuelson 1995).	Adjacent to southern boundary of Refinery property

Source: NWIC 2012

Santa Maria Site

The Santa Maria Site is located in southwestern San Luis Obispo County, immediately west of the community of Nipomo and south of the city of Arroyo Grande. As described in San Luis Obispo County (2015), the site is on the coastal plain at the eastern edge of the Oceano Dune complex within the South Coast Ranges physiographic province. The area has surficial deposits composed of recent sand dunes underlain by older Quaternary and possibly Pliocene deposits.

According to the analysis for a previous proposed project at the Santa Maria Site (San Luis Obispo County 2015), the Rodeo Site and its surroundings were completely undeveloped, except for the railroad and a network of dirt roads, through 1952. Only isolated single structures were located near the site. By 1965, little had changed except for the construction of the refinery, and although the surrounding area has experienced residential and commercial development since then, conditions in the immediate vicinity of the Santa Maria Site have remained relatively undeveloped.

4.5.2.3 Regulatory Setting

Federal Authority

Section 106 of the National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (Section 106) requires that every federal agency “take into account” how each of its undertakings could affect historic properties. Historic properties are districts, sites, buildings, structures, traditional cultural properties, and objects significant in American history, architecture, engineering, and culture that are eligible for or listed in the National Register. Historic properties are resources listed in or eligible for listing in the National Register (36 CFR Section 800.16(l)(1)). A property may be listed in the National Register if it meets criteria provided in the National Register regulations (36 CFR Section 60.4).

State Authority

California Environmental Quality Act

CEQA, as codified in PRC Sections 21000 et seq., is the principal statute governing the environmental review of projects in the state. CEQA requires lead agencies to determine whether a proposed project would have a significant effect on historical resources, including archaeological resources. The CEQA Guidelines define a historical resource as (1) a resource in the California Register; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that 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 lead agency’s determination is supported by substantial evidence in light of the whole record. Section 15064.5 of CEQA assigns special importance to human remains and specifies procedures to be followed when Native American remains are discovered.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources. A unique archaeological resource is “an

archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and 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” (PRC Section 21083.2 [g]).

CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064[c][4]).

California Register of Historical Resources

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

For a resource to meet the criteria for listing in the California Register, it must satisfy all of the following three provisions:

- The resource meets one or more of the following four criteria of significance (PRC Section 5024.1[c] and CEQA Guidelines 15064.5):
- The resource “is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;”
- the resource “is associated with the lives of persons important in our past;”
- the resource “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
- the resource “has yielded, or may be likely to yield information important in prehistory or history” (this criterion applies primarily to archaeological sites).
- The resource retains sufficient integrity to be recognizable as a historical resource and to convey its significance; and
- It is 50 years old or older (except where it can be demonstrated that sufficient time has passed to understand the historical importance of the resource).

California Public Resources Code

In addition to the definition of “unique archaeological resources” in PRC Section 21083.2, the sections of the California Public Resource Code applicable to the Project follow:

- PRC Title 14, Section 5097.5: any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands is a misdemeanor.

- PRC Title 14, Section 5097.99: prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn; sets penalties.

California Health and Safety Code

The Project is also subject to the provisions of the California Health and Safety Code with respect to the discovery of human remains. Health and Safety Code Section 7050.5 states: “Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code.” The measures outlined in Section 7050.5 of the Health and Safety Code and Section 5097.98 of the PRC are considered standard mitigation measures implemented in the event of an accidental discovery of human remains during excavation activities.

Local Authority

Contra Costa County General Plan

The Open Space Element of the Contra Costa County General Plan (2010) provides a general overview of cultural resources in the county and includes an archaeological sensitivity map for planning purposes. The Rodeo Site is in an area of this map described as “Largely urbanized areas and publicly owned lands excluded from archaeological sensitivity survey. However, there are also significant archaeological resources within this area.” The Contra Costa County General Plan describes a historic resources inventory compiled by the county in 1976 and revised in 1989; its findings are described in Section 2.5.2.2.

The general plan also contains goals and policies related to the protection of cultural resources. The goals and policies that could be applicable to the proposed Project follow:

- **Goal 9-31:** To identify and preserve important archaeological and historic resources within the county.
- **Policy 9-32:** Areas that have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.
- **Policy 9-33:** Buildings or structures that have visual merit and historic value shall be protected.

San Luis Obispo County Coastal Zone Land Use Ordinance

The CZLUO includes ordinance requirements for the protection of known cultural resources and implementation of mitigation measures to minimize potential impacts to known and unknown resources. In addition to San Luis Obispo County General Plan and ordinance requirements, Coastal Plan Policies include policies for the protection of cultural resources consistent with the requirements of the California Coastal Act (1976).

4.5.3 Significance Criteria

Based on CEQA Guidelines Section 15064.5 and CEQA Guidelines Appendix G, a project would cause adverse impacts to cultural resources if it would:

- a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5;
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
- c. Disturb any human remains, including those interred outside of dedicated cemeteries.

