

SECTION 4.3: CULTURAL RESOURCES

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SECTION 4.3: CULTURAL RESOURCES

This section of the draft subsequent environmental impact report (Draft SEIR) documents potential impacts of the project on cultural resources, including archaeological and historical sites and artifacts and human remains.

The information in this section is based primarily on a cultural resources report (2018 CRR) prepared for the US Gypsum Company Expansion/Modernization Project (Pacific Legacy, Inc. 2018) (Appendix E, "Cultural Resources Report"). The 2018 CRR investigates an Area of Potential Effect (APE) that encompasses both the project site (Quarry, Well No. 3 site, pipeline alignment) and an area to the south where a waterline replacement project has been completed. The following discussion summarizes information and findings from the 2018 CRR that pertain only to the proposed project.

4.3.1 Environmental Setting

This section discusses the existing cultural resources conditions within and adjacent to the project site including descriptions of previous cultural resource studies conducted within the APE and cultural resources identified within the APE.

4.3.1.1 Cultural Resources Conditions at the Time of the 2008 EIR/EIS

The 2008 EIR/EIS describes the cultural resources conditions on the project site at the time of its publication. This description was based on information provided in the *Archaeological Investigations for the U.S. Gypsum Company Quarry Expansion and Water Pipeline Replacement Project* prepared by Pacific Legacy, Inc., in 2002.

The approximately 845-acre Quarry expansion area consists of a wash located west and south of quarrying operations, but also includes areas along the western slopes of the Fish Creek Mountains.

Records Search

The records search conducted as part of the 2002 CRR did not identify any previously recorded sites on or in the vicinity of the Quarry or the well site/pipeline alignment.

Field Investigation

A pedestrian surface survey of the Quarry and well site/pipeline alignment was conducted in 2002 using 20 to 30 meter transects. Visibility in the area was noted as being generally good except the southern portion which consists of areas of steep terrain (e.g., 30% slope). These areas of steep terrain were not surveyed due to the nature of the terrain and the low archaeological sensitivity typically associated with such areas. The pedestrian survey noted that large portions of the area, particularly areas in the wash (west and south of quarrying operations), have been previously disturbed by natural events, such as flooding and erosion, and activities associated with previous and current quarrying activities, such as stockpiling of gypsum and overburden.

The pedestrian surface survey identified and recorded one new historic resource, designated as USG-01, which consists of the remnants of a circular stone structure, hearth, and historic trash scatter. According to

the 2008 EIR/EIS, Site USG-01 does not seem to be associated with any individuals or events important in regional or local history, does not reflect various historic mining practices, and does not seem to have the potential to yield significant historical information regarding mining in or development of the Imperial Valley. Therefore, the 2008 EIR/EIS determined that the extant remnants of site USG-01 do not meet any of the eligibility criteria for inclusion in either the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). In addition, as part of the pedestrian survey, several known historic sites in the vicinity including the Quarry, the Plant, remnants of old County Road S80, and the narrow-gauge railroad were recorded as historic sites.

4.3.1.2 Cultural Resources Conditions at Present

The following discussion is based primarily on the *Cultural Resources Report for the US Gypsum Company Expansion/Modernization Project Supplemental EIS, Imperial, California* prepared by Pacific Legacy, Inc. in 2018 (2018 CRR) (see Appendix E).

The 2018 CRR investigated an Area of Potential Effect (APE) for the Quarry that included all proposed mining areas and all jurisdictional waters within the Plaster City Quarry. The APE for the proposed pipeline between the Quarry and proposed Well No. 3 was 50 feet wide on either side of the proposed pipeline alignment, and the length of the proposed line (approximately 3.45 miles).

Previously and newly recorded cultural resources within the project APE are summarized below in Table 4.3-1, “Cultural Resource Sites and Resources in Proximity to Project Site.”

Records Search

The 2002 records search was updated as part of the 2018 CRR (Appendix E). The updated records search did not identify any previous studies that encompass the Quarry other than the Class III pedestrian surface survey conducted in 2002 in support of the 2008 EIR/EIS (2018 CRR), as described above in Section 4.3.1.1.

According to the 2018 CRR, there are three previously recorded cultural resource sites in the APE for the proposed project (see Table 4.3-1). These resources include (1) the Quarry itself, which encompasses numerous isolated finds and a small u-shaped historic period stone structure with debris (Locus 1); (2) the narrow-gauge railroad (Plaster City Railroad P-13-008139); and (3) a small prehistoric scatter of “Yuman Desert Ware” potsherds (P-13-00001) that was first documented in 1950. These resources are described in greater detail below.

