

5.3. Cultural Resources

This section addresses potential cultural resource impacts that may result from construction, operation, closure and post-closure maintenance of the Desert Valley Company Monofill Expansion Project, Cell 4. The following discussion addresses the existing conditions in the vicinity of the Project site, identifies applicable regulations, identifies and analyzes direct and indirect environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the Project, as applicable. Please see Section 5.11 for a discussion of project-related impacts to Tribal Cultural Resources.

Cultural resources encompass archaeological, traditional, and built environmental resources, including buildings, structures, objects, districts, and sites. For purposes of the analysis of cultural resources under CEQA, the area of direct impacts to cultural resources is identified herein as the “CEQA Area of Direct Impacts”. It consists of all areas of ground disturbance under the Proposed Project plus a 200-foot buffer.

Information used in preparing this section was derived from the Phase I Cultural Resource Report for the Desert Valley Monofill Cell 4 Expansion Project prepared by Chambers Group, Inc. (Chambers Group, 2019; Appendix H-1). This report provides the results of an archaeological literature review, a records search and an intensive pedestrian survey of the entirety of Section 33 (360-acres) within which the Project site is located. Subsurface archaeological testing was also conducted, to determine the significance of cultural resources according to CEQA §15064.5. Results of the archaeological testing are presented in the Phase II Archaeological Testing Report, prepared by Chambers Group in 2020 (Chambers Group, 2020; Appendix H-2).

Scoping Issues Addressed

During the scoping period for the Project, a scoping meeting was conducted, and written comments were received from public agencies. The following issue related to Cultural Resources and were raised by the Native American Heritage Commission and are addressed in this section:

- NAHC provided recommendations for preparing cultural resource assessments.

Issues Scoped Out

None.

5.3.1. Environmental Setting

Ethnography and Archaeology

The Project area was utilized prehistorically by a variety of Native American groups, including the Kumeyaay (the Kamia are a subset of this group), the Cocopah, the Quechan, and the Cahuilla.

Kumeyaay

At the time of the Spanish contact, the Kumeyaay (also known as Kamia, Ipai, Tipai, and Diegueño) occupied the southern two-thirds of San Diego County. The term Kamia refers to the desert Kumeyaay while Ipai refers to the Kumeyaay north of Agua Hedionda to the San Luis Rey River and Tipai refers to the Kumeyaay south of Agua Hedionda to Todos Santos Bay, Mexico, and east to the Imperial Sand Dunes. The Kumeyaay lived in semi-sedentary, politically autonomous villages or rancherías. A settlement system typically consisted of two or more seasonal villages with temporary camps radiating away from these central places.

The Kumeyaay economic system consisted of hunting and gathering, with a focus on small game, acorns, grass seeds, and other plant resources. The most basic social and economic unit was the patrilocal extended family. A wide range of tools was made of both locally available and imported stone, including scrapers, choppers, flake-based cutting tools, and biface knives. Ground stone objects include mortars and pestles, and manos and metates typically made of locally available fine-grained granite.

The Kamia traditional territory included the southern Imperial Valley from the latitude of the southern half of the Salton Sea to well below what is the U.S.–Mexico international border. Their main settlements were along the New and Alamo. Subsistence among the Kamia consisted of hunting and gathering, and floodplain horticulture. The Kamia’s major food staple was mesquite and screwbean. Acorns, at times, were also an important food. They were gathered in the mountains to the west of Kamia territory in October and acquired through trade from the southern Kumeyaay. Hunting contributed to the diet and provided valuable protein, skin and bone for clothing, blankets, and tools. Small game, primarily rabbits, was most frequently taken, using bow and arrow or rabbit stick.

Cocopah

Cocopah subsistence was similar to other river Yuman people, although their location in the Colorado River delta area had a somewhat different environment from that of the upstream tribes. The Colorado River frequently changed course within the general floodplain throughout the area below the Grand Canyon. The river formed very active meanders in the delta region, requiring settlement and field movement among the Cocopah and other delta peoples. Mesquite and screwbean grew in profusion and formed a dietary staple of the Cocopah. Other important wild food sources of the delta region were “wild rice or wild wheat,” and quelite or amaranth. The Cocopah planted a variety of maize, pumpkins, tepary beans, cowpeas, muskmelons, watermelons, and heshmicha (grain resembling wheat), and sugar cane.

