

3.5 - Cultural Resources

This section provides a discussion of the cultural resource and paleontological resource issues for the project, as well as an analysis of potential impacts that may occur as the result of project implementation. Descriptions and analyses in this section are based on information contained in the following documents:

- County of Riverside, County of Riverside General Plans (2003, 2015).
- The Phase I Cultural Resource Assessment I-10 Gateway Center Tentative Tract Map #36093 Community of Cherry Valley, Riverside County, California, prepared in April 2013 by FirstCarbon Solutions (FCS), included in this Recirculated Draft EIR (RDEIR) as Appendix D.1.
- Phase I Cultural Resources Assessment I-10 Gateway Center and the Paleontological Resources Assessment for the 1-10 Gateway Center project prepared in April 2013 by FCS, included in this RDEIR as Appendix D.2.

3.5.1 - Existing Conditions

The project area is located within a geological formation known as the Beaumont Plain Fault Zone, approximately 2 miles west of the low saddle that separates the San Gorgonio Creek watershed and flows into the Coachella Valley from the San Timoteo Creek watershed. The project is located in incised alluvium with surface flows heading toward the southwest and into the headwaters of San Timoteo Canyon. The project site lies between the northwestern portion of the San Jacinto Mountains and the San Timoteo Badlands, and lies along the southern foothills of the San Bernardino Mountains.

Information Center Search

The primary purpose of a cultural resource record search is to determine what cultural resources more than 45 years old have been recorded in the project area, and whether such resources will be or could be impacted by development. A records search at the Eastern Information Center (EIC), which is located at the University of California at Riverside, was conducted on September 10, 2012 by Michael Dice of FCS to determine the existence of previously documented cultural resources within the project area. The records search included current inventories of the following:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CR)
- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)
- California State Historic Resources Inventory (HRI)
- Archival maps for the City and County

A search radius of 1 mile around the project perimeter was used during this effort. Such a radius will ensure the record search includes recorded cultural resources that have the potential to be impacted by the project. To identify any historic properties, FCS examined the current inventories of the NRHP,

CR, CHL, and CPHI. In addition, FCS reviewed the HRI listings for Riverside County and archival maps to determine the existence of previously documented local historical resources.

According to the EIC files, numerous surveys have taken place near the project area; however, all but one are located just outside the project area. In addition, few cultural resources have been recorded near the project area. Most of these are historic-era artifacts and/or historic features. Table 3.5-1 lists the type of previously recorded cultural resources.

Table 3.5-1: Previously Recorded Cultural Resources

Primary #	Location	Type	>1 mile	>½ mile	>¼ mile	On-site?
P33-4115H	Section 34	Historic foundations and well	●			No
P33-6239	Section 31	Saahatpa marker (CHL marker)	●			No
P33-13717	Section 36	1950 house off Roberts Road		●		No
P33-14868	Section 34	1946 house and outbuildings	●			No
P33-14869	Section 34	Historic refuse		●		No
P33-14870	Section 30	1949-50 house and outbuildings			●	No
P33-15000	Section 36	1920 house	●			No
P33-15002	Section 36	Historic irrigation system and 1870 residence	●			No
P33-17122	Section 29	1938 Lantis property	●			No

Source: FCS, 2013.

Native American Heritage Commission Record Search

A request was sent to the Native American Heritage Commission (NAHC) for a search of the Sacred Lands File for the project area. A response from the NAHC was received on September 10, 2012 indicating that no Native American cultural resources were known within the project area. Included with the response was a list of eight Native American representatives who were sent information request letters on September 12, 2012. As of the date of the Phase I Cultural Resources Assessment report, one response was received from Michael Contreras of the Morongo Band, who indicated that there were no sacred lands located within the project area. Associated documents are included in Appendix A of the Cultural Resource Assessment, included in this EIR as Appendix D.1. In correspondence from the County of Riverside on May 7, 2013, the project planner confirmed that staff received comments from the Soboba Tribe regarding the project.

