

4.5 CULTURAL RESOURCES

The purpose of this section is to identify and evaluate the potential for the proposed project to adversely affect, archaeological, historical, and paleontological resources. The resources of concern include, but are not limited to fossils, prehistoric and historic artifacts, burials, sites of religious or cultural significance to Native American groups, and historic structures. This section provides a detailed discussion of impacts attributable to the project and criteria used in determining impact significance to cultural and paleontological resources. This section is based in part on the *Town of Yucca Valley Comprehensive General Plan* and the *Cultural Resource Assessment Yucca Valley Retail Center (APN 0601-201-37)*, LSA Associates, Inc., September 2004, which is included as Appendix H to this EIR.

4.5.1 Existing Setting

The project area is located in the eastern Transverse Range. The San Bernardino Mountains, with peaks to 11,000 feet, are located to the northwest and the Little San Bernardino Mountains are to the south and east. The project site is located immediately south of the Pinto Mountain Fault. Older Pleistocene alluvial gravels on the parcel are derived from the metamorphic and igneous rocks of the Little San Bernardino Mountains to the south.

The proposed project site is currently vacant and undeveloped. No known development has occurred on the project site and no past uses are known. No cultural resources were previously recorded within the project area. Historic State Route 62 (SR-62) was previously recorded on the northern edge of the project parcel.

Archival Survey. A records search was conducted at the Archaeological Information Center (AIC) at San Bernardino County Museum, Redlands. This included a review of all recorded historic and prehistoric archaeological sites, as well as a review of known cultural resource surveys and excavation reports generated from projects located within one-half mile of the project area. In addition, a review was conducted of the National Register of Historic Places, and documents and inventories from the California Office of Historic Preservation including the lists of California Historic Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

The results of the records search indicate that six cultural resource studies have been conducted within one-half mile of the Yucca Valley Retail Specific Plan project site. The cultural studies conducted in this area resulted in the location of three cultural resources. Two of the studies conducted included small portions of the project site (Love, et al. 2000; Purcell 2000); however, no cultural resources have been previously identified within the boundaries of the proposed project. Table 4.5.A lists each resource located within one-half mile of the project area.

Table 4.5.A – Cultural Resources within 0.5 Mile of the Yucca Valley Retail Specific Plan

Site Number	Description	Distance and Direction from Parcel
CA-SBR-4851	Prehistoric lithic scatter	0.5 mile north
CA-SBR-9988H	Historic refuse scatter	500 feet north
CA-SBR-10525H	California State Route 62	North margin of parcel

Field Survey. A pedestrian field survey of the project site was conducted on June 29, 2004. The field survey revealed that the project area is largely undisturbed. Most of the project area is covered by coarse, sandy loam. Minor excavation activity has taken place in the northwest margin of the project site.

Previously recorded historic SR-62 was observed and photographed during the survey. Since the resource has been previously recorded, lacks integrity, and would not be impacted by the proposed project, no site record update was prepared.

Paleontological Resources. The proposed Yucca Valley Retail Specific Plan parcel sits on coarse sediments deposited in late Pleistocene time. The flat-lying sediments are stratified with the youngest at the top, and come from a source to the south in the Little San Bernardino Mountains (Bortugno and Spittler 1986). Examination of the sediments during the archaeological field survey indicated that they are too coarse to provide adequate preservation of significant paleontological specimens. Review of available literature did not locate records of previous reports of paleontological resources from similar coarse sediments of this age in Yucca Valley. Fine-grained sediments that are appropriate for preservation of fossils from the late Pleistocene have been recorded at Copper Mountain and at Twenty-nine Palms, east of the project. Fine-grained sediments of Miocene age contain fossils north of Pioneer Town.

4.5.2 Existing Policies and Regulations

Federal Regulations

National Historic Preservation Act (NHPA) of 1966 (as amended), Section 106. The NHPA declares a national policy of historic preservation to protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, history, archaeology, and culture. The NHPA established the National Register of Historic Places (NRHP), State Historic Preservation Offices (SHPOs) and programs, and the Advisory Council on Historic Preservation. This Act applies to all properties on or eligible for inclusion in the NRHP. The Section 106 review process requires consultation to mitigate damage to “historic properties” (defined per 36 CFR 800.16(1) as places that qualify for the NRHP), including Native American traditional cultural places (TCPs). Evaluation of cultural resources consists of determining whether it is significant (i.e., if it meets one or more of the criteria for listing in the NRHP). These eligibility criteria are defined in 36 CFR 60.4 as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association:

- A. That is associated with events that have made a significant contribution to the broad patterns of our history;
- B. That is associated with the lives of persons significant in our past;

- C. That embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; and/or
- D. That has yielded, or may be likely to yield, information important to prehistory or history.