Hunting was relatively unimportant and was confined primarily to the hills and mountains. Fish was the most important animal food among the Lower Colorado River peoples. The Cocopah fished in

the Colorado and Hardy rivers, and occasionally parties would fish along the Gulf of California. Fish were also taken with bow and arrow, as well as by spears, gill nets, and dip nets.

The Cocopah frequently visited the mountainous Paipai country west of the delta to trade and to gather pine nuts and acorns. Tobacco, mescal (roasted agave), and mountain sheep skins were obtained from the Paipai in exchange for delta foodstuffs. The Cocopah also obtained tobacco and eagle feathers from the Kumeyaay. At times, the Cocopah traded seashells to the Kamia.

Quechan

The Quechan (Kwatsan) were formerly called the Yuma Indians. Their territory was centered at the confluence of the Gila and Colorado Rivers (present-day Yuma, Arizona), but extended north on the Colorado about 60 miles and 30 miles up the Gila. According to Quechan tradition, the northern boundary was in the vicinity of Blythe, California; the southern boundary reached into Baja California and Sonora, Mexico. Their neighbors on the northwest were the Cahuilla and Luiseño, and to the west the Kamia. Their eastern boundary was just west of Gila Bend, Arizona.

The Quechan had a relatively large population and Juan Oñate, estimated a population of about 4,000 in 1604. He mentioned a stable horticultural and gathering economy. Throughout winter and spring, the Quechan lived in large seasonal settlements or rancherias located on terraces above the Colorado River floodplain. These winter settlements were moved from time to time, and establishing their precise locations is problematic. When the floodwaters of spring receded, the Quechan left their winter villages on the river terraces and dispersed into camps near their 2- to 3-acre horticultural plots distributed along the river floodplain. Extended families resided in these camps. Planting was done in the mud, as the river receded. Major crops included maize, squash, pumpkin, watermelon, and wheat, introduced by Kino in 1700. After the fall harvest season, the Quechan would reconvene in villages on terraces above the river to avoid seasonal flooding.

Quechan villages were a collection of houses, or rancherias, dispersed along the Colorado and Gila rivers. Households consisted of composite families that lived together and moved, more or less as a unit from place to place. The annual flood of the Colorado constantly changed the gardening areas, eroding some, and burying others under tons of silt. The Quechan burned the houses and possessions of the dead, which also contributed to the movement of villages from time to time.

Cahuilla

The Project area currently falls within the ethnographic territory of the Cahuilla, whose ancestors may have entered this region of Southern California approximately 3,000 years ago. The Cahuilla ancestral territory is located near the geographic center of Southern California. Natural boundaries such as the Colorado Desert provided the Cahuilla separate territory from the neighboring Mojave, Ipai, and Tipai. In turn, mountains, hills, and plains separated the Cahuilla from the adjacent Luiseno, Gabrielino and the Serrano.

The Cahuilla relied heavily on the exploitation and seasonal availability of faunal and floral resources through a pattern of residential mobility that emphasized hunting and gathering. Important floral species used in food, for manufacturing of products, and/or for medicinal uses primarily included acorns, mesquite and screw beans, piñon nuts, and various cacti bulbs. Networks of trails linked villages and functioned as hunting, trading, and social conduits. Trades of both goods and technologies were frequently exchanged between the Cahuilla and nearby Serrano, Gabrielino, and Luiseño cultural groups.

The Cahuilla are believed to have first come into contact with Europeans prior to the Juan Bautista de Anza expedition in 1774; however, little direct contact was established between the Cahuilla and the Spanish except for those baptized at the Missions San Gabriel, San Luis Rey, and San Diego. Following the establishment of several *asistencias* or “smaller branch missions” near the traditional Cahuilla territories, many Spanish cultural forms — especially agriculture and language — were adopted by the Cahuilla people.