Paleontological Resources Assessment Research Results

Kenneth J. Lord, PhD¹ requested a paleontological records check on September 10, 2012. The response was received on October 31, 2012, from Eric Scott, Curator of Paleontology at the San Bernardino County Museum (SBCM). Mr. Scott undertook a literature review and records search of

¹ Formerly Director of Natural Resources for Michael Brandman Associates (MBA), now FirstCarbon Solutions (FCS).

the paleontology of the study area (see Appendix B of the Paleontological Resources Assessment, included in this EIR as Appendix D.2). The paleontological review showed that the project area is situated entirely upon surface exposures of Pleistocene older alluvium with a thin veneer of Holocene or recent alluvium. These deposits have a high potential to contain significant paleontological resources, and they are assigned a high paleontological sensitivity. Excavations into older Pleistocene alluvial sediments throughout the Inland Empire have previously yielded significant fossils of extinct plants and animals from the “Ice Age,” including mammoths, mastodons, ground sloths, dire wolves, short-faced bears, saber-toothed cats, large and small horses, large and small camels, and bison as well as fossilized plant remains.

A search of the Regional Paleontologic Locality Inventory (RPLI) at the SBCM indicates that no paleontologic resource localities are recorded within the boundaries of the project site or within one mile in any direction.

Review of sensitivity maps and reports obtained from the search of the Riverside County Land Information System (RCLIS), indicate that the project area has a high paleontologic sensitivity designation of “A.” This sensitivity designation is presumably based upon the Pleistocene age of the project area soils and their high paleontologic sensitivity when they exhibit a fine-grained lithology conducive to the preservation of fossil resources. The categorization of High Sensitivity “A” suggests that significant fossil remains could be encountered at or near the surface as well, if conditions are conducive for fossil preservation.

3.5.2 - Regulatory Setting

State Regulations

California Register of Historical Resources

As defined by Section 15064.5(a)(3)(A-D) of the State CEQA Guidelines, generally a resource shall be considered historically significant if the resource meets the criteria for listing on the CR. The CR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model, since the NRHP provides the highest standard for evaluating the significance of historic resources. A resource that meets the NRHP criteria is clearly significant. In addition, a resource that does not meet the NRHP standards may still be considered historically significant at a local or state level.

Senate Bill 18 (SB 18)

California Senate Bill (SB) 18 states that prior to a local (city or county) government’s adoption of any general plan or specific plan, or amendment to general and specific plans, or a designation of open space land proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes for the purpose of preserving or mitigating impacts to Cultural Places. A Cultural Place is defined as:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9), or;
- Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.995).

According to the Government Code (GC) Section 65352.4, “consultation” is defined as:

The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American Tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

While consultation is required to take place on a government-to-government level, the SB 18 process begins with a letter from the local government to the NAHC requesting a list of tribal organizations appropriate to the plan or plan amendment area or proposed open space designation. Once contacted by the local government, the tribes have up to 90 days to respond and request consultation regarding the preservation and treatment of known cultural place(s), if any have been identified by the tribe.

Pursuant to SB 18, Riverside County staff met with the Soboba Band of Luiseno Indians on April 3, 2014 to discuss the project. In a letter dated January 18, 2017, the Soboba Band of Luiseno Indians requested further consultation under SB 18.

California Assembly Bill 52

Assembly Bill 52 (AB 52), which took effect in July of 2015, requires that any public or private “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Tribal cultural resources include “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.”

Under prior law, tribal cultural resources were typically addressed under the umbrella of “cultural resources,” as discussed above. AB 52 formally added the category of “tribal cultural resources” to CEQA, and extends the consultation and confidentiality requirements to all parties involved, rather than just the Lead Agency and/or projects subject to SB 18 as discussed above.

The parties must consult in good faith, and consultation is deemed concluded when either (1) the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Sample measures include:

- Preservation in place
- Protecting the cultural character and integrity of the resource
- Protecting the traditional use of the resource
- Protecting the confidentiality of the resource
- Permanent conservation easements with culturally appropriate management criteria

This law applies to any project that has a notice of preparation (NOP), a notice of negative declaration, or mitigated negative declaration filed on or after July 1, 2015. The most recent project NOP was issued on January 6, 2014 and concluded on February 12, 2014. Therefore, the proposed project is not subject to AB 52, although the County has consulted with applicable tribes pursuant to SB18, and will continue to do so throughout the CEQA process and during ground-disturbing activities as warranted.

California Environmental Quality Act

The State CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The State CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine if they meet the criteria for listing in the California Register. If an archaeological site is an historical resource, in that it is listed or eligible for listing in the California Register, potential adverse impacts to it must be considered. If an archaeological site is considered not to be an historical resource but meets the definition of a “unique archeological resource” as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

Section 15064.5 of the State CEQA Guidelines

This section of the State CEQA Guidelines pertains to determining the significance of impacts to archaeological and historical resources. This section defines what a historical resource is and discusses how CEQA applies to effects on archaeological sites.