Plaster City Quarry

The historic period Plaster City Quarry was originally documented in 2002 as a part of the initial Class III pedestrian inventory survey conducted by Pacific Legacy in support of the 2008 EIR/EIS. The Imperial Gypsum and Oil Corporation owned the quarry in the early 1900s and built the narrow-gauge Plaster City Railroad (P-13-008139) in 1920-1921 to facilitate removal of large quantities of gypsum from the quarry to a crusher plant near the San Diego and Arizona Eastern Railroad alignment (Tucker 1926:271). The Imperial Gypsum and Oil Corporation, however, was not very successful and sold the quarry to the Pacific Portland Cement Company in 1924. The Pacific Portland Cement Company added a plaster manufacturing plant to the ore crusher, which became Plaster City, and operated the Quarry until the mid-1940s (Tucker 1926:271, cited in Pacific Legacy 2018). In 1947, the Plaster City Quarry and the Plaster City Railroad were purchased by USG, which continues to own and operate the Quarry and its facilities. USG modernized quarry operations by adding a 900-foot belt and two kilns among other

improvements. During the 1940s-1960s, the Plaster City Plant (P-13-009303) produced plaster board, sacked lath, and plaster for agricultural purposes (URS 2010:2-32).

Locus 1 (formerly USG-01)

Locus 1 was first recorded in 2002 as a U-shaped, dry laid stacked stone structure with an interior hearth and a historic period debris scatter. When it was revisited in 2018, its condition was found largely unchanged as the stone structure remained standing, the fire pit was relocated, and the historic period debris noted in 2002 was present. A dirt road enters the locus from the northeast and the east end features multiple bulldozer tracks. A cluster of cans with bullet holes, likely used for target practice, also were noted. One oval-shaped tobacco tin with a hinged lid with a striker plate was observed as well as many condensed milk tins. Artifacts remain scattered about the locus with a few areas featuring more concentrated materials. The area has been somewhat impacted by aeolian erosion, which has likely buried and/or unearthed some of the historic period debris. USG personnel noted that Locus 1 had been used in the past by quarry employees as a recreational or gathering area.

Plaster City Railroad (P-13-008139) (CA-IMP-7739H)

P-13-008139 was originally documented in 1998 as a 4,920-foot segment of the 27-mile-long historic period Plaster City Railroad as it approaches its southern terminus at the Plaster City Plant. Also included as a part of the resource was a prehistoric site component including midden soils, hearths, fire altered rock, pottery, groundstone, flaked stone, faunal and fish bone fragments, bedrock mortars, a rock cairn, a coprolite specimen, and a few metal fragments, possibly from a flintlock or sidelock. This prehistoric component was recorded along the railroad alignment over 5 miles southeast of proposed Well No. 3 and well outside of the current Project APE. The prehistoric component was, therefore, not revisited during the 2018 investigation. In 2009, a portion of P-13-008139 near the Plaster City Plant was recorded and evaluated for listing in the NRHP and CRHR. The recorded portion of the resource was not found to be eligible for listing in the NRHP and CRHR as an individual resource and/or as a possible contributor to the larger railway alignment.

An approximate 3.45-mile segment of the narrow-gauge railroad alignment was recorded in 2018 as it extends from the Quarry towards proposed Well No. 3 within the Project APE for the pipeline alignment. The railroad alignment features rails that are 36 inches apart and are supported by wooden ties. Ten features associated with the alignment were documented in 2018, including nine maintenance offset tracks and one large culvert with horizontally aligned drainpipes. A remnant telegraph line also was documented along the railroad grade. The remaining portion of the Plaster City Railroad alignment, which was not recorded in 2018, continues generally south before terminating at the Plaster City Plant. The Plaster City Plant and Plaster City Railroad were planned and built between 1920 and 1921, though it was noted in a 2009 recording of the southern portion of the alignment that many of the tie plates and joint bars have been replaced and the rails have apparently been replaced to support heavier loads.

Field Investigation

The BLM requires that areas not subject to cultural resources inventory survey for over 10 years be re-examined. Thus, areas that were investigated for the project in 2002 were again inventoried in 2018. The Class III pedestrian surface survey was conducted using transects of no more than 15 meters. The survey involved both the relocation of previously recorded resources and the identification and recordation of newly identified archaeological sites and isolated finds. All identified sites and resources in the project APE are summarized in Table 4.3-1, “Cultural Resource Sites and Resources in Proximity to Project Site.”

Both previously recorded historic sites in the APE (Plaster City Quarry and Locus 1, Plaster City Railroad P-13-008139) were relocated during the 2018 pedestrian survey. The small prehistoric scatter of Yuma Desert Ware was not relocated; the area is in an active mining zone and has been completely disturbed.

Cultural resources newly identified and recorded during the survey include two prehistoric archaeological sites, 13 prehistoric isolated finds, and nine historic period isolated finds. Nineteen of these resources, including both archaeological sites and 17 isolated finds, were noted within the Quarry while three were found along the proposed pipeline alignment or the area encompassing proposed Well No. 3. Each of these resources is summarized in Table 4.3-1, and both archaeological sites are further described below.