Through the Rancho and American periods, the Cahuilla continued to retain their political autonomy and lands despite more frequent interactions with European-American immigrants. In 1863, a large number were killed by a smallpox epidemic that affected many tribal groups in Southern California. The first reservations established in Riverside County ca. 1865 saw many of the Cahuilla remaining on their traditional lands. After 1891, however, all aspects of the Cahuilla economic, political, and social life were closely monitored by the Federal Government; a combination of missionaries and government schools drastically altered the Cahuilla culture.

Prehistory

Archaeological studies have been limited in the Salton Sea desert region. This lack of archaeological investigation has resulted in undefined and imperfect archaeological classification schemas and typologies. Therefore, the prehistoric time periods used by archaeologists to describe the southern Imperial County desert region borrow heavily from those chronologies established for San Diego County prehistory, with some minor Colorado Desert-specific clarifications. The three general time periods accepted in the region are briefly described below.

The San Dieguito Complex

The earliest recognized occupation of the region, dating to 10,000-8,000 years before present (B.P.), is known as the San Dieguito complex. Assemblages from this occupation generally consist of flaked stone tools. Evidence of milling activities is rare for sites dating to this period. It is generally agreed that the San Dieguito complex shows characteristics of the Western Pluvial Lakes Tradition (WPLT), which was widespread in California during the early Holocene. The WPLT assemblage generally includes scrapers, choppers and bifacial knives. Archaeologists theorize this toolkit composition likely reflects a generalized hunting and gathering society.

The Archaic Period

The Archaic Period (8,500-1,300 B.P.) is traditionally seen as encompassing both coastal and inland adaptations, with the coastal Archaic represented by the shell middens of the La Jolla complex and the inland Archaic represented by the Pauma complex. Coastal settlement is also thought to have been significantly affected by the stabilization of sea levels around 4,000 years ago that led to a general decline in the productivity of coastal ecosystems. Artifacts associated with this period include milling stones, unshaped manos, flaked cobble tools, Pinto-like and Elko projectile points, and flexed inhumations.

Late Prehistoric Period

The Late Prehistoric Period (1,300-200 B.P.) is marked by the appearance of small projectile points indicating the use of the bow and arrow, the common use of ceramics, and the general replacement of inhumations with cremations, all characteristic of the San Luis Rey complex. The San Luis Rey complex is divided temporally into San Luis Rey I and San Luis Rey II, with the latter distinguished mainly by the addition of ceramics. Along the coast of northern San Diego County, deposits containing significant amounts of Donax shell are now often assigned to the Late Prehistoric, based on a well-documented increase in the use of this resource at this time. The inception of the San Luis Rey complex is suggested to mark the arrival of Takic speakers from regions farther inland. This migration was probably sporadic and took place over a considerable period, due to burials showing physical differences between pre- and post-1,300 B.P. remains. However, some researchers have suggested that these Shoshonean groups may have arrived considerably earlier, perhaps as early as 4,000 years ago.

History

The first significant European settlement of California began during the Spanish Period (1769 to 1821) when 21 missions and four presidios were established between San Diego and Sonoma. Although located primarily along the coast, the missions dominated economic and political life over the greater California region. The purpose of the missions was primarily for political control and forced assimilation of the Native American population into Spanish society and Catholicism, along with economic support to the presidios.

In the 1700s, due to pressures from other colonizers (Russians, French, British), New Spain decided that a party should be sent north with the idea of founding both military presidios and religious missions in Alta California to secure Spain's hold on its lands. The aim of the party was twofold. The first was the establishment of presidios, which would give Spain a military presence within its lands. The second was the establishment of a chain of missions along the coast slightly inland, with the aim of Christianizing the native population. By converting the native Californians, they could be counted as Spanish subjects, thereby bolstering the colonial population within a relatively short time.

The Mexican Period (1821-1848) began with the success of the Mexican Revolution in 1821, but changes to the mission system were slow to follow. When secularization of the missions occurred in the 1830s, their vast land holdings in California were divided into large land grants called ranchos. The Mexican government granted ranchos throughout California to Spanish and Hispanic soldiers and settlers. Even after the decree of secularization was issued in 1833 by the Mexican Congress, missionaries continued to operate a small diocesan church. In 1834, the San Gabriel Mission, including over 16,000 head of cattle, was turned over to the civil administrator.