Appendix G of the State CEQA Guidelines

This appendix to the State CEQA Guidelines pertains to potential project impacts to cultural resources, including historical resources, archaeological resources, paleontological resources, and human remains.

Local Regulations

The applicable policies listed below are from the County of Riverside General Plan, and are intended to ensure the preservation of cultural, historical, archaeological, paleontological, geological, and educational resources in the County.

Cultural resources are evidence of past human activity that become important for scientific, historic, and/or religious reasons to communities, descendant groups, and individuals. They may include objects, buildings, structures, sites (particularly archaeological sites), areas, places, records, or manuscripts associated with history. Some examples of cultural resources are pioneer homes, buildings, or old wagon roads; structures with unique architecture or designed by a notable architect; prehistoric Native American village sites; pioneering ethnic settlements; historic or prehistoric artifacts or objects; rock inscriptions; human burial sites, battlefields, railroad water towers, prehistoric trails, early mines, or important historic industrial sites.

Cultural resources may also include places that have historic or traditional associations or that are important for their natural resources like places where Native Americans have gathered plants for the purpose of making baskets or medicines, places where religious or ceremonial activities have occurred, or places where a significant historic event has occurred. Some of these places may not

have physical evidence of their use, but rather may only be recognized through oral history or archival documentation. Other such places may include numerous artifacts and/or ruins above or below ground.

Cultural resources are nonrenewable resources and often yield unique information about past societies and environments, and provide answers for modern day social, scientific, and heritage concerns. The consideration and preservation of important examples of history within Riverside County benefits the public by maintaining historic identity and a sense of place and tradition.

The cultural history of Riverside County is divided chronologically into two primary time periods: the prehistoric and historic, which includes ethnohistoric information. Native American cultures may represent approximately 10,000 years of County history, which is evidenced in the numerous archaeological resources across the County. Tribal oral history and heritage preservation efforts supplement the scientific investigation of archaeological resources by providing interpretive and geographical information. Native American cultures continue to flourish in the County and take an increasing interest and role in the documentation and preservation of their history.

The County also has a rich non-Native American history. Early explorers and settlers (Chinese, European, Mexican, Japanese, and many others) established communities, infrastructure (railroads, canals, etc.), and industries (ranching, mining, agriculture, forestry, recreation, etc.) that shaped the development and identity of the County. The vestiges of their many historic “marks on our land” can still be found today. An initial inventory of Historical Resources in the County was completed and mapped in the 1980s, as shown in Figure OS-6, but many more historic resources are known to exist that have not yet been documented. As objects, buildings, and structures continue to age, they may be considered historical resources under local, state, or national laws.

Technical studies prepared by professionally qualified individuals are often required to identify and evaluate cultural resources as part of the environmental review process associated with proposed development and public project review. These studies have contributed a wealth of knowledge about the prehistory and history of Riverside County and assist the County in identifying cultural resources worthy of preservation.

- **OS 19.2:** The County of Riverside shall establish a cultural resources program in consultation with Tribes and the professional cultural resources consulting community. Such a program shall, at a minimum, address each of the following: application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; and the descendant community consultation requirements of local, state, and federal law.

A Phase I Cultural Resources Assessment and a Paleontological Resources Assessment have been prepared to address potential impacts of the proposed project. Consultation with local Tribal authorities occurred as part of the preparation of these assessments.

- **OS 19.3:** Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.

- **OS 19.5:** Exercise sensitivity and respect for human remains from both prehistoric and historic time periods and comply with all applicable laws concerning such remains.

Paleontological resources are the fossilized biotic remains of ancient environments. They are valued for the information they yield about the history of the earth and its past geologic formations known to potentially contain paleontological resources. Lands with high, low, or undetermined potential for finding paleontological resources are mapped in Figure OS-7, the Paleontological Sensitivity Resources Map of the General Plan. This map is used in the environmental assessment of development proposals and the determination of required impact mitigation. The following policies are intended to ensure that paleontological resources are appropriately considered:

- **OS 19.6:** Whenever existing information indicates that a site proposed for development has high paleontological sensitivity, a paleontological resource impact mitigation program (PRIMP) shall be filed with the County Geologist. The PRIMP shall specify steps to be taken to mitigate impacts to paleontological resources.
- **OS 19.9:** Whenever paleontological resources are found, the County Geologist shall direct them to a facility within Riverside County for their curation, including the Western Science Center in the City of Hemet.

