

3.3 Cultural Resources

This section evaluates cultural resources issues to determine whether the Permanente Creek Restoration Plan (PCRP), including its revisions to the 2011 Creek Restoration Plan that are a component of the 2012 Reclamation Plan Amendment, would cause one or more new significant impacts or a substantial increase in the severity of a significant impact relative to the impacts disclosed in the 2012 EIR.

To do this, as explained in Section 2.3, *Focus of the Supplemental EIR*, and as summarized in Table 2-4, *Specific Areas of Focus for the Supplemental EIR*, this analysis focuses on PCRP areas in two locations: (1) outside of the existing Reclamation Plan boundary (for which Grading Approval would be required); and (2) within the Reclamation Plan boundary and the 120.2-acre Permanente Creek Restoration Area (PCRA), but outside of the PCRA's 49.2-acre disturbance area. In addition, more generally, the analysis evaluates whether the PCRP proposes work at greater intensity than previously considered in the 2012 EIR. As a result, Reaches 6–13 and Reaches 17 and 18 are key areas for evaluation.¹

This section describes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment relative to the 2012 EIR. This analysis is based in part on information contained in the *Cultural Resources Inventory and Evaluation Report for the Permanente Creek Restoration Project* (GEI Consultants, Inc. and AECOM 2016) on Lehigh's behalf. Unauthorized public disclosure of this report could result in a significant invasion of privacy, damage to a historic property, or impede the use of a traditional religious site by practitioners. County staff members and preparers of this Draft SEIR who have the appropriate credentials to review the report have done so and have independently determined that it is suitable to be relied upon, in combination with other materials included in the formal record, in the preparation of this Draft SEIR.

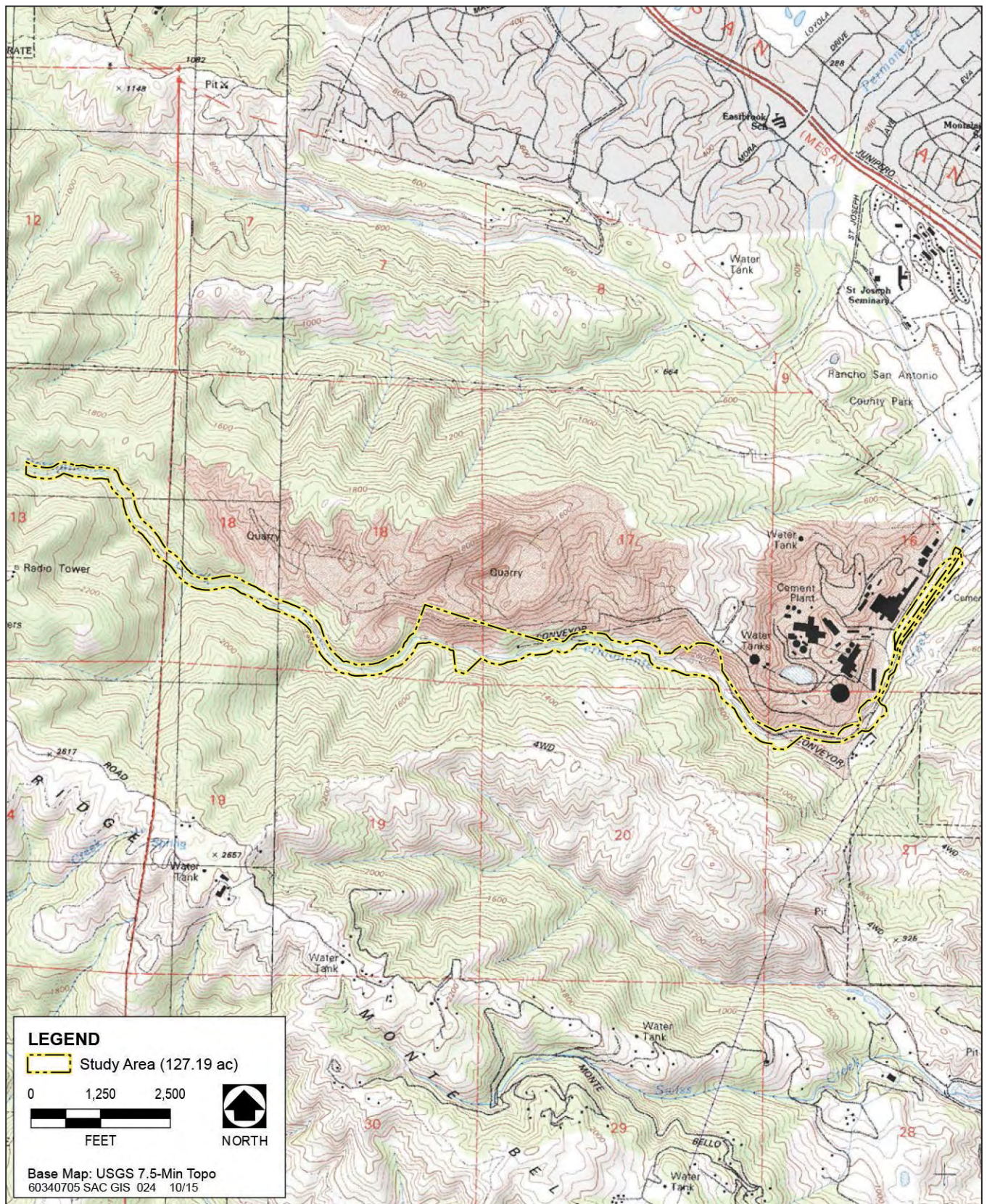
The County received scoping comments regarding cultural resources from the Native American Heritage Commission (Letter B), the Midpeninsula Regional Open Space District (Letter F), and a private citizen (Letter E). A copy of each letter is provided in **Appendix A, Scoping Report**. These comments are addressed in the following analysis.