4.5.4 CEQA Baseline

Baseline conditions reflect the 2019 operation and maintenance of the Rodeo Refinery and Santa Maria Site as petroleum refineries, including operation and maintenance activities. The baseline setting also includes the applicable regulatory framework to protect environmental resources, which are described above.

4.5.5 Approach to Analysis

According to the CEQA Guidelines Section 15064.5(a)(3), in general, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historic Resources (PRC Section 5024.1; CCR Title 14, Section 4852). This section also provides standards for determining what constitutes a “substantial adverse change” that must be considered a significant impact on historical resources.

In addition, a resource included on a local register of historical resources, as defined by PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), shall be presumed to be historically or culturally significant.

4.5.6 Discussion of No Cultural Resources Impacts

Continuing operation and maintenance of the Rodeo Refinery does not involve any new activities or ground disturbance that could affect cultural resources. Therefore, operation and maintenance impacts associated with the Rodeo Refinery are not further addressed, and the focus of analysis is on construction of new facilities and demolition impacts.

The transitional phase of the Project would not involve activities that could affect cultural resources above that identified for construction/demolition impacts. Therefore, the transitional phase is not further addressed.

Review and comparison of the setting circumstances and proposed Project characteristics with the significance criteria stated above, clearly show that no impacts would be associated with criteria a-c related to operation and maintenance activities. The following discusses the reasoning supporting this conclusion:

- a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5;
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
- c. Disturb any human remains, including those interred outside of dedicated cemeteries.

Continuing operation and maintenance of the Rodeo Refinery does not involve any new activities or ground disturbance that could affect cultural resources.

Therefore, operation and maintenance impacts associated with the Rodeo Refinery would have no impact. The focus of analysis is on construction of new facilities and demolition impacts. The transitional phase of the Project would not involve activities that could affect cultural resources above that identified for construction/demolition impacts. Therefore, the transitional phase is not further addressed.

4.5.7 Direct and Indirect Impacts of the Proposed Project

Direct impacts would result from land modification directly and immediately caused by the construction, operation, or maintenance of a facility. Indirect impacts also would occur as a result of a specific project, but would not result from intentional ground disturbance. Common indirect impacts would include erosion, vibration, unauthorized artifact collecting, and vandalism. The proposed Project would entail ground disturbance during construction and demolition activities at the Rodeo Refinery and Santa Maria Site.

Table 4.5-2 presents a summary of the potential cultural resources impacts, as well as significance determinations for each impact.

Table 4.5-2. Summary of Impacts

Impact	Significance Determination		
	LTS	LTSM	SU
Impact 4.5-1. Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?			
Rodeo Refinery and Santa Maria Site			
<i>Construction/Demolition, Transitional Phase^a</i>	✓		
Impact 4.5-2. Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?			
Rodeo Refinery and Santa Maria Site			
<i>Construction/Demolition, Transitional Phase^a</i>		✓	
Impact 4.5-3. Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?			
Rodeo Refinery and Santa Maria Site			
<i>Construction/Demolition, Transitional Phase^a</i>		✓	

Notes: LTS = Less than significant, no mitigation proposed
LTSM = Less-than-significant impact with mitigation
SU = Significant and unavoidable

^a. Transitional phase applies only to Rodeo Refinery

IMPACT 4.5-1

a. Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

Construction/Demolition: Less Than Significant, No Mitigation Proposed

Rodeo Refinery

Construction of the new facilities and demolition and modification of existing facilities would result in physical changes at the Rodeo Refinery, including the Carbon Plant. Implementation of the Project would include grading, excavation, and pipe installation activities. Project activities would occur within the existing refinery boundary in areas that have been substantially graded and filled as part of the facility’s development. In addition, equipment and buildings have been replaced or modified throughout years to keep the facility properly operating.

As described in the regulatory setting discussion of this section, a historical resource under CEQA can include historic-era archaeological sites as well as buildings, structures, objects, and other built-environment resources that meet the eligibility requirements for the California Register or other criteria included in Section 15064.5. Although the Rodeo Refinery has existed and operated at the same location for more than 100 years, its current physical structures do not convey any association with the facility’s historic past, do not display any discernible architectural style or distinction, and do not possess any inherent information that would not be readily available from engineering plans and building records (Contra Costa County 2013). In addition, background research did not reveal any connection to significant events or persons in California’s history. Therefore, development of the Project at the Rodeo Refinery would not directly or indirectly result in a change to any historic-period architectural resources that meet the definition of a historical resource found in Section 15064.5. Potential impacts would be less than significant.

Santa Maria Site

Demolition activities at the Santa Maria Site would include minor grading and excavation activities. The Santa Maria Site is older than 50 years, having been developed starting in the 1950s. Site development at that time included extensive grading and filling (to level the site) and excavation (for piping and foundations). As with the Rodeo Refinery, the buildings and equipment at the Santa Maria Site have been modified over the decades. A cultural resources assessment for a previous project concluded that the Santa Maria Site is not eligible for listing in the California Register (San Luis Obispo County 2015). Therefore, development of the Project at the Santa Maria Site would not directly or indirectly result in a change to any historic-period architectural resources that meet the definition of a historical resource found in Section 15064.5. Therefore, potential impacts related to a substantial adverse change in the significance of a historical resource would be less than significant.

Mitigation Measure: **None Required**

IMPACT 4.5-2

- b. Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?***

Construction/Demolition: Less-than-Significant Impact with Mitigation

Rodeo Refinery

One prehistoric archaeological site (CA-CCO-257) has been previously recorded at the Rodeo Refinery, located near the shoreline in the western part of the Rodeo Site. As described in detail in Section 4.14, *Tribal Cultural Resources*, the site was largely removed and built upon during the 1909 development of the original Union Oil Company Refinery. Although CA-CCO-257 has not been evaluated for its eligibility for the California Register, any remaining intact deposits could potentially meet the CEQA definition of a historical resource. Additionally, construction activities could unearth previously unknown archaeological sites that are not visible on the ground surface. Although this scenario is unlikely given the extreme disturbance of the native soils on the Rodeo Site (including the placement of up to 15 feet of imported fill), pockets of intact buried cultural remains could still exist. Therefore, the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. With implementation of Mitigation Measure CUL-1, potential impacts would be reduced to less than significant.

Santa Maria Site

A records search of the Santa Maria Site identified one prehistoric archeological resource in the immediate area. That resource, CA-SLO-1190, consists of marine shell, lithic artifacts and debitage, fire affected rock (i.e., hearth stones), and midden soil; it is located at the undeveloped eastern edge of the Santa Maria Site; only a small portion of the resource is within the Santa Maria Site (San Luis Obispo County 2015). Demolition activities could potentially affect this known resource. Consultation was conducted with the NAHC for a previous project that was never implemented; however, that analysis resulted in a series of measures to protect the resource in the event of disturbance. Because the project was not constructed, the resource is still in place.

Additionally, demolition activities could unearth previously unknown archaeological sites that are not visible on the ground surface. Although this scenario is very unlikely given the extreme disturbance of the native soils, pockets of intact buried cultural remains could still exist. The impact would be considered potentially significant. However, with implementation of Mitigation Measure CUL-1 construction- and demolition-related impacts to previously unknown archaeological resources would be less than significant.

Mitigation Measure CUL-1: Inadvertent Discovery of Archaeological Resources

- Pursuant to CEQA Guidelines Section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” shall be instituted. In the event that any cultural resources are discovered during ground-disturbing activities, all work within 100 feet of the find shall be halted and Phillips 66 shall consult with the County and a qualified archaeologist (as approved by the County) to assess the significance of the find pursuant to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives of the County and the qualified archaeologist would meet to determine the appropriate course of action.
- Avoidance is always the preferred course of action for archaeological sites. In considering any suggestion proposed by the consulting archaeologist to reduce impacts to archaeological resources, the County would determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery, interpretation of finds in a public venue) would be instituted. Work may proceed on other parts of the Project site while mitigation for archaeological resources is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documented according to current professional standards.

IMPACT 4.5-3

- c. ***Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?***

Construction/Demolition: Less-than-Significant Impact with Mitigation

Rodeo Refinery

The original 1909 site record for CA-CCO-257 reports that “many” skeletons had been unearthed from the mound prior to and during its removal from the Rodeo Site for the construction of the Union Oil Company Refinery. There are no records or indication that human remains have been encountered during any subsequent construction activities at the Rodeo Site. Despite this lack of records, it is nearly impossible to conclusively state that no human remains associated with CA-CCO-257 or other unknown archaeological sites exist at the Rodeo Site. Operation of the Project would not involve any activities that would have the potential to expose human remains. If buried human remains exist within the areas involving Project elements, grading, excavation, and other construction-related activities could cause significant impacts to those remains. Implementation of Mitigation Measure CUL-2 would reduce potential impacts to less than significant.

Santa Maria Site

Similarly, although no human remains are known to have been encountered during development of the Santa Maria Site, the presence of a prehistoric archeological site adjacent to the site makes it nearly impossible to state conclusively that no human remains associated or other unknown archaeological sites exist at the site. If buried human remains exist within the area of Project-related activities, grading or excavation could cause significant impacts to those remains. Implementation of Mitigation Measure CUL-2 would reduce potential impacts to less than significant.

For analysis of impacts associated with tribal cultural resources, refer to Section 4.14, *Tribal Cultural Resources*.

Mitigation Measure CUL-2: Inadvertent Discovery of Human Remains

- The treatment of human remains and associated or unassociated funerary objects discovered during any ground-disturbing activity shall comply with applicable State law. Project personnel shall be alerted to the possibility of encountering human remains during Project implementation, and apprised of the proper procedures to follow in the event they are found. State law requires immediate notification of the County coroner.

4.5.8 References

- Contra Costa County. 2006. ConocoPhillips Rodeo Refinery Clean Fuels Expansion Project Environmental Impact Report. Prepared by ESA for the Contra Costa County Community Development Department. State Clearinghouse No. 2005092028.
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