
IV. ENVIRONMENTAL IMPACT ANALYSIS

F. CULTURAL RESOURCES

INTRODUCTION

The information and analysis in this section is based primarily on the following report, which is included in Appendix IV.F of this EIR:

- *Cultural Resources Assessment*, Discovery Works, Inc., February 2, 2007.

ENVIRONMENTAL SETTING

Regulatory Setting

Federal

National Historic Preservation Act.

The National Historic Preservation Act of 1966 (NHPA) authorized the National Register of Historic Places and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal lands and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants, and culturally affiliated Indian tribes.

State*California Public Resources Code*

Archaeological, paleontological, and historical sites are protected pursuant to various state policies and regulations under the California Public Resources Code. In addition, cultural and paleontological resources are recognized as nonrenewable resources and therefore receive protection under the California Public Resources Code and CEQA.

- *California Public Resources Code 5020–5029.5* continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The Commission oversees the administration of the California Register of Historical Resources, and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- *California Public Resources Code 5079–5079.65* defines the functions and duties of the Office of Historic Preservation (OHP). The OHP is responsible for the administration of federally and state-mandated historic preservation programs in California and the California Heritage Fund.
- *California Public Resources Code 5097.9 - 5097.998* provides protection to Native American historical and cultural resources, and sacred sites and identifies the powers and duties of the NAHC. It also requires notification of discoveries of Native American human remains and provides for treatment and disposition of human remains and associated grave goods.

California Senate Bill 18

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious, ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

Senate Bill 18 (SB 18) on Traditional Tribal Cultural Places was signed into law in late 2004 and went into effect on March 1, 2005. It places new requirements within CEQA for developments within or near Traditional Tribal Cultural Places. It requires establishment of a Native American Traditional Tribal Cultural Site Register (TTCS Register), which would list all Native American sites deemed to be sacred to local tribes by the NAHC. Under SB 18, a new process requires the lead agency on a project covered by CEQA to ask the NAHC whether the proposed project is within a five-mile radius of a TTCS. The NAHC would have 30 days to inform the lead agency if the proposed project is determined to be in proximity to a TTCS and another 45 days to determine whether the project would have an adverse impact on the TTCS. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project's Environmental Impact Report (EIR). If both the lead agency and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

SB 18 institutes a new process that requires a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCPs prior to the adoption, revision, amendment, or update of a city's or county's general plan. Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, the Final Tribal Guidelines advises that SB 18 requirements extend to specific plans as well, as state planning law requires local governments to use the same process for amendment or adoption of specific plans as general plans (defined in Government Code Section 65453). In addition, SB 18 provides a new definition of TTCP requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 law also amended Civil Code Section 815.3 and added California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

Local

City of Hemet General Plan

The Hemet General Plan includes policies related to the protection and preservation of cultural resources. Cultural resources are addressed in the Historic Resources Element of the City's General Plan. The following policies are relevant to the Project:

HR-2.1 Consultation Consult with the Soboba Band and any other interested Indian tribes to identify and appropriately address cultural resources and tribal sacred sites through the development review process. Require a Native American Statement as part of the environmental review process of development projects with identified cultural resources.

HR-2.2 Monitoring Require monitoring of new developments where resources or potential resources have been identified in the review process.

HR-2.3 Evaluation Resources found prior to or during site development shall be evaluated by a qualified archaeologist or paleontologist, and appropriate mitigation measures shall be applied before resumption of development activities. Development project proponents shall bear all costs associated with the monitoring and disposition of cultural resources management within the project site.

HR-2.4 Preferred Repository To the extent practicable and appropriate, newly uncovered non-Native American archeological and paleontological resources shall be transferred to the Western Science Center of Diamond Valley for cataloguing, study and, if appropriate, display.

Cultural Setting

Historical Resources

The Project site lies within the territorial boundaries of the Cahuilla and the Luiseño Indians (Discovery Works 2007). The arrival of the Spanish (1700s) into California yielded the first written accounts of the Cahuilla and Luiseño. Both groups were Shoshoean and Takic language speakers. The Luiseño lived along the Luis Rey River, and extended inland to Lake Elsinore and the Palomar Mountains. Their name is derived from their association with Mission San Luis Rey. The Cahuilla primarily resided in the valleys and canyons of the San Jacinto and Santa Rosa Mountains and in the Coachella Valley including the northern portion of the Salton Sink.

As outlined in the cultural resources assessment, no list of known ethnographic villages occurs in the project area. However, based on historical accounts, seven villages have been located in the San Jacinto Valley. One of these, Jusispah, existed where the town of San Jacinto is located today. Another known ethnographic village, Pochea, was located less than a mile east of the Ramona Bowl in Hemet. Therefore, remains could exist in the flood plain area, buried beneath erosional sediments and obscured by recent farming.