3.3.1 Setting

3.3.1.1 Study Area

The study area for this analysis of potential impacts on cultural resources includes the 127.19-acre area outlined with a dashed yellow line on **Figure 3.3-1, Study Area**.

¹ See Section 2.4, *Correlation between 2012 EIR PCRA and the PCRP*, which correlates the restoration activities described and analyzed in the 2012 EIR with those described in the PCRP and analyzed in this SEIR. Section 2.5, *Permanente Creek Restoration Plan*, details the PCRP's proposed activities on a reach-by-reach basis.



SOURCE: AECOM, 2016

Permanente Creek Restoration Plan Supplemental Environmental Impact Report

Figure 3.3-1
Study Area



3.3.1.2 Environmental Setting

Section 4.5.1 of the Draft 2012 EIR described the environmental setting for the 2012 EIR's consideration of cultural resources: the prehistoric setting (page 4.5-3 et seq.), ethnographic setting (page 4.5-4), and historic setting (page 4.5-4 et seq.). A summary of research was also provided (page 4.5-12 et seq.). These descriptions remain accurate for purposes of this analysis of the PCRCP, except as supplemented below.

In May 2015, AECOM cultural resources specialists conducted a records search at the California Historical Resources Information System's Northwest Information Center in Rohnert Park. The records search included the entire study area and a 0.5-mile-wide buffer around the outside boundary of the study area. The materials reviewed included Northwest Information Center base maps indicating previous investigations and previously reported cultural resources; historic maps and literature pertaining to Santa Clara County; and national and state cultural resource inventories.

The records search identified six cultural resources within the study area, all of which date to the historic era and are related to either agriculture or the Kaiser Permanente Quarry (now known as the Permanente Quarry); no prehistoric archaeological resources have been identified in the study area. AECOM conducted a cultural resources pedestrian survey of the study area on May 10–12, 2015. Survey transects were spaced 15–50 feet apart, depending on terrain. Much of the study area could not be surveyed because detritus on steep slopes made conditions too dangerous for prolonged walking, although all exposed bedrock was inspected. Visibility in surveyed areas varied greatly; some areas had excellent visibility while vegetation or quarry debris effectively obscured the entire surface in other areas. Overall visibility was fair to good, with surface visibility of approximately 40–50 percent.