**Table 4.3-1
 Cultural Resource Sites and Resources in Proximity to Project Site**

Resource Designation	Site Type	Description	Author	Date	Proximate Project Component
PREVIOUSLY RECORDED SITES—RELOCATED ON PROJECT SITE					
P-13-008139 CA-IMP-7739H Plaster City Railroad Project	Historic (previously multi-component)	<p>As determined by the site revisit, the previously recorded prehistoric component should be documented as a separate site and removed from this record (which has been updated to Historic only).</p> <p>That component consists of a lithic scatter, groundstone, fire-affected rock, midden, cairns, fish and mammal bone, 300+ potsherds, and a coprolite of unknown date.</p> <p>The previously recorded historic component consists of a portion of the 27-mile narrow gauge US Gypsum Rail Line (which traveled between the mine and plant), locomotives, 11 drainage culverts, a railroad bridge (1922) over Carrizo Wash, and a possible iron flintlock/sidelock. This recording effort documented a 300-foot portion of the railroad line at the north end.</p> <p>Ten features associated with the railroad line were documented (nine maintenance offset tracks; one large culvert with drain pipes aligned horizontally), and a remnant telegraph line along the grade.</p>	Shapiro, O'Neill, Cappetta	2018	Quarry; Pipeline alignment
Plaster City Quarry	Historic	<p>The resource was originally documented in 2002 (Holmes) as being a functioning quarry since 1902, modernized after purchase by US Gypsum in 1946; however, the record was never submitted to the Information Center for P# assignment.</p> <p>The quarry appears as previously described, although the active mining area may now be more extensive. A U-shaped dry-laid stacked stone structure with an interior hearth and a historic period debris scatter was documented within the quarry in 2002 and found to be unchanged in 2018. It contains hinged lid tobacco tins and many condensed milk cans. A dirt road enters the site at the northeast, and bulldozer tracks are present in addition to signs of erosion and target shooting.</p>	Shapiro, O'Neill, Sprague	2018	Quarry

Resource Designation	Site Type	Description	Author	Date	Proximate Project Component
PREVIOUSLY RECORDED SITES—NOT RELOCATED ON PROJECT SITE					
P-13-000001 CA-IMP-1	Prehistoric	Scatter of Yuma Desert Ware potsherds. Site was not relocated; the area is in an active mining zone and completely disturbed.	Shapiro, O'Neill, Sprague	2018	Quarry
NEWLY IDENTIFIED AND RECORDED SITES					
PLI-2018-1	Prehistoric	Lithic scatter of a few quartz flakes, an edge-modified flake, handstone, milling slab fragment, at least 50 ceramic sherds, two possible hearth features, and a gypsum outcrop overhang feature.	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-2	Prehistoric	Discrete scatter of at least 26 ceramic fragments, appearing to be from a single vessel. The site is heavily impacted from OHVs and target shooting.	Shapiro, O'Neill, Sprague	2018	Quarry
NEWLY IDENTIFIED ISOLATED FINDS					
PLI-2018-ISO-1	Prehistoric	Isolate assayed/shattered quartz cobble	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-2	Prehistoric	Isolate quartz Desert Side-notched projectile point.	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-5	Prehistoric	Isolate quartz shatter from an assayed cobble.	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-6	Prehistoric	Isolate assayed quartz cobble with shatter.	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-7	Prehistoric	Isolate assayed quartz cobble with shatter	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-8	Prehistoric	Isolate assayed quartz cobble shatter	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-9	Prehistoric	Isolate assayed quartz cobble shatter	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-10	Historic	Isolate brass cap US GLO survey marker (1921)	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-11	Historic	Isolate brass cap US GLO survey marker (1916) set in mound of boulders; three other large boulder mounds and two tobacco tins located nearby.	Shapiro, O'Neill, Sprague	2018	Quarry
PLI-2018-ISO-12	Prehistoric	Isolate assayed quartz cobble and shatter.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-13	Historic	Two isolate rock cairns separated by a cut, one with a brass cap US GLO survey marker (1921); the other with a tobacco tin and knife-opened sanitary can.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-14	Historic	Isolate brass cap US GLO survey marker (1921) in a rock cairn, with a Kerr Mason jar containing 1994 claim papers and two wooden lath pieces	Shapiro, O'Neill, Cappetta	2018	Quarry

Resource Designation	Site Type	Description	Author	Date	Proximate Project Component
PLI-2018-ISO-15	Historic	Isolate rock cairn with PVC pipe in the center, an "X" aerial target made from reflective cloth crossing through it, and Sir Walter Raleigh tobacco tin.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-16	Historic	Isolated historic and modern debris scatter of auto parts, melted window and bottle glass, charcoal and slag.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-17	Historic	Isolate cylindrical steep pipe water well head with welded steel cap; bullet holes present.	Shapiro, O'Neill, Cappetta	2018	Pipeline Alignment
PLI-2018-ISO-18	Prehistoric	Isolate ceramic sherd with scratch lines.	Shapiro, O'Neill, Cappetta	2018	Pipeline Alignment
PLI-2018-ISO-19	Historic	Isolate knife-opened holes-in-top can with bullet holes.	Shapiro, O'Neill, Cappetta	2018	Pipeline Alignment
PLI-2018-ISO-20	Prehistoric	Isolate of three ceramic sherds from the same vessel.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-21	Prehistoric	Isolate ceramic sherd.	Shapiro, O'Neill, Cappetta	2018	Quarry
PLI-2018-ISO-22	Prehistoric	Isolate assayed quartz cobble shatter	Shapiro, O'Neill, Cappetta	2018	Quarry