Following the decline and secularization of the missions in 1833, the Mexican government divided much of the surrounding land into land tracts or ranchos. The Project area lies just outside of the former 35,000-acre Rancho San Jacinto Viejo. Jose Antonio Estudillo received this rancho as a grant in 1842. The Estudillo family continued to own most of the Valley until the 1880s. Cattle ranching was the dominant activity, but by the 1870s the main land use was growing grains, walnuts, apricots, and citrus. By the 1890s, the area including the project site was rural, with only a few residences and streets. Agricultural activities dominated the region for several more decades. Today, urban development lies immediately to the east and new residential communities are located to the west.

There are no standing structures within the confines of the Project site. Buildings associated with past agricultural operations, which previously existed in the southeastern corner of the site, no longer exist.

Archaeological Resources

The field survey performed by Discovery Works in December of 2006 as a part of the Cultural Resources Assessment yielded no surface indications of historic or prehistoric archeological sites. A potential prehistoric artifact was found within the project site during the field survey. The artifact appeared to be a hand grinding stone fragment. Based on the known ethnographic and historic information for the region and the potential for finding buried remains in alluvium deposits, the project area is nonetheless sensitive for prehistoric remains. Because buried remains often go undetected during a pedestrian survey, archaeological monitoring during grading is recommended.

The archival review of the archaeological reports at the Eastern Information Center (EIC) indicated that a portion of the Project site has been previously investigated for prehistoric or historic remains. The portion surveyed follows the San Diego Aqueduct alignment that passes diagonally northeast to southwest through the property. This archaeological survey covered a narrow alignment about 200 feet wide and within an existing right-of-way of the water district. The survey recorded no evidence of prehistoric or historic use within the boundaries of the Project site along this corridor.

Paleontological Resources

Geological maps of the Project site indicate that it is located primarily on surface exposures of Holocene and late Pleistocene valley fill deposits. These sediments have low potential to yield fossil resources, and are therefore assigned low paleontological sensitivity. However, these sediments may overlie older Pleistocene sediments with high potential to contain paleontological resources. Elsewhere in the Inland Empire, older Pleistocene alluvial sediments have yielded significant fossils of extinct plants and animals.

ENVIRONMENTAL IMPACT ANALYSIS

Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, a project could have a significant impact on cultural resources if the project would result in one or more of the following:

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

As discussed in Section IV.A (Impacts Found to be Less Than Significant), the Project would not result in any impacts related to issue “a.” Thus, no further analysis of this issue is required.

Project Impacts

Impact IV.F-1: With implementation of mitigation measures, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5, and impacts related to this issue would be less than significant.

The field survey performed by Discovery Works in December of 2006 yielded no surface indications of historic or prehistoric archaeological sites. However, the lack of surface evidence of archaeological resources does not preclude their subsurface existence. During the field survey, a potential prehistoric artifact was found within the Project site. The artifact appeared to be a hand grinding stone fragment.

The soils within the Project site have been extensively modified due to historic and modern-era agricultural activities. However, in consideration of the past site activities and based on the known ethnographic and historic information for the region and the potential for finding buried remains in alluvium deposits, there is a possibility that archaeological resources could be unearthed during excavation and grading activities. Additionally, the northern boundary of the Project site is located adjacent to the foothills of the Tres Cerritos Foothills, which are known for their cultural resource sensitivity. Thus, given the potential to unearth archaeological resources at the Project site during excavation and grading activities, Mitigation Measures F-1 through F-6 would be required for all development under the Project that includes ground-disturbing activities. With implementation of these mitigation measures, no significant impacts related to archaeological resources would occur.

Impact IV.F-2: With implementation of mitigation measures, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and impacts related to this issue would be less than significant.

A records search conducted for the Project area found no recorded fossil localities either on the Project site or within a one-mile radius of the site. Additionally, no paleontological resources have been found on the Project site. However, in the event of an unanticipated discovery of paleontological resources during grading and excavation of the site, implementation of Mitigation Measure F-7 would be required for all development under the Project that includes ground-disturbing activities. With implementation of this mitigation measure, no significant impacts related to archaeological resources would occur.

Impact IV.F-3: With implementation of mitigation measures, the Project would not disturb any human remains, including those interred outside of formal cemeteries, and impacts related to this issue would be less than significant.

No human remains are known to occur at the Project site. In the unlikely event that human remains are encountered during construction of the Project, implementation of Mitigation Measure F-8 would be required for all development under the Project that includes ground-disturbing activities. With implementation of this mitigation measure, no significant impacts related to human remains would occur.

CUMULATIVE IMPACTS

The Project, in combination with the related projects (refer to Table II-1 in Section II [Environmental Setting]), would result in the increased potential for encountering archaeological and paleontological resources in the Project vicinity. The potential that one or more of these related projects might result in encountering archaeological or paleontological resources during the course of development is determined by such factors as whether prehistoric human presence had occurred at any given related project site and the type of proposed development activities at that site. However, not all archaeological and paleontological resources are of equal scientific value. While some have the potential to be scientifically important due to rarity or their ability to provide new information, many of these resources are common and have little scientific value. Therefore, the significance of cumulative impacts to archaeological and paleontological resources is not determined simply by the frequency of the encounter, but by the nature of that encounter. The mere fact of an encounter does not imply an adverse impact.

With appropriate mitigation, such an encounter may lead to the recovery of scientifically important archaeological or paleontological resources that would not have been exposed without these activities. Considering that the discovery of archaeological or paleontological resources is a fairly rare event, the discovery of a scientifically important archaeological or paleontological resource is an even rarer event, and the fact that discovery of rare resources may lead to their recovery rather than their destruction, it is not anticipated that there would be a significant adverse cumulative impact to archaeological or paleontological resources.

Nonetheless, it is possible that unknown archaeological and/or paleontological resources and/or human remains could be encountered during the process of developing the related projects within the general vicinity of the Project site. Requirements for protecting archaeological and paleontological resources and human remains under both CEQA and other local cultural resources protection ordinances would also be applicable to the related projects. These requirements include the adoption of mitigation measures identical or equivalent to those presented in this section for the Project. Because subsurface cultural resources would be protected upon discovery as required by law, impacts to those resources resulting from the related projects would be less than significant. Therefore, cumulative impacts related to cultural resources would be less than significant.

MITIGATION MEASURES

Because unknown cultural resources and/or human remains could be encountered during ground-disturbing activities associated with the Project, the following mitigation measures are required:

- F-1: Prior to beginning project construction, the Project Developer(s) shall retain an archaeological monitor to monitor all ground-disturbing activities, including off-site grading, in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation in consultation with the appropriate local Tribe

- or Band, in accordance with the Treatment and Monitoring Agreement required in Mitigation Measure F-2.
- F-2: At least 30 days prior to beginning project construction, the Project Developer(s) shall contact the appropriate local Tribe or Band to notify them of grading, excavation, and the monitoring program, and to coordinate with the City and the Tribe or Band to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of Native American Tribal or Band monitors during on-site and off-site grading, excavation, and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
- F-3: Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City (if required) to document the proposed methodology for grading activity observation. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in Mitigation Measure F-2, the archaeological monitor's authority to stop and redirect grading shall be exercised in consultation with the appropriate local Tribe or Band in order to evaluate the significance of any archaeological resources discovered on the property. Tribal or Band monitors shall be allowed to monitor all on-site and off-site grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities in consultation with the project archaeologist. The archaeologist shall also be responsible for a post-grading monitoring report to be submitted to the City, the Project Developer(s), the Eastern Information Center, and the Pechanga Tribe or the Soboba Band of Luiseno Indians no later than 45 days after completion of all monitoring activities.
- F-4: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found on the project area to the appropriate local Tribe or Band for proper treatment and disposition.
- F-5: All sacred sites, should they be encountered within the Project area, shall be treated in accordance with the Treatment and Monitoring agreement required in Mitigation Measure F-2.
- F-6: If inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Project Developer(s), the project archaeologist, and the appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Project Developer(s) and the Tribe or Band cannot agree on the significance or the mitigation for such resources, these issues shall be presented to the City's Community Development Director for decision. The City shall make the determination based on the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe or Band.

- F-7: Prior to issuance of grading permits, the developer shall retain a qualified Paleontologist to develop a Paleontologic Resource Impact Mitigation Program (PRIMP) for the excavation phase of the proposed project. The PRIMP shall conform to the guidelines of the County of Riverside and the Society of Vertebrate Paleontology. It shall include the following steps:
- A trained paleontological monitor shall be present during ground-disturbing activities within the project area in sediments determined likely to contain paleontological resources. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.
 - Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.
 - All fossils collected during the proposed project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.
 - A report documenting the results of the monitoring and salvage activities and the significance of the fossils shall be prepared.
 - All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.
- F-8: If human remains are discovered at the Project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the mitigation measures identified above, no significant impacts related to cultural resources would occur.