Archaeological Resources

The records search identified one previously recorded historic-era archaeological resource in the study area, Henry J. Kaiser's Cabin and Accessory Structure (P-43-0001869). The pedestrian survey did not identify any prehistoric archaeological resources or any new historic-era archaeological resources.

Kaiser's Cabin and Accessory Structure (P-43-001869)

This archaeological resource consists of Kaiser's Cabin and Accessory Structure. The structure may have been built as early as the 1860s, but the build date is not definitely known. Henry J. Kaiser rebuilt the structure in 1939 and it was used as a speakeasy during the Prohibition era. The structure is dilapidated and overgrown with vegetation. The resource was first recorded by Jurich and Grady (2007) and subsequently updated by Maggi et al. (2011).

Maggi et al. (2011) performed additional archival research; they did not revisit all of the site's associated structures, but they confirmed Jurich and Grady's description of the resource as being in an advanced state of dilapidation. The resource was revisited in May 2015 during the AECOM investigation (AECOM 2016) and found to be in the same condition as described in the first two visits. Only the walls of Kaiser's Cabin and a chimney are left standing and a great amount of

debris is present within the walls, mostly wooden planks. The two outbuildings are likewise dilapidated. No evidence of a subsurface deposit (e.g., outhouse, privy pit) was noted, but visibility in the area was extremely poor because of vegetation and cabin debris.

P-43-0001869 has not been formally evaluated for being eligible for listing in the National Register of Historic Places (National Register) or the California Register of Historical Resources (California Register); however, Jurich and Grady (2007) state that if it were evaluated, the site would likely be found eligible under Criterion B/2 for its association with Henry J. Kaiser. For purposes of this analysis, the resource is considered eligible for listing in the National Register and California Register.

Built-Environment Resources

Six historic-age built-environment resources are located in the study area. These resources consist of the Kaiser Permanente Quarry Mining District and five contributing resources: the Permanente Quarry Conveyor System, Permanente Road, the railroad segment, the railroad maintenance shed building, and the Permanente Creek Bridge. These resources are discussed below.

Kaiser Permanente Quarry Mining District (P-43-001867)

The Kaiser Permanente Quarry Mining District contains seven contributing buildings and structures, rural landscape features, a historic-era archaeological site (Henry J. Kaiser's Cabin and Accessory Structure [P-43-001869]), and one noncontributing structure, the Permanente Quarry Pump House. The contributing built-environment resources identified as part of previous cultural resources studies were the quarry's main pit, a storage area, a cement plant, a crusher, the quarry conveyor system, Permanente Road, and a railroad segment. Also included as rural landscape features were the foothills along Permanente Creek, and intact vegetation communities such as oak woodland, oak savanna, woodland/chaparral, and chaparral.

Three previously identified contributing built-environment resources are present within the study area. Two additional contributing resources, a railroad maintenance shed and a bridge, were identified within the study area during AECOM's May 2015 survey. Below is a discussion of their current conditions and recommended contribution to the eligibility of the Kaiser Permanente Quarry Mining District.

Permanente Quarry Conveyor System (P-43-002690) and Crusher—Contributor

The Permanente Quarry Conveyor System extends for approximately 2 miles and has a 48-inch belt on the conveyor. Other parts of this system include the remnants of a 1940s-era crusher near Permanente Creek and a 560-foot-long tunnel. The conveyor system is mostly elevated and is approximately 30 feet high in some areas.

Construction of the Permanente Quarry Conveyor System began in 1939. By 1943, the conveyor system had been expanded westward through a 560-foot tunnel to the southwest, originating from a crusher near Permanente Creek near the Lower Quarry. The conveyor system branched out northward from this location and ultimately extended for 2 miles. The 48-inch belt on the conveyor system initially was claimed to be capable of moving 1,000 tons of material in an hour.

It was an important part of the quarry operations and was used as an efficient way to transport material.