State Regulations

Comprehensive Statewide Historic Preservation Plan. The primary purpose of California's comprehensive Statewide Historic Preservation Plan (State Plan) is to provide guidance and implementation of a sound planning procedure for the identification, registration, protection, and preservation of important historical resources. The State Plan identifies the critical preservation issues, needs, challenges, and opportunities for historic preservation in California. The goals and objectives statements further clarify preservation priorities with recommendations on improving historic preservation needs for technical assistance, education, economic incentives, preservation partnership, and local government participation.

California Environmental Quality Act. A "historic resource" includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.¹ CEQA mandates that lead agencies consider a resource to be "historically significant" if it meets the criteria for listing on the California Register of Historic Resources. Such resources meet this requirement if they are (1) associated with events that have made a significant contribution to the broad patterns of California history, (2) associated with the lives of important persons in the past, (3) embody distinctive characteristics of a type, period, region, or method of construction, and/or (4) represent the work of an important creative individual or possesses high artistic value.² These criteria mimic the criteria utilized to determine eligibility for the NRHP.

Senate Bill 18 (SB18). Signed into law in September 2004, and effective March 1, 2005, SB18 permits California Native American tribes recognized by the Native American Heritage Commission (NAHC) to hold (on terms mutually satisfactory to the tribe and the landowner) conservation easements. The term "California Native American tribe" is defined as "a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC."

SB18 also requires that, prior to the adoption or amendment of a city or county's general plan or the adoption of a Specific Plan, the city or county conduct consultations with California Native American tribes for the purpose of preserving specified places, features, and objects that are located within the city or county's jurisdiction. This bill requires the planning agency to refer to and provide opportunities for involvement to the California Native American tribes specified by the NAHC.

¹ Public Resources Code, Section 5020.1(j).

² Public Resources Code, Section 5024.1(c).

California Health and Safety Code. The California Health and Safety Code states that if human remains are discovered on-site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

Section 106, Protection of Historic Properties. Implementing the Section 106 process into the normal administrative process used by agencies for project planning ensures early, systematic consideration of Federal historic preservation issues. The Federal Advisory Council on Historic Preservation (Council) accommodates preservation through consultation among the Agency Official, the State Historic Preservation Officer, and other interested persons during the early stages of planning. To this end, the Council encourages agencies to examine their administrative processes to see that they provide adequately for the efficient identification and consideration of historic properties, for participation by the State Historic Preservation Officer and others interested in historic preservation, for timely requests for Council comment, and for the promotion of cost-effective implementation of the Section 106 process.

Paleontological Resource Regulations. Section 106 of the NHPA does not apply to paleontological resources unless they are found in a culturally-related context. In addition to the Antiquities Act (16 USC 431–433), the preservation and salvage of fossils and other paleontological resources can be protected under the National Registry of Natural Landmarks (16 USC 461–467) and NEPA, which directs Federal agencies to “...preserve important historic, cultural, and natural aspects of our national heritage.”

Potential impacts to paleontological resources must be assessed for any project subject to CEQA review. California law protects paleontological sites on State lands and establishes authority to protect paleontological resources while allowing mitigation through the permit process.¹

Public Resources Code 5097.98. Public Resources Code 5097.98 protects Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines from severe or irreparable damage.

Local Regulations

Town of Yucca Valley Comprehensive General Plan Policies. The General Plan does not contain any cultural resource policies that are relevant to the proposed project.

¹ California Public Resources Code (§5097.5), Administrative Code (§§4306 and 4309).

4.5.3 Thresholds of Significance

Based on Appendix G of the *CEQA Guidelines*, the proposed project would result in a significant impact related to cultural resources if it would result in any of the following:

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

4.5.4 Impacts and Mitigation

Less Than Significant Impacts

The following impacts were determined to be less than significant. In each of the following issues, either no impact or a less than significant impact would occur (and, therefore, no mitigation would be required) or adherence to established regulations, standards, and policies would reduce potential impacts to a less than significant level.

Human Remains

Threshold	Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?
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The site has not been historically used as a cemetery site. While no cemetery or human remains have been identified on-site, there is the potential to encounter a previously undetected human burial on-site during grading and/or construction activities. Construction contractors are required to adhere to Section 7050.5 of the State's Health and Safety Code. If human remains are encountered during construction, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The construction contractor is required to contact the San Bernardino County Coroner within 24 hours of any such discovery. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. With the permission of the landowner or his/her authorized representative, the descendent may inspect the site of the discovery. The descendent shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Adherence to the provisions of existing (State Health and Safety Code Section 7050.5) would reduce potential impacts related to this issue to a less than significant level.