A Biological Technical Report, a Phase I Cultural Resources Assessment and a Paleontological Resources Assessment have been prepared to address potential impacts of the proposed project.

3.5.3 - Thresholds of Significance

The County of Riverside utilizes Appendix G of the State CEQA Guidelines as its thresholds of significance for CEQA analysis. Further, the County provides a number of additional environmental considerations as part of the County's Environmental Assessment Checklist.

Would the project:

- a) Alter or destroy an historic site?
- c) Alter or destroy an archaeological site?
- f) Restrict existing religious or sacred uses within the potential impact area?

According to State CEQA Guidelines Appendix G thresholds, to determine whether impacts to cultural resources are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, tribal cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.5.4 - Project Impact Analysis and Mitigation Measures

This section discusses potential impacts associated with the project and provides mitigation measures where necessary.

Historic Resources

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5.

Impact Analysis

In accordance with CEQA and County of Riverside Archaeological Guidelines, FCS has assessed the effects of potential future development within the project area. A cultural resource record search was conducted on September 10, 2012 by FCS staff at the Eastern Information Center (EIC), which is located at the University of California, Riverside. The search included the project area and a 1-mile radius. To identify any historic properties, the current inventories of the NRHP, CRHR, CHL, and CPHI were examined. Historic-era structural resources were not expected to be present since no structures or structural remains were observed on the historical aerials or topographic maps. In addition, no structures or structural remains were observed during the course of the field survey. The lack of structures or structural remains suggests that the potential for impacting historic-era resources should be considered “none.” The results of the cultural resource record search indicate that the potential for impacting buried historic-era resources is negligible. In addition, the project site is not used for existing religious or sacred uses. As indicated in the Cultural Resource Report, FCS archaeologists Michael Dice, M.A., Arabesque Said, and Andrea Stella conducted a pedestrian survey of the project area on September 13 and 14, 2012. In addition, a site visit was conducted on September 27, 2012 by Mr. Dice. No cultural resources, including existing religious or sacred sites, were located as part of this detailed survey, and none of the tribal representatives contacted identified the existence of such sites within the project area.

Although there are no observable historic cultural resources within the project area, the potential exists for encountering unknown buried historic resources during project construction. As such, Mitigation Measure CUL-1 and CUL-1b are proposed to reduce impacts related to potential inadvertent discovery of historic resources to a level of less than significant. Note that Mitigation Measure CUL-1a and CUL-1b also applies to archaeological resources, as they would be expected to be found during the same type of earthwork activities and would involve the same evaluation and recovery methods.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-1a Archaeological monitoring: During grading and excavation activities, the project applicant shall retain an archaeological monitor meeting the Secretary of the Interior's Standards to monitor all ground-disturbing activities in an effort to identify and evaluate any unknown archaeological resources. The qualified archaeologist, the developer, and the Lead Agency shall develop a rotating or simultaneous schedule in coordination with the applicant and the project archaeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation, and ground-disturbing activities on the site, including the scheduling, safety requirements, duties, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with the project archaeologist.

MM CUL-1b Treatment and disposition of cultural resources: In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project, all of the following procedures shall be carried out for the treatment and disposition of the discoveries:

1. Temporary curation and storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location on-site or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process.
2. Treatment and final disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains, as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Lead Agency with evidence of same:
 - a. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts.

- Reburial shall not occur until all cataloguing and basic recordation have been completed.
- b. Execute a curation agreement with an appropriate qualified repository in Riverside County that meets federal standards pursuant to 36 CFR Part 79 so that cultural resources would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility in Riverside County, to be accompanied by payment of the fees necessary for permanent curation.
 - c. At the completion of grading, excavation, and ground-disturbing activities on the site, submit a Monitoring Report to the Lead Agency documenting monitoring activities conducted by the project archaeologist and Native American Tribal Monitors within 60 days of the completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pregrade meeting; and in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the Lead Agency, the Eastern Information Center, and consulting tribes.

Level of Significance After Mitigation

Less than significant impact. Mitigation Measure CUL-1a and CUL-1b will ensure that any previously unknown cultural resources inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary.

Archaeological Resources

Impact CUL-2: **The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.**

Impact Analysis

Research on the project area shows that the flatter portions of the project area were plowed in the 1920s or 1930s for dryland farming. Examination of topsoil during the field survey of the project area suggested that plowing had not taken place for at least 20 years in any part of the project site. The primary drainage has been heavily eroded to points about 20 feet deep in the southeast quadrant and vegetation that appears on the ridges in the period from 1940 to 1960 has declined. Exposures of Pleistocene alluvial fan soils crop out at the western edge of the property in the low ridges between the Holocene alluvium. This material has the potential for fossils. Prehistoric deposits were expected on the unplowed finger ridges and unexpected on the flats due to historical plowing in the 1920s or 1930s. However, no cultural resources were observed during the survey on the finger ridges or on the flat areas. The Cultural Resource Assessment (Appendix D.1), Section 7, County Level of Significance Checklist F-6, indicates the project would have no impact regarding alteration or destruction of an archaeological site because no prehistoric-era resources were found

in the project area during the field survey and the potential for impacts to such resources is considered “low.” However, to ensure that the project has a less than significant impact on archaeological sites, Mitigation Measures CUL-1a and CUL-1b shall be implemented in the event that any resources are found on-site.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement Mitigation Measure CUL-1a and CUL-1b.

Level of Significance After Mitigation

Less than significant impact. Mitigation Measure CUL-1a to CUL-1b will ensure that any previously unknown cultural resources inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary.

Paleontological Resources

Impact CUL-3: **The project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

Impact Analysis

The results of the paleontological records check obtained from the SBCM, the sensitivity maps, and text from RCLIS indicate that the project area has a determination of high paleontologic sensitivity at or slightly below the modern ground surface. Therefore, FCS recommends a monitoring program to mitigate impacts to potentially significant paleontological resources beginning at the modern ground surface in areas that have not been subjected to plowing in the past, such as the finger ridges within the project area. If detailed geologic borings are available, the specific depths of the highly sensitive areas could be refined. These research findings were confirmed in the field in September 2012 when Dr. Lord conducted a brief field visit (September 13, 2012) in conjunction with a detailed archaeological survey conducted by a three-person crew on September 13, 14, and 27, 2012. The crew was briefed on potential areas to examine with a focus on the north-south ridges along the northern margins of the site.

In the Paleontological Resources Assessment (Appendix D) prepared for the project, FCS concluded that the project area has a high probability of containing paleontological resources potentially at the surface along the ridge margins of the project site. Therefore, a monitoring program to mitigate impacts to paleontologic resources is warranted, as set forth in Mitigation Measures CUL-3a through CUL-3d.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-3a During grading and excavation activities, full-time monitoring of excavation activities shall occur, except in the flatter areas where extensive plowing has churned deposits up to depths of 2 feet. Paleontologic monitors shall be equipped to salvage fossils, as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.

If the principal paleontologist determines that the sediments present within the subsurface have low potential to contain paleontologic resources and low paleontologic sensitivity, then the full-time monitoring program shall cease and a program of periodic monitoring shall occur.

MM CUL-3b If specimens are found, the applicant shall ensure the preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils shall occur and are essential to fully mitigate adverse impacts to the resources.

MM CUL-3c If specimens are found, the applicant shall ensure the identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist shall have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented.

MM CUL-3d The paleontologist shall prepare a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.

Level of Significance After Mitigation

Less than significant impact. Mitigation Measures CUL-3a to CUL-3d will ensure monitoring for paleontological resources during construction, as well as procedures to be followed in the event that any such resources are discovered.

Inadvertent Discovery of Human Remains

Impact CUL-4: **The project would not disturb any human remains, including those interred outside of formal cemeteries.**

Impact Analysis

Based on a Sacred Lands Search, no human remains are known to exist within the project area. The project site is not currently utilized for cemetery uses and, based on a records search, is not known to contain human remains. As indicated in the Cultural Resource Report, FCS archaeologists Michael Dice, M.A., Arabesque Said, and Andrea Stella conducted a pedestrian survey of the project area on September 13 and 14, 2012. In addition, a site visit was conducted on September 27, 2012 by Mr. Dice. No archaeological resources, including human remains or burial plots, were located as part of this detailed survey. However, there is always the possibility that subsurface construction activities associated with the project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. Accordingly, this is a potentially significant impact. However, if human remains are discovered, implementation of Mitigation Measure CUL-4 would reduce this potential impact to a less than significant level.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-4 In the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
- The descendant identified fails to make a recommendation.
- The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC by the NAHC fails to provide measures acceptable to the landowner.