The remnant of the crusher near Permanente Creek is located near what was once the Lower Quarry. The crusher was located at the upper terminus of the conveyor belt. Limestone rock was crushed here before traveling on the conveyor belt to the processing plant. The conveyor branched out northward from this location to two other crushers, between the two quarry locations, and ultimately extended for 2 miles. The upper terminus and crusher located near Permanente Creek remain today in ruins, with only some structural members remaining. A new larger crusher has been installed east of this terminus.

As part of this Project, AECOM revisited portions of the conveyor system within the study area to assess their condition. No changes were noted and the system continues to appear to contribute to the Kaiser Permanente Quarry Mining District.

Permanente Road (P-43-001868)—Contributor

Permanente Road starts within the quarry, extends down to and across Permanente Creek to the south, and continues alongside the creek. Sections of the road have been widened and regraded in some areas. The road varies in width, but generally is approximately 8 feet wide.

Permanente Road was constructed in the 1890s as a wagon road. The road was used as part of mining operations in the quarry and to access Kaiser's cabin. As part of this Project, AECOM revisited portions of the road within the study area to assess its condition. No changes were noted. Permanente Road continues to appear to contribute to the Kaiser Permanente Quarry Mining District.

Permanente Railroad Segment (CA-SCL-892H [P-43-001833])—Contributor

The railroad segment is approximately 0.5 mile long and consists of two steel tracks with wood ties. Several sections of track are missing ties and have been overgrown by vegetation. The line travels in a northeast-southwest direction. The segment within the study area begins just east of the Permanente Creek Bridge and terminates at the railroad maintenance shed.

The Permanente Railroad was built circa 1940 and consisted of a network of 10 tracks inside what was then known as the Kaiser Permanente Cement Plant. As part of this Project, AECOM revisited portions of the railroad within the study area to assess its condition. No changes were noted. The railroad segment continues to appear to contribute to the Kaiser Permanente Quarry Mining District.

Permanente Railroad Maintenance Shed—Contributor

Associated with the railroad segment is a maintenance shed. This is a wood-frame building with a rectangular plan, a concrete slab foundation, and a front gable roof. The building is entirely sheathed in corrugated metal siding. It is open on its east elevation with a smaller opening on its west elevation. Railroad tracks lead into the building and there is a large concrete-lined trench in the center of the foundation. Surrounding the building are mature trees, shrubs, and gravel roads.

As part of their analysis, Maggi et al. (2011) identified the shed building, but they did not describe the building in detail, nor did they discuss it as part of the evaluation of the railroad. AECOM (2016) reassessed the resource for this Project. The shed was constructed circa 1948 during the post–World War II boom, a time of peak performance for the quarry. The shed building was constructed out of necessity to service the plant’s two locomotives; it contributes to the significance of the Kaiser Permanente Quarry Mining District under National Register/California Register Criterion A/1 because the maintenance shed played an important role in the operation of the railroad system used by the quarry. Material from the quarry was transported by the plant’s locomotives and transferred to the Southern Pacific Railroad tracks just outside the quarry facility. The materials were then distributed to various destinations. The maintenance shed was used to keep the quarry’s locomotives in working condition, thereby contributing to the significance of the railroad and the Kaiser Permanente Quarry Mining District.

Permanente Creek Bridge—Contributor

The Permanente Creek Bridge is a steel and concrete bridge that carries the two-lane Permanente Road over Permanente Creek. The bridge is approximately 200 feet long and 25 feet wide and features curved closed concrete railings. A date stamp reading “1941” is located on the north railing’s northeast corner.

This bridge appears to contribute to the Kaiser Permanente Quarry Mining District. According to historic maps, no road existed in this area before 1941, the date of the bridge’s date stamp. The Permanente Creek Bridge was likely constructed during this period of the quarry’s expansion. As quarry operations increased during World War II, it became increasingly imperative to build a reliable road to access the facility. That also required a bridge to cross Permanente Creek. The bridge served a functional yet important purpose to the daily operations of the quarry facility.