In 1848, the Treaty of Guadalupe Hidalgo ended the Mexican-American War and marked the beginning of the American Period (1848 to present). The discovery of gold that same year sparked the 1849 California Gold Rush, bringing thousands of miners and other new immigrants to California from various parts of the United States, most of whom settled in the north. For those settlers who chose to come to southern California, much of their economic prosperity was fueled by cattle ranching rather than by gold. This prosperity, however, came to a halt in the 1860s because of severe floods and droughts, as well as legal disputes over land boundaries, which put many ranchos into bankruptcy.

Imperial County was formed in 1907 from a portion of San Diego County known as Imperial Valley and is the newest of California's counties. It is known for being one of California's most prosperous agricultural communities because of its vast canal systems stemming from the Colorado River. The first diversion of the Colorado River was in 1905 and continued through 1942 when the All-American Canal was completed. It is this water, conveyed from the Colorado River, that makes Imperial County so rich. The City of Brawley was originally going to be named Braly after J.H. Braly, a Los Angeles man who was assigned 4,000 acres of land at the center of where the current city sits now. Braly sold his 4,000 acres of the land in 1902, to George E. Carter, after Braly believed the land would be nothing but a hostile wasteland. Not long after the sale, the Imperial Land Company purchased the land from Carter, and was renamed Brawley. The City of Brawley was officially incorporated in 1908.

5.3.2. Regulatory Setting

Cultural resources may be subject to federal, state, and local laws, policies, and regulations that are developed to ensure that adequate consideration is given to mitigating impacts to historical resources. The Project is subject to the following regulations, plans, goals, and policies.

Federal

National Historic Preservation Act

Federal regulations (36 Code of Federal Regulations [CFR] Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, in the National Register of Historic Places." Section 106 of the National Historic

Preservation Act (NHPA) (Public Law 89-665; 80 Stat 915; U.S. Code [USC] 470, as amended) requires a federal agency with jurisdiction over a project to take into account the effect of the project on properties included in or eligible for listing on the National Register of Historic Places (NRHP), and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

Native American Graves Protection and Repatriation Act (1990); Title 25, United States Code Section 3001, et seq.

The statute defines “cultural items,” “sacred objects,” and “objects of cultural patrimony;” establishes an ownership hierarchy; provides for review; allows excavation of human remains, but stipulates return of the remains according to ownership; sets penalties; calls for inventories; and provides for the return of specified cultural items.

State

California Register of Historic Places

Under the provisions of CEQA, including the CEQA Statutes (Public Resources Code [PRC] §§ 21083.2 and 21084.1), the CEQA Guidelines (Title 14 California Code of Regulations [CCR], § 15064.5), and PRC § 5024.1 (Title 14 CCR § 4850 et seq.), properties expected to be directly or indirectly affected by a proposed project must be evaluated for CRHR eligibility (PRC § 5024.1).

The purpose of the California Register of Historical Resources (CRHR) is to maintain listings of the state’s historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change. The term historical resources includes a resource listed in or determined to be eligible for listing in the CRHR; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CCR § 15064.5[a]). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP). The California Office of Historic Preservation regards “any physical evidence of human activities over 45 years old” as meriting recordation and evaluation.

A cultural resource is considered “historically significant” under CEQA if the resource meets one or more of the criteria for listing on the CRHR. The CRHR was designed to be used by state and local agencies, private groups, and citizens to identify existing cultural resources within the state and to indicate which of those resources should be protected, to the extent prudent and feasible, from substantial adverse change. The following criteria have been established for the CRHR. A resource is considered significant if it:

Criterion 1: is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

Criterion 2: is associated with the lives of persons important in our past;

Criterion 3: embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

Criterion 4: has yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the above criteria, historical resources eligible for listing in the California Register must retain enough of their historic character or appearance to be able to convey the reasons for their significance. Such integrity is evaluated in regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

Under CEQA, if an archeological site is not a historical resource but meets the definition of a “unique archeological resource” as defined in PRC § 21083.2, then it should be treated in accordance with the provisions of that section. A unique archaeological resource is defined as follows:

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type
- Is directly associated with a scientifically recognized important prehistoric or historic event or person

Resources that neither meet any of these criteria for listing in the CRHR nor qualify as a “unique archaeological resource” under CEQA PRC § 21083.2 are viewed as not significant. Under CEQA, “A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects” (PRC § 21083.2[h]).