PLI-2018-1

PLI-2018-1 is a prehistoric site that was first encountered in 2018 at the extreme southern end of the Quarry adjacent to and upslope from a meandering draw. The site encompasses two hearth features (Features 1 and 2), a rock overhang, a ceramic scatter (Feature 3), one granitic milling slab fragment (Artifact 1), a granitic handstone (Artifact 2), an edge-modified flake (Artifact 3), and a few quartz flakes.

- Feature 1 consists of a granitic rock circle containing charcoal and lightly blackened soil that measures 2 meters north-south and 1.6 meters east-west. It has been impacted by aeolian erosion and is slightly deflated but may be at least 2 centimeters deep. It was unclear if the feature represented a prehistoric, historic period, or modern fire ring.
- Feature 2 is a rock concentration with charcoal-stained soils that also may represent a prehistoric hearth, though its age remains uncertain. It measures 1.8 meters north-south and 1.9 meters east-west. It is located within the wash to the southwest of Feature 1.
- Feature 3 is an overhang upslope from Feature 1. It is in a gypsum outcrop with a talus slope of gypsum blocks emanating from the outcrop. The overhang is deep enough to crawl into, and the floor is comprised of a light-colored gypsum soil. The overhang measures 1.25 meters high at the left side of the opening and 0.8 meters high at the right side of the opening. The overhang is 3.95 meters wide and 2.8 meters deep. Pottery sherds were found at the opening of the overhang and charcoal was scattered mostly at the edge of the overhang and downslope to Feature 1, but also to the east of the opening on the slope.

At least 50 pottery fragments were found at PLI-2018-1, most scattered downslope between Features 1 and 3. Two fragments were found in the draw on the southeast side of the site. Three fragments also were found in the southwestern portion of the site. At least two ceramic types were observed—Brownware with a light orange interior and tan exterior with these colors reversed in some instances and a reddish and tan pottery. All recorded ceramics were body sherds, many of which were curved. The tan and orange pottery were 4-5 centimeters thick and the largest fragments measured 8 by 10 centimeters. The reddish pottery was 5-6 centimeters thick and was more fragmented. Many sherds of both types displayed blackening. The granitic milling slab fragment was found on a slope near Artifact 2 and measured 29 (l) by 19 (w) by 7 (th) centimeters. The milling surface measured 13 by 13 centimeters. The granitic handstone was complete and measured 12 (l) by 9 (w) by 6 (th) centimeters. The edge modified flake was made from quartz and featured flake scars all along one margin. PLI-2018-1 crosses the Project APE for an unnamed wash or draw that witnesses seasonal rains. On-site vegetation includes creosote, ocotillo, barrel cactus and other shrubs. Gypsum outcrops are present in and around the area.

PLI-2018-2

PLI-2018-2 is a prehistoric site that was first encountered in 2018 near the southern end of the parcel that encompasses proposed Well No. 3 and a portion of the associated pipeline alignment. The site comprises a discrete pottery scatter with at least 26 sherds. Twenty sherds were recorded within a 2-meter radius in a low area of compacted sand that had been impacted by alluvial erosion. Six other ceramic sherds were found scattered to the east. Other fragments may be present and have likely been buried or displaced by alluvial action. The pottery fragments appeared to be from a single vessel. The exterior of each sherd was characterized by the same red/brown color while the interior was buff colored with gray to black temper. No rim fragments were found, and all appeared to be body sherds with slight curvature. The sherds ranged in size from 1.5-5.5 centimeters and were 0.4-0.5 centimeters in thickness. The area surrounding PLI-2018-2 has been heavily disturbed by OHV activity as well as alluvial and aeolian erosion. The area also has been used for recreational shooting, evidenced by numerous skeet fragments, ammunition cartridges and casings, and glass shards as well as other modern debris.

Viking Ranch Restoration Site

A record search for potential cultural resources was conducted by Dudek archeologists for the Viking Ranch Restoration Site. No cultural resources have been recorded on the site or within a 1-mile buffer area.

Old Kane Springs Road Preservation Site

The Old Kane Springs Road Preservation Site is undeveloped open space with no structures or other improvements.

4.3.2 Regulatory Setting

The following sections discuss federal, State, and local regulations pertaining to biological resources that warrant consideration during the environmental review of the project.

4.3.2.1 Federal

Relevant federal, state, and local programs and policies relating to cultural resources that apply to the proposed project are discussed below.

Section 106 of the National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) establishes the nation’s policy for historic preservation and sets in place a program for the preservation of historic properties by requiring Federal agencies to consider effects to significant cultural resources (i.e., historic properties) prior to undertakings. Section 106 of the NHPA states that Federal agencies with direct or indirect jurisdiction over Federally funded, assisted, or licensed undertakings must take into account the effect of the undertaking on any historic property that is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) and that the Advisory Council on Historic Preservation (ACHP) and State Historic Preservation Officer (SHPO) must be afforded an opportunity to comment on such undertakings, through a process outlined in the ACHP regulations at 36 Code of Federal Regulations (CFR) Part 800.

National Register of Historic Places

The NRHP was established by the NHPA of 1966 as an authoritative guide to be used by Federal, State, and Local governments, private groups, and citizens to identify the United States’ cultural resources and to indicate what properties should be considered for protection from destruction or impairment. The NRHP recognizes properties that are significant at the national, State, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, or association. A property is eligible for the NRHP if it is significant under one or more of the following criteria as defined by NRHP:

- *Criterion A:* It is associated with events that have made a significant contribution to the broad patterns of our history.
- *Criterion B:* It is associated with the lives of persons significant in our past.
- *Criterion C:* It embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master, possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
- *Criterion D:* It has yielded, or may be likely to yield, information important in prehistory or history.

In general, a resource must be at least 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

4.3.2.2 State

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR) (CEQA Guidelines Section 15064.5). In addition, resources included in a local register of historic resources or identified as “significant” in a local survey conducted in accordance with State guidelines are also considered historic resources under CEQA, unless a preponderance of the facts demonstrates otherwise. According to CEQA, the fact that a resource is not listed in or determined eligible for listing in the CRHR or is not included in a local register or survey shall not preclude a Lead Agency, as defined by CEQA, from determining that the resource may be a historic resource as defined in California Public Resources Code (PRC) Section 5024.1.

CEQA applies to archaeological resources when: (1) the archaeological resource satisfies the definition of a historical resource, or (2) the archaeological resource satisfies the definition of a “unique archaeological resource.” A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria:

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically recognized important prehistoric or historic event or person.

Finally, CEQA Guidelines Section 15064.5(e) and (f) provides measures to protect historic resources, archeological resources, and human remains (in any location other than a dedicated cemetery) from disturbance, vandalism, or inadvertent destruction.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is:

“an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate properties that are to be protected, to the extent prudent and feasible, from substantial adverse change.”

Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHLs) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historic resources surveys, or designated by local landmarks programs may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the following criteria (modeled after NRHP criteria):

- *Criterion 1:* It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- *Criterion 2:* It is associated with the lives of persons important in our past.
- *Criterion 3:* It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- *Criterion 4:* It has yielded, or may be likely to yield, information important in history or prehistory.

Resources nominated to the CRHR must retain enough of their historic character or appearance to be recognizable as historic resources and to convey the reasons for their significance. It is possible that a resource whose integrity does not satisfy NRHP criteria may still be eligible for listing in the CRHR. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if, under Criterion 4, it maintains the potential to yield significant scientific or historical information or specific data. Resources that have achieved significance within the past 50 years also may be eligible for inclusion in the

CRHR, provided that enough time has lapsed to obtain a scholarly perspective on the events or individuals associated with the resource.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code Sections 8010–8030, the California NAGPRA is consistent with the Federal NAGPRA. Intended to “provide a seamless and consistent State policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect,” the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this process. The Act also provides a process for non-Federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

California Public Resources Code Section 5097

Public Resources Code (PRC) Section 5097 defines and protects Archaeological, Paleontological and Historical sites. Under PRC 5097, an archaeological site survey may be conducted to determine archaeological, paleontological, or historical features. PRC Section 5097.5 prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of state or local authorities. PRC 5097.9 states that no public agency or private party on public property shall “interfere with the free expression or exercise of Native American Religion.” The code further states that: No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require.

California Health and Safety Code Section 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

4.3.2.3 Local

Imperial County General Plan

The goals, objectives, and policies in the *Imperial County General Plan* are intended to inform decision makers, the general public, public agencies, and those doing business in the County of the County’s position on land use-related issues and to provide guidance for day-to-day decision-making. The following objectives and policies contained within the *Imperial County General Plan Conservation Element* pertain to cultural resources for the proposed project:

Conservation and Open Space Element

Goal 3: Preserve the spiritual and cultural heritage of the diverse communities of Imperial County.

Objective 3.1: Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.

Objective 3.3: Engage all local Native American Tribes in the protection of tribal cultural resources, including prehistoric trails and burial sites.

Imperial County Surface Mining Ordinance

The Imperial County Surface Mining Ordinance was enacted to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by SMARA, Public Resources Code (PRC) Section 2207, and state regulations for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure prevention or mitigation of adverse effects on the environment, including damage to archaeological and historical resources.

San Diego County General Plan

The goals and policies of the *San Diego County General Plan* provide direction to future growth and development in the county. The following goals and policies from the *San Diego County General Plan Conservation and Open Space Element* relate to cultural resources and apply to the proposed actions at the Viking Ranch Restoration Site and Old Kane Springs Road Preservation Site, located in unincorporated San Diego County.

Conservation and Open Space Element

Goal COS-7: Protection and Preservation of Archaeological Resources. Protection and preservation of the County’s important archeological resources for their cultural importance to local communities, as well as their research and educational potential.

Policy COS-7.1: Archaeological Protection. Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.

Policy COS-7.2: Open Space Easements. Require development to avoid archeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.

Policy COS-7.3: Archaeological Collections. Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

Policy COS-7.4: Consultation with Affected Communities. Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.

Policy COS-7.5: Treatment of Human Remains. Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State and County Regulations.

4.3.3 Significance Criteria and Analysis Methodology

4.3.3.1 Significance Criteria

2008 EIR/EIS Significance Criteria

The 2008 EIR/EIS evaluated the project's cultural resources impacts using the following significance criteria:

The project would be considered to have a significant effect on cultural resources if it would:

- Disturb cultural resources that are either listed or eligible to be listed in the NRHP; as registered or eligible to be registered as a state Historic Landmark; or included in any responsible local inventory of historical properties;
- Disturb previously unknown important archaeological or historical resources;
- Have the potential to cause physical change which would affect unique ethnic cultural values; or,
- Restrict existing religious or sacred uses within the potential impact area.

CEQA Appendix G Significance Criteria

Based on Appendix G of the CEQA Guidelines, the proposed project would have a significant impact to cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5;
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;
- c) Disturb any human remains, including those interred outside of dedicated cemeteries.

4.3.3.2 Analysis Methodology

The evaluation of potential impacts to cultural resources is based on the findings of the 2018 CRR (Appendix E). Through a combination of a comprehensive records search for previously identified cultural resources and a field investigation to identify and record newly discovered resources the 2018 CRR confirmed the location of significant cultural resources within the APE for the project. Based on this information, the proposed locations of project activities were compared to determine potential impacts to resources.

4.3.4 Project Impacts and Mitigation Measures

4.3.4.1 2008 EIR/EIS Impact Analysis

The 2008 EIR/EIS determined that impacts to known prehistoric and historic resources within the USG Expansion/Modernization Project area would be less than significant. However, it was noted that excavation in previously undisturbed areas could uncover unknown resources. The 2008 EIR/EIS includes the following mitigation measure to address potential impacts to unknown cultural resources:

Mitigation Measure 3.8-3: If any archaeological resources are encountered during implementation of the Proposed Action, construction or any other activity that may disturb or damage such resources shall be halted, and the services of a qualified archaeologist shall be secured to assess the resources and evaluate the potential impact. Such construction or other activity may resume

only after the archaeological resources have been assessed and evaluated and a plan to avoid or mitigate any potential impacts to a level of insignificance has been prepared and implemented.

4.3.4.2 2019 SEIS Impact Analysis

The 2019 SEIS further evaluated the proposed project under the National Environmental Policy Act (NEPA) and provided the following mitigation measures to address the potential for inadvertent discovery of unknown cultural resources on the project site.

Mitigation Measure 3.6-1: *Develop and Implement a Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects. Avoidance and protection measures for cultural resources within the Project APE will be outlined in a Construction Monitoring and Inadvertent Discovery Plan. This Plan will be prepared and approved prior to the implementation of any of the action alternatives. It will describe worker awareness training, avoidance measures, and monitoring procedures that will be implemented to protect known cultural resources from Project impacts. It will also detail the procedures that will be used to assess, manage, and mitigate potential impacts on inadvertent discoveries during Project implementation.*

Mitigation Measure 3.6-2: *Develop a Maintenance Notification Agreement for Future Maintenance of Pipeline Rights-of-Way. A Maintenance Notification Agreement will be outlined prior to the authorization of any pipeline right-of-way grant to ensure continued avoidance of archaeological resources during the life of the grant. This agreement will identify the schedule and data needs that will be submitted by USG to BLM when maintenance is needed on any of the pipelines authorized for this project. The BLM archaeologist will review this data to determine if and where archaeological monitors are needed during future maintenance activities.*

4.3.4.3 Substantial Project Changes

Project Revisions

The proposed Quarry expansion, and the proposed Well No. 3 and associated pipeline, are substantially in the same location and same configuration as the features that were evaluated in the 2008 EIR/EIS. Therefore, any minor revisions would not create a new or increase a significant impact related to cultural resources. However, the restoration of the Viking Ranch site and preservation of the Old Kane Springs Road site are proposed in response to mitigation required by the 2019 SEIS, and these are new actions under the proposed project.

Changed Circumstances

No changed circumstances related to the project would create a new or increased significant impact related to cultural resources.

New Information

The BLM requires that areas not subject to cultural resources inventory survey for over 10 years must be re-examined. Therefore, areas that were investigated for the USG Expansion/Modernization Project in 2002 were again inventoried in 2018. An updated Cultural Resources Report (2018 CRR) was completed as part of the 2019 SEIS. The 2018 CRR included an archival and records search and a pedestrian inventory of the USG Expansion/Modernization Project APE. As a result of the pedestrian survey, 18 cultural resources were

newly discovered including one archaeological site and 17 isolated finds within the Quarry and one prehistoric archaeological site and three isolated finds within the well site and associated pipeline alignment.

Significance Determination

Based on project revisions that may create a new or increased significant impact, the County has amplified and augmented the analysis contained in the 2008 EIR/EIS. This evaluation is provided in the following impact analysis.

4.3.4.4 Subsequent Environmental Analysis

Impact 4.3-1: The Project Could Cause a Substantial Adverse Change in the Significance of a Historical Resource Pursuant to §15064.5.

Quarry, Well No. 3, and Associated Pipeline

Quarry operations and development of Well No. 3 and the associated pipeline would occur in substantially the same locations and in the same manner as previously described and evaluated in both the 2008 EIR/EIS and the 2019 SEIS. As these project components would remain essentially unchanged, no new or more severe impacts would occur to cultural resources under the proposed project. However, the following discussion provides an evaluation of new information regarding the presence of cultural resources in the project area that has become available with completion of the 2018 CRR.

As described in the 2018 CRR (Pacific Legacy 2018) and 2019 SEIS, there are two previously recorded historical resource sites currently present in the APE for the Quarry, Well No. 3, and associated pipeline: (1) the Quarry, which encompasses numerous isolated finds and a small u-shaped historic period stone structure with debris (Locus 1) and, (2) the Plaster City Railroad (P-13-008139). These are central components to the Quarry operation that remain in continuous operation, are properly maintained, and would not be adversely affected by project implementation. The proposed pipeline would be constructed parallel to a segment of the Plaster City Railroad but, according to the 2018 CRR, the project would avoid impacts to this historical resource site. Furthermore, the railroad is routinely subject to physical use and alteration as a result of operation, maintenance, and repair. For example, many of the tie plates and joint bars have been replaced and the rails have been replaced entirely to support heavier loads (Pacific Legacy 2018). Thus, a significant impact would occur only if the project adversely affected the historical context of the railroad as a whole, and not as a result of physical modification of one segment. As the project is not expected to affect either the railroad itself or its historical context within the project area, no impact would occur to this historical resource.

During the 2018 pedestrian survey, two prehistoric archaeological sites (PLI-2018-1 and PLI-2018-2) and 17 prehistoric and historic period isolated finds were identified and recorded within the Quarry while three isolated finds were identified and recorded within the proposed pipeline alignment or the area encompassing proposed Well No. 3. Neither of the prehistoric archaeological sites (PLI-2018-1 and PLI-2018-2) has been evaluated for listing in the NRHP. PLI-2018-1 consists of a lithic and ceramic scatter with overhang rock shelter located within jurisdictional waters in the Quarry. The 2018 CRR determined that this site is not likely to be disturbed by project activities as it lies within jurisdictional waters on the edge of Quarry boundaries and away from active mining areas. PLI-2018-2 consists of a ceramic scatter located near the site of proposed Well No. 3. The 2018 CRR determined that this site would not be affected by the project. Isolated cultural resources are not eligible for listing in the NRHP and, therefore, are not considered further in this evaluation.

Inadvertent discoveries of unknown resources and/or unanticipated damage to resources could occur during ground disturbing activities carried out as part of the proposed project. The project is subject to 2008 EIR/EIS Mitigation Measure 3.8-3 which, in the event a potential resource is encountered during construction, requires work to halt and a qualified archaeologist to assess and properly manage the find. The 2018 CRR recommends additional mitigation to more comprehensively protect discovered resources by requiring construction monitoring during all ground disturbing activities. These recommended measures were included in the 2019 SEIS as Mitigation Measures 3.6-1 and 3.6-2. Implementation of these existing mitigation measures would address the potential for inadvertent discovery of cultural resources on the project site and reduce this impact to below a level of significance.

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: *Implement the following existing mitigation measures (see Section 4.3.4 for the full text of each measure):*

- 2008 EIR/EIS:
 - Mitigation Measure 3.8-3
- 2019 SEIS:
 - Mitigation Measure 3.6-1
 - Mitigation Measure 3.6-2

Level of Significance After Mitigation: Less than significant.

Viking Ranch Restoration Site

The cultural resources records search conducted for the Viking Ranch Restoration site failed to identify any previous cultural resource studies or recorded cultural resources on the Viking Ranch site or within a one-mile buffer area. There is, however, potential for restoration activities to disturb previously undiscovered cultural resources. Implementation of Mitigation Measures 4.3-1 below would reduce this impact to below a level of significance.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure: *Implement the following new mitigation measure:*

Mitigation Measure 4.3-1: *Develop and Implement a Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects. Avoidance and protection measures for cultural resources within the Viking Ranch APE shall be outlined in a Construction Monitoring and Inadvertent Discovery Plan. This Plan will be prepared and approved prior to the implementation of any of the action alternatives. The Plan shall describe worker awareness training, avoidance measures, and monitoring procedures that will be implemented to protect known cultural resources from project impacts. It shall also detail the procedures that will be used to assess, manage, and mitigate potential impacts on inadvertent discoveries during project implementation.*

Level of Significance After Mitigation: Less than significant.

Old Kane Springs Road Preservation Site

The proposed project does not include any ground disturbing activities on the Old Kane Springs Road Preservation Site and would have no potential to disturb unknown subsurface cultural resources.

Level of Significance: No Impact.

Mitigation Measures: None required.

Impact 4.3-2: The Project Could Cause a Substantial Adverse Change in the Significance of an Archaeological Resource Pursuant to §15064.5.

Quarry, Well No. 3, and Associated Pipeline

According to the 2018 CRR, there is one previously recorded archaeological resource within the project APE. The Yuman Desert Ware (P-13-000001), which consisted of a potsherd scatter, could not be relocated during the 2018 pedestrian survey of the Quarry. Given the highly disturbed condition of its recorded location within an active quarry area, it is presumed that this site is no longer present in the APE. Multiple isolated finds were also identified within the project APE; however, isolated finds are not eligible for the NRHP, and these resources are not evaluated further in this SEIR.

Inadvertent discoveries of currently unknown resources and/or unanticipated damage to resources could occur during ground disturbing activities carried out as part of the proposed project. Implementation of existing Mitigation Measures 3.8-3, 3.6-1, and 3.6-2 would reduce this impact to a less than significant level by requiring worker awareness training, avoidance measures, and monitoring during earthmoving activities.

Level of Significance Before Mitigation: Less than significant

Mitigation Measures: *Implement the following existing mitigation measures (see Section 4.3.4 for the full text of each measure):*

- 2008 EIR/EIS:
 - Mitigation Measure 3.8-3
- 2019 SEIS:
 - Mitigation Measure 3.6-1
 - Mitigation Measure 3.6-2

Level of Significance After Mitigation: Less than significant

Viking Ranch Restoration Site

The cultural resources records search conducted for the Viking Ranch Restoration Site failed to identify any previous cultural resource studies or recorded cultural resources on the Viking Ranch site or within a one-mile buffer area. There is potential, however, for restoration activities to disturb previously undiscovered cultural resources. Implementation of Mitigation Measure 4.3-1 would reduce this impact to below a level of significance.

Level of Significance Before Mitigation: Potentially significant.

Mitigation Measure: *Implement Mitigation Measure 4.3-1.*

Level of Significance After Mitigation: Less than significant.

Old Kane Springs Road Preservation Site

The proposed project does not include any ground disturbing activities on the Old Kane Springs Road Preservation Site and would have no potential to disturb unknown subsurface cultural resources at this location.

Level of Significance: No Impact.

Mitigation Measure: None required.

Impact 4.3-3: The Project Could Disturb Any Human Remains, Including Those Interred Outside of Dedicated Cemeteries

According to the cultural resources studies and records searches conducted for the project, there are no recorded cemeteries or burial sites within the project APE or on the Viking Ranch Restoration Site. However, as discussed previously, project ground-disturbing activities could disturb unknown burial sites and human remains. San Diego County General Plan Policy COS-7.5 requires that the disposition and handling of human remains be done in consultation with the Most Likely Descendent (MLD) and in accordance with federal, state and local law. Mitigation Measure 4.3-2 provides further, more detailed requirements for the handling of inadvertently discovered human remains. Implementation of Mitigation Measure 4.3-2 would reduce this impact below a level of significance.

Level of Significance Before Mitigation: Potentially significant

Mitigation Measure: *Implement the following new mitigation measure:*

Mitigation Measure 4.3-2: *Inadvertent Discovery of Unmarked Burials. If human remains are uncovered during project activities, the project operator shall immediately halt work within 50 feet of the find, contact the Imperial County Coroner to evaluate the remains, and follow the procedures and protocols set forth in CEQA Guidelines Section 15064.4(e)(1). If the County Coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) will be notified, in accordance with Health and Safety Code Section 7050.5(c) and Public Resources Code (PRC) 5097.98 (as amended by Assembly Bill 2641). The NAHC shall designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98, and designate a Most Likely Descendent (MLD) for the remains per PRC Section 5097.98, with the MDL regarding their recommendations for the disposition of the remains, taking into account the possibility of multiple human remains.*

Level of Significance After Mitigation: Less than significant.

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