District Evaluation

The Kaiser Permanente Quarry was constructed between 1939 and 1967. The Kaiser Permanente Quarry Mining District was evaluated in 2007 by Jurich and Grady and recommended as eligible for the National Register under Criterion A for its association with the development of Shasta Dam and the rebuilding of Pearl Harbor during World War II, and under Criterion B for its association with Henry J. Kaiser. Its period of significance extends from 1939, the beginning of the quarry operations, to 1969, the year when Kaiser died.

Maggi et al. (2011) revisited the Kaiser Permanente Quarry Mining District and reassessed the site for National Register/California Register eligibility as part of the Permanente Quarry Facility Comprehensive Reclamation Plan Project. They recommended the district as eligible under National Register/California Register Criterion A/1, as representing an important local development pattern that significantly reflects how the contemporary industrial base of the County of Santa Clara and California evolved from the end of the Great Depression through the periods during and after World War II.

In addition, Maggi et al. (2011) recommended that the Kaiser Permanente Quarry Mining District appears eligible under National Register/California Register Criterion C/3, because it represents a distinctive creative act in the field of engineering. As part of that evaluation, the district’s

boundary was modified to include the railroad line and its associated shed, the hillside above the easterly terminus of the conveyor system and powerhouse, and the greater area of the cabin, which includes the road, the Lower Quarry, and the crusher and historic landscape features. The boundary change includes portions of the study area for this Project. The areas surveyed by AECOM in 2015 for this Project remain unchanged, and the eligibility recommendations made by Jurich and Grady (2007) and Maggi et al. (2011) for the District remain valid.

3.3.1.3 Regulatory Setting

Section 4.5.1.6 of the Draft 2012 EIR (page 4.5-19 et seq.) described the regulatory setting for the analysis of potential impacts on cultural resources. The regulatory setting discussed federal, state, and local laws, regulations, plans, and policies applicable to the analysis of the proposed creek restoration and other Project components considered in the 2012 EIR. The section summarized provisions related to the National Register; the California Office of Historic Preservation, California Register, and CEQA (specifically regarding historical resources); and the County's Historic Preservation Ordinance. These descriptions remain accurate for purposes of this analysis of the PCRCP.

3.3.2 Significance Criteria

Consistent with the County of Santa Clara Environmental Checklist and the version of the CEQA Guidelines Appendix G Environmental Checklist that was in effect at the time, Section 4.5 of the 2012 EIR determined that the proposed 2012 Reclamation Plan Amendment, including creek restoration work within the PCRA, would have a significant impact if it would:

- (a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the CEQA Guidelines, or the County's Historic Preservation Ordinance (Section 17 of the County Ordinance Code)—i.e., relocation, alterations, or demolition of historical resources;
- (b) Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines;
- (c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (now addressed in Section 3.5, *Geology and Soils*);
- (d) Disturb any human remains, including those interred outside of formal cemeteries; or
- (e) If within the New Almaden Historic area, conflict with Santa Clara County General Plan policies of this designated special policy area.

3.3.3 Direct and Indirect Effects

3.3.3.1 Methodology

Based on independent review of the technical reports noted above and included in the County's formal record for this Project, the preparers of this SEIR evaluated activities proposed as part of the PCRCP to determine whether related impacts would cause any new significant impact or any

substantial increase in the severity of a significant impact on cultural resources relative to the impacts disclosed in the 2012 EIR.

3.3.3.2 Baseline

Section 3.0.1, *Environmental Baseline*, explains that in the context of an SEIR, the CEQA baseline is adjusted such that the originally approved project is assumed to exist. Therefore, the baseline used here to evaluate the impacts of the PCRCP and alternatives consists of existing environmental conditions plus the 2012 Reclamation Plan Amendment and 2012 EIR, and the creek restoration plans evaluated therein.

Thus, for purposes of this analysis of potential impacts on cultural resources, the baseline includes removal of the Permanente Quarry Conveyor System, including the related tunnel, and partial removal of remnants of the 1940s-era crusher (the “old crusher foundation”) as part of the 2012 Reclamation Plan Amendment. These actions were analyzed and found to result in a significant and unavoidable impact on historical resources (Impact 4.5-1, 2012 EIR). Three mitigation measures address this impact:

- Mitigation Measure 4.5-1a: Documentation
- Mitigation Measure 4.5-1b: Salvage and Relocation
- Mitigation Measure 4.5-1c: Public Education and Interpretation

These mitigation measures would be implemented as part of the baseline condition for the PCRCP because they are independently enforceable obligations of the 2012 approvals.

3.3.3.3 Discussion of Criteria with No Cultural Resources Impact

Criterion (e) as set forth in Section 3.3.2 was eliminated from more detailed consideration in the 2012 EIR for the reasons explained on Draft 2012 EIR page 4.5-24. For the reasons explained there, this criterion also would not be affected by the PCRCP and is not considered in this SEIR.

3.3.3.4 Direct and Indirect Effects of the Project

The following analysis evaluates the potential significance of the change in the physical environment that would be caused by implementation of the PCRCP relative to the baseline condition; compares that impact conclusion with the impact conclusion reached in the 2012 EIR regarding the same consideration; and then determines whether implementing the PCRCP would cause one or more new significant impacts or a substantial increase in the severity of a significant impact relative to the impacts disclosed in the 2012 EIR. For the reasons discussed below, implementing the PCRCP would not cause a new significant impact or a substantial increase in the severity of a significant impact relative to the impacts disclosed in the 2012 EIR.

Impact 3.3-1: Project activities could cause an adverse change in the significance of a historical resource pursuant to Section 15064.5 of the CEQA Guidelines and the County’s Historic Preservation Ordinance.

Five contributing built-environment resources—the Permanente Quarry Conveyor System, Permanente Road, the Permanente Railroad segment, the Permanente Railroad maintenance shed, and the Permanente Creek Bridge—are a part of the Kaiser Permanente Quarry Mining District located within the study area. No stream restoration work for the Project would affect the Permanente Railroad segment, the Permanente Railroad maintenance shed, or the Permanente Creek Bridge. These resources would remain and would continue to display their character-defining features and historical significance.

Portions of the Permanente Quarry Conveyor System include foundations associated with a 1940s-era rock crusher that would be partially removed per the Amended Consent Decree as part of the Project. The removal of these features was analyzed as part of the 2012 EIR, which identified a significant and unavoidable impact on historical resources. Thus, the removal of these features (which has been carried forward as part of the PCRCP) would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR with respect to these resources or the Kaiser Permanente Quarry Mining District.

Removing rock material would reduce the width of Permanente Road within Reaches 8–12. However, the road’s character-defining features, including the gravel and dirt, and its circulation pattern would not be altered. The road would retain integrity of location, setting, feeling, and association. Its integrity of design, material, and workmanship would be slightly altered, but it would retain sufficient integrity to convey its significance as a contributor to the Kaiser Permanente Quarry Mining District. The district as a whole also would retain integrity, and the proposed stream restoration would not affect most of its contributing features, including the main pit, storage area, cement plant, conveyor system, quarry, and railroad, and the remains of Kaiser’s cabin. The Kaiser Permanente Quarry Mining District would retain sufficient contributors to communicate its significance as an industrial base (National Register/California Register Criterion A/1), for its association with Kaiser (National Register/California Register Criterion B/2), and as an engineering accomplishment (National Register/California Register Criterion C/3). Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR with respect to changes in the width of Permanente Road.

Baseline Mitigation from 2012 EIR: Mitigation Measure 4.5-1a, Mitigation Measure 4.5-1b, and Mitigation Measure 4.5-1c. The full text of each measure is provided in Draft SEIR Table H1, *Impacts and Mitigation Measures for the 2012 Permanente Quarry Reclamation Plan Amendment*.

Additional Mitigation: None required.

Impact 3.3-2: Project activities could cause an adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.

Site P-43-0001869 has not been formally evaluated as eligible for listing in the National Register or California Register, although Jurich and Grady (2007) state that if evaluated, the site would likely be found eligible under Criterion B/2 for its association with Henry J. Kaiser. For purposes of this analysis, the resource is considered eligible for listing in the National Register and California Register. The resource is located in a portion of the study area where little ground disturbance would occur; contractors would enter the area on foot and manually remove vegetation and replant native species. No impact on the resource would occur; therefore, implementation of the Project would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR related to the eligibility of Site P-43-0001869 for listing in the National Register and California Register.

No additional historic-era or prehistoric archaeological resources were identified in the study area during the 2015 survey or previous survey efforts. Although there is no indication that the study area contains unrecorded archaeological resources, the possibility of accidentally uncovering undocumented archaeological resources cannot be discounted entirely. Accidental damage to or destruction of a previously unrecorded and unique archaeological resource would be a potentially significant impact. In the unlikely event that archaeological materials are discovered during project activities, implementation of Mitigation Measure 4.5-2 from the 2012 EIR would ensure that work would cease in the immediate area and a qualified archaeologist would be hired to document the find, assess its significance, and recommend further treatment. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

Baseline Mitigation from 2012 EIR: Mitigation Measure 4.5-2. The full text of this measure is provided in Draft SEIR Table H1, *Impacts and Mitigation Measures for the 2012 Permanente Quarry Reclamation Plan Amendment*.

Additional Mitigation: None required.

Impact 3.3-3: Project activities could disturb human remains, including those interred outside of formal cemeteries.

Although there is no indication that the study area has been used for human burials, the possibility cannot be discounted entirely. In the unlikely event that human remains are discovered during Project activities, implementation of Mitigation Measure 4.5-4 from the 2012 EIR would ensure that work would cease in the immediate area and the County Coroner would be contacted to assess the find. The measure would ensure that any discoveries would be handled in accordance with state law and would reduce the significance of this impact. Therefore, the PCRCP would cause **no new significant impact and no substantial increase in the severity of a significant impact** relative to the impact disclosed in the 2012 EIR for this significance criterion.

Baseline Mitigation from 2012 EIR: Mitigation Measure 4.5-4. The full text of this measure is provided in Draft SEIR Table H1, *Impacts and Mitigation Measures for the 2012 Permanente Quarry Reclamation Plan Amendment*.

Additional Mitigation: None required.

3.3.4 Cumulative Analysis

The Draft 2012 EIR analyzed potential cumulative effects in Section 6.2.5, *Cultural and Paleontological Resources* (page 6-18 et seq.), concluding that the creek restoration work within the PCRA (as a component of the Reclamation Plan Amendment) “would have no impact to cultural resources” and therefore could not cause or contribute to any significant adverse cumulative effect. For the reasons discussed below, the PCRCP would cause **no new significant impact** and **no substantial increase in the severity of a significant impact** in the cumulative context relative to the impacts disclosed in the 2012 EIR.

The 2012 EIR analyzed cumulative impacts on historic resources, including the loss of the Permanente Quarry Conveyor System and crusher, and concluded that its loss would not considerably contribute to a significant cumulative impact on Kaiser-associated resources in the Bay Area. The current Project would alter the width of Permanente Road, a contributing feature within the Kaiser Permanente Quarry Mining District. However, this alteration would not result in a cumulatively considerable contribution to a significant cumulative impact.

3.3.5 Confidential References

GEI Consultants, Inc. and AECOM. 2016. *Cultural Resources Inventory and Evaluation Report for the Permanente Creek Restoration Project, Santa Clara County, California*. Prepared for Leigh Hanson. March 2016.

Jurich, D., and A. Grady. 2007. *Archaeological and Historic Properties Survey Report for the Hanson Permanente Cement Reclamation Plan*. Prepared by PBS&J. Prepared for the County of Santa Clara.

Maggi, F., S. Winder, and J. Kusz. 2011. *Historic Resource Evaluation, Permanente Quarry Facility Comprehensive Reclamation Plan Project, Lehigh Southwest Cement Company, 24001 Stevens Creek Blvd., Cupertino, Santa Clara County, California*. Prepared by Archives & Architecture. Prepared for County of Santa Clara.