Impacts that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. Impacts to historical resources from a proposed project are thus considered significant if the project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource, which contributes to its significance; or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

Assembly Bill 52

California Assembly Bill 52 of 2014 (AB 52) was enacted on July 1, 2015 and expands CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources:

1. “Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” and meets either of the following criteria: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. AB 52 requires that lead agencies “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the formal consultation process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Senate Bill 18

SB 18 of 2004 (California Government Code §65352.3) requires local governments to contact, refer plans to and consult with tribal organizations prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government’s jurisdiction and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research’s Tribal Consultation Guidelines (2005), “The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places.”

Native American Historic Resource Protection Act

Public Resources Code Sections 5097 et seq. codify the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal public lands. Section 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. County and city lands are exempt from this provision, except for parklands larger than 100 acres.

California Health and Safety Code

California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Local

Imperial County General Plan

The County of Imperial General Plan (General Plan) provides goals, objectives, and policies for the identification and protection of significant cultural resources. Specifically, the Conservation and Open Space Element of the General Plan calls for the protection of cultural resources and scientific sites and contains requirements for cultural resources that involve the identification and documentation of significant historic and prehistoric resources and the preservation of representative and worthy examples. The Conservation and Open Space Element also recognizes the value of historic and prehistoric resources and the need to assess current and proposed land uses for impacts upon these resources.

TABLE 5.3-1 CONSISTENCY WITH APPLICABLE GENERAL PLAN TRIBAL CULTURAL RESOURCES GOALS AND POLICIES

General Plan Policies	Consistency	Analysis
Conservation and Open Space Element (COSE)		
Conservation of Environmental Resources for Future Generations, COSE Goal 1: – Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions and educating the public on their value	Yes, with mitigation	Cultural resource investigations and testing have been conducted for the proposed Project and potential impacts have been minimized. The Project is in compliance with this goal through incorporation of mitigation measures MM CUL-1 through MM CUL-4.

TABLE 5.3-1 CONSISTENCY WITH APPLICABLE GENERAL PLAN TRIBAL CULTURAL RESOURCES GOALS AND POLICIES

General Plan Policies	Consistency	Analysis
Conservation of Environmental Resources for Future Generations, COSE Goal 1: – Objective 1.4: Ensure the conservation and management of the County's natural and cultural resources.	Yes, with mitigation	Cultural resource investigations and testing have been conducted for the proposed Project and potential impacts have been minimized. The Project is in compliance with this goal through incorporation of mitigation measures MM CUL-1 through MM CUL-4.
Preservation of Cultural Resources, COSE Goal 3: – Objective 3.1: Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.	Yes, with mitigation	Cultural resource investigations and testing have been conducted for the proposed Project and potential impacts have been minimized. The Project is in compliance with this goal through incorporation of mitigation measures MM CUL-1 through MM CUL-4.
Cultural Resources Conservation Policy: – Identify and document significant historic and prehistoric resources, and provide for the preservation of representative and worthy examples; and recognize the value of historic and prehistoric resources, and assess current and proposed land uses for impacts upon these resources.	Yes, with mitigation	Cultural resource investigations and testing have been conducted for the proposed Project and potential impacts have been minimized. The Project is in compliance with this goal through incorporation of mitigation measures MM CUL-1 through MM CUL-4.
Cultural Resources Conservation Program: – The County will use the CEQA process to conserve cultural resources and conform to Senate Bill 18 “Consultation with Tribal Governments” and Assembly Bill 52 “Consultation with Tribal Governments”. Public awareness of cultural heritage will be stressed. All information and artifacts recovered in this process will be stored in an appropriate institution and made available for public exhibit and scientific review.	Yes, with mitigation	Cultural resource investigations and testing have been conducted for the proposed Project and potential impacts have been minimized. The Project is in compliance with this goal through incorporation of mitigation measures MM CUL-1 through MM CUL-4. The County’s compliance with the requirements of Senate Bill 18 and Assembly Bill 52 are documented in Section 5.11, Tribal Cultural Resources.

Source: County of Imperial, 2016.