Potentially Significant Impacts

The following impacts were determined to be potentially significant. In each of the following issues, a potential impact would occur and, therefore, mitigation measures would be required.

Impact 4.5.1 Historic Structures and Features

Threshold Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?

The field survey identified the former route of historic State Route 62 along the northern edge of the project area. Regular maintenance, resurfacing, and widening to a four-lane thoroughfare has obliterated any trace of the historic portions of Highway 62 within or adjacent to the project. Therefore, no further investigation or monitoring is recommended for State Route 62. Additionally, the archival records search and project site survey did not reveal the existence of any other historical structure or feature on-site. However, the potential for discovery of unknown buried historical resources is present.

Mitigation Measure. To ensure that potential impacts to historical resources are reduced to less than significant levels, the following mitigation measure shall be applied to the proposed project:

4.5.1A In the event a historical resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified historian (meeting Secretary of Interior Standards) If any such resource is uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.

Impact 4.5.2 Archaeological Resources

Threshold Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

Although no on-site archaeological resources were identified during the literature search or field survey, the potential for discovery of unknown buried archaeological resources is present during the course of grading or construction of the project. Grading activities may expose significant archaeological resources previously unknown due to its subsurface location.

Mitigation Measures. To ensure that potential impacts to archaeological resources are reduced to less than significant levels, the following mitigation measures shall be applied to the proposed project:

- 4.5.2A** Prior to grading activities, an archeological resource monitoring plan shall be submitted for review and approved by the Town. The archeological resource monitoring plan shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no archeological resources have been identified, the Project Archaeologist may discontinue monitoring. In the event an archeological resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified archaeologist (meeting Secretary of Interior Standards). If any such resource uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.
- 4.5.2B** In the event a Native American cultural resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, the monitor, hired by the project applicant, shall contact the Morongo Band of Mission Indians (“Tribe”). If requested by the Tribe, the monitor, at the applicant’s discretion, shall consult on the discovery and its disposition.

Level of Significance after Mitigation. Adherence to Mitigation Measures 4.5.1A and 4.5.1B would reduce potential impacts related to the accidental discovery of archaeological resources to a less than significant level by providing monitoring and evaluation by a qualified archaeologist.

Impact 4.5.3 Paleontological Resources

Threshold	Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
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The proposed Yucca Valley Retail Specific Plan parcel sits on coarse sediments deposited in late Pleistocene time. Although the project area is known in literature reviews for having high potential for uncovering paleontologic resources, the reconnaissance-level field survey conducted by LSA paleontologist Robert Reynolds on June 29, 2004, concluded that the project site sediments were too coarse to provide adequate preservation of significant paleontological specimens. Fine-grained sediments that are appropriate for preservation of fossils from the late Pleistocene have been recorded at Copper Mountain and at Twentynine Palms, east of the project. Fine-grained sediments of Miocene age contain fossils north of Pioneer Town.

There is a potential, however, that Pleistocene sediments with potential for paleontological resources might be encountered at undetermined depth (Reynolds and Reynolds 1991).

Mitigation Measure. Adherence to Mitigation Measure 4.5.2A would reduce potential impact related to this issue to a less than significant level.

- 4.5.3A** Prior to grading activities, a paleontological resource monitoring plan shall be submitted for review and approved by the Town. The paleontological resource monitoring plan

shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no paleontological resources have been identified, the Project Paleontologist may discontinue monitoring. In the event that a paleontological resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified paleontologist (meeting Secretary of Interior Standards). If any such resource uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.

Level of Significance after Mitigation. Adherence to Mitigation Measure 4.5.2A would reduce potential impacts related to potential paleontological resources to a less than significant level by providing monitoring and evaluation by a qualified paleontologist in the event of a paleontological resource discovery.

4.5.5 Cumulative Impacts

Cumulative projects are shown in Chapter 2, Table 2.A and Figure 2.1. The cumulative impacts area for cultural and paleontological resources is the Town of Yucca Valley. The Town's General Plan Draft EIR indicates that although the record of prehistoric human habitation within the Town is not precisely known, it is likely that Native American Indians did occupy the area. However, the proposed project would not result in any potentially significant project-specific impacts on historical, archaeological, or paleontological resources. There are no projects that would, in combination with the proposed project, result in any significant cumulative impacts on historical, archaeological, or paleontological resources. Although the proposed project could create a potentially significant impact related to the disturbance of human remains, such impacts are reduced to a less than significant level with the implementation of mitigation measures. There are no projects that would, in combination with the proposed project, result in any significant impacts associated with the disturbance of human remains. Therefore, there are no significant cumulative impacts associated with cultural resources.