Level of Significance After Mitigation

Less than significant impact. Mitigation Measure CUL-4 will ensure that any human remains discovered during the construction process will be handled in accordance with state law.

Tribal Cultural Resources

Impact CUL-5: The project would not cause a substantial adverse change in the significance of a tribal cultural resources.

Impact Analysis

This section describes the existing Tribal Cultural Resources (TCRs) setting and potential effects from project implementation on the site and its surrounding area. Conclusions are based on initial consultation with the NAHC and subsequent consultation with tribal representatives identified by the NAHC who may have interest in or additional information on TCRs that may be impacted by project development. Copies of all consultation conducted by FCS and the County of Riverside may be found in Appendix D. The review presents the methods employed to identify TCRs, assesses potential impacts to those resources, and presents recommendations to address potential impacts.

In accordance with CEQA and County of Riverside Archaeological Guidelines, FCS has assessed the effects of potential future development within the project area. A cultural resource record search was conducted on September 10, 2012 by FCS staff at the Eastern Information Center (EIC), which is located at the University of California, Riverside. The search included the project area and a 1-mile radius. To identify any historic properties, the current inventories of the NRHP, CRHR, CHL, and CPHI were examined. Historic-era structural resources were not expected to be present since no structures or structural remains were observed on the historical aerials or topographic maps. In addition, no structures or structural remains were observed during the course of the field survey. The lack of structures or structural remains suggests that the potential for impacting historic-era resources should be considered “none.” The results of the cultural resource record search indicate that the potential for impacting buried historic-era resources is negligible. In addition, the project site is not used for existing religious or sacred uses. As indicated in the Cultural Resource Report, FCS archaeologists Michael Dice, M.A., Arabesque Said, and Andrea Stella conducted a pedestrian survey of the project area on September 13 and 14, 2012. In addition, a site visit was conducted on September 27, 2012 by Mr. Dice. No cultural resources, including existing religious or sacred sites, were located as part of this detailed survey, and none of the tribal representatives contacted identified the existence of such sites within the project area.

Research on the project area also shows that the flatter portions of the project area were plowed in the 1920s or 1930s for dryland farming. Examination of topsoil during the field survey of the project area suggested that plowing had not taken place for at least 20 years in any part of the project site. The primary drainage has been heavily eroded to points about 20 feet deep in the southeast quadrant and vegetation that appears on the ridges in the period from 1940 to 1960 has declined. Exposures of Pleistocene alluvial fan soils crop out at the western edge of the property in the low ridges between the Holocene alluvium. This material has the potential for fossils. Prehistoric deposits were expected on the unplowed finger ridges and unexpected on the flats due to historical plowing in the 1920s or 1930s. However, no cultural resources were observed during the survey on the finger ridges or on the flat areas. The Cultural Resource Assessment (Appendix D.1), Section 7, County Level of Significance Checklist F-6, indicates the project would have no impact regarding alteration or destruction of an archaeological site because no prehistoric-era resources were found in the project area during the field survey and the potential for impacts to such resources is considered "low."

A review of the California Register of Historical Resources, local registers of historic resources, and the NACH sacred lands file failed to identify any listed TCRs that may be adversely affected by the proposed project. As such, no recorded TCRs will be adversely affected by the proposed project. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

In addition, Tribal consultation efforts conducted by the County of Riverside pursuant to AB-52 failed to identify significant TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. As such, no significant TCRs will be adversely affected by the proposed project. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural 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 Public Resources Code Section 5024.1.

Furthermore, on November 29, 2016, the County of Riverside circulated a Draft EIR evaluating the San Gorgonio Crossing Project for public review. Various comments were submitted during the public review period relative to the Draft EIR, including a comment letter from the Soboba Band of Luiseno Indians dated January 18, 2017. According to their response, the project area falls within the bounds of their Tribal Traditional Use Areas, and although the area is considered culturally sensitive by the people of Soboba, no Tribal Cultural Resources were identified in the letter. However, to ensure that the project has a less than significant impact on archaeological sites, Mitigation Measures CUL-2a through CUL-2d shall be implemented in the event that any resources are found on-site.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Mitigation Measure CUL-1a and CUL-1b.

Level of Significance After Mitigation

Less than significant impact. Mitigation Measure CUL-1a and CUL-1b will ensure that any previously unknown Tribal Cultural Resources inadvertently discovered during construction are subject to proper evaluation by a qualified archaeologist to determine appropriate mitigation as necessary.