While this Draft EIR analyzes the Project’s consistency with the County of Imperial General Plan pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15125(d), the Imperial County Planning Commission ultimately determines consistency with the General Plan.

5.3.3. Analysis of Project Effects and Significance Determination

Study Methods and Findings

Records Search

An archaeological records search was conducted at the South Coastal Information Center on June 18, 2019. The record search provided information on all documented cultural resources and previous archaeological investigations with a 0.5-mile radius of Section 33. It included results from the National Register of Historic Places (NRHP), California Historical Landmarks, California Points of Historical Interest, and the California State Historic Resources Inventory.

The record search identified that 15 cultural resource studies have previously been completed within the 0.5-mile radius of Section 33, ten (10) of which were conducted for the Desert Valley Company Monofill dating back to 1983. The record search also identified that 75 cultural resources had been recorded within a 0.5-mile radius of Section 33, 46 of which are located within Section 33.

Pedestrian Field Survey

On May 9, 2019, Chambers Group archaeologists completed an intensive pedestrian survey of the entirety of Section 33, minus the area occupied by the existing monofill and related facilities, using transects spaced 30 meters apart and oriented in a north-south direction. No geographic obstructions or impediments were present, and the crew was able to survey the project area in its entirety. Overall ground visibility was high (95%). Sparse vegetation (primarily creosote) and various drainages were present throughout the project area and presented the only limitations to ground surface visibility and uniformity.

The survey identified 10 new isolated artifacts, which are not considered significant under CEQA. The survey also updated four (4) previously recorded archaeological sites (CA-IMP-6144, CA-IMP-6145, CA-IMP-6262, and CA-IMP-6269) within Section 33. However, three (3) previously identified cultural resource sites could not be relocated⁽¹⁾. Most likely, those sites have been obscured with sediment through aeolian processes or were displaced by erosion or modern disturbances (Appendix H-1).

Summary of Findings

The records search and archaeological survey resulted in the identification of 56 resources within Section 33, including 35 isolates (25 previously recorded isolates and 10 newly identified isolates) and 21 archaeological sites. Isolates are not considered to be significant under CEQA.

¹ "Relocated" in this context means that the previously recorded sites were revisited during the current survey and were found in the same location as originally described in the site record.

The previous cultural resource studies indicated that the majority of the archaeological sites represent temporary encampments and ephemeral artifact scatters consistent with prehistoric subsistence and settlement patterns around the Lake Cahuilla area. The previous cultural resource studies also indicated that limited sub-surface testing had been completed on 14 of the 21 archaeological sites. Archaeological site CA-IMP-6141 was found to be significant under CEQA.

Due to the lack of previous subsurface testing and/or evaluation further archaeological testing and evaluation was recommended for the following sites:

- CA-IMP-6142,
- CA-IMP-6144,
- CA-IMP-6145,
- CA-IMP-6146,
- CA-IMP-6149, and
- CA-IMP-6162

Archaeological Testing

Between February 17 and February 20, 2020, the Chambers Group, accompanied by a Native American monitor representing the Viejas Band of Kumeyaay Indians, conducted subsurface archaeological testing on the six (6) archaeological sites noted above that could be subject to direct and indirect impacts. The objective of the testing effort was to determine the significance of the resources according to CEQA §15064.5. A total of 49 shovel test pits (STPs) were placed in approximately 25-meter intervals across each of the sites, with additional STPs placed in locations where the pedestrian survey revealed high concentrations of artifacts. STPs also were placed strategically at the borders of the sites to determine the horizontal extent of subsurface deposits where necessitated. The STPs measured 35 centimeters (cm) in diameter and were excavated in 20-cm levels until two levels of sterile soil were excavated (minimum depth of 40 cm) or bedrock reached. Two 1x1-meter test units were also excavated at two locations within CA-IMP-6145. All excavated soils were processed through 1/4-inch hardware mesh using shaker screens. Artifacts recovered from the surface collection and excavation programs were collected from the field and cataloged in the lab at the Chambers Group San Diego Office.

A total of 49 STPs were excavated across the six sites and the results are presented on **Table 5.3-2**.

TABLE 5.3-2: ARCHAEOLOGICAