

DPC March 9, 2023 meeting – Agenda Item 12 (Draft Survey of Cultural Resources in the Delta Conveyance Project Area)

Delta Protection Commission Meeting
March 9, 2023

AGENDA ITEM 12: Draft Survey of Cultural Resources in the Delta Conveyance Project Area

Prepared by: Virginia Gardiner and Dan Ray

Presented by: Virginia Gardiner

Requested Action: **Receive draft report and approve including it as an attachment to Commission comment letter on Delta Conveyance Project Draft Environmental Impact Statement**

Type of Action: Approve staff recommendation

Background: At the January 19, 2023 Commission meeting, staff presented on efforts to protect the Delta’s historic and cultural resources from adverse effects of the Department of Water Resources (DWR) proposed Delta Conveyance Project (DCP, or tunnel). The Commission is a consulting party to the National Historic Preservation Act (NHPA) Section 106 process and in that capacity, Commission staff have been participating since 2020 in development of a Programmatic Agreement that would outline processes to protect identified resources if a tunnel project is approved.

The work builds on the significant research that went into developing the Sacramento-San Joaquin Delta National Heritage Area (NHA) feasibility study. It helps fulfill the Commission’s responsibility under Section 29703.5(a) of the Delta Protection Act to provide a forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique values and cultural resources of the Delta. It also draws on the Commission’s authority to provide recommendations to the Delta Stewardship Council (Council) on methods of preserving the Delta as an evolving place as the Council implements the Delta Plan.

Draft Survey of Historic and Cultural Resources: In 2020, the US Army Corps of Engineers (Corps), as part of its review of DWR’s proposed tunnel, requested that Commission staff share information about historic resources that the project could affect. In response, staff prepared and sent to the Corps a survey of the Delta’s historic features based on Corps Section 106 guidelines. The survey has since been updated several times and is provided in Attachment 1, “Draft Survey of Cultural Resources of the Sacramento-San Joaquin Delta in the Delta Conveyance Project Area.” The survey is organized based on the Delta NHA feasibility study themes:

- Delta Rivers, Sloughs, Marshes, and Riverside Woodlands
- Islands, Tracts, and Drainage and Flood Control Works

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- Orchards, Vineyards, and Farms
- Delta People
- Water Management

The survey presents supporting facts from a variety of sources. Research for the draft survey drew on information from the Commission’s [“Delta Narratives”](#) report, and was supplemented by additional staff research and reviews by historians, landscape architects, Delta community organizations and residents, and staff at the affected counties.

The survey describes the broad sweep of the Delta’s historic resources. It proposes that areas in the Delta affected by the tunnel project are part of a “significant cultural landscape” that meet the Secretary of the Interior’s *Guidelines for Treatment of Cultural Landscapes* and its *Guidelines for Treatment of Rural Historic Landscapes* and should be protected. The culture of the landscape at stake is primarily agriculture, which in the Delta developed early and with features that define the Delta landscape’s character. The draft survey details many of the specific types of features – landscapes, communities, people and structures. These include small riverside communities, including Hood, adjoining farms and riversides along the Sacramento River and State Route 160, the shaft launch sites and tunnel muck storage sites on Twin Cities Road and Roberts Island, and shaft retrieval sites in San Joaquin and Contra Costa counties.

California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA):

Both CEQA and NEPA require consideration of impacts to cultural resources, including historic properties. Alternatives that could avoid adverse impacts must be identified and feasible measures to mitigate damage must be proposed. In the Commission’s 2022 comments on the tunnel Draft Environmental Impact Report (DEIR), staff drew on information in the survey to identify historic buildings and districts that the project would damage and potential ways to avoid or reduce impacts. These include both sites listed on the state or national registers of historic places as well as sites that Commission staff believe meet state and federal criteria for listing. Staff’s comments also addressed land use, noise, and visual effects, in part because they are recognized as affecting the setting of historic properties. Staff are taking a similar approach with comments on the NEPA Draft Environmental Impact Statement (EIS) as outlined in Agenda Item 11. The NEPA comments are more extensive in part because of the Corps’ role as lead agency for the EIS, in implementing the NHPA. Attaching the survey report to the DEIS comment letter will provide the level of detail needed to document errors and omissions in the environmental review, and avoids duplication of effort.

Next Steps: Commission staff propose to include the Draft Survey of Cultural Resources of the Sacramento-San Joaquin Delta in the Delta Conveyance Project Area (Attachment 1) with the

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final comment letter on the DEIS to be completed with the assistance of the Commission’s ad hoc committee.

Recommended Action: Accept draft report and approve attaching it to DEIS comment letter.

Relationship to Vision 2030 (Commission strategic plan):

Water (Strategic Theme)

W.1 Promote Delta water solutions that reduce reliance on Delta fresh water supplies, provide through-Delta fresh water conveyance to protect Delta water quality and water rights, and protect and enhance the Delta’s natural resources, recreation, agriculture, adjacent urban areas and economies.

1.3 Analyze proposals for addressing water supply reliability for compatibility with Delta values.

Heritage (Strategic Theme)

H.2 Protect and promote the tribal, cultural, and historical resources of the Delta.

2.2 Advance recognition of the national significance and unique stories of the Delta and support implementation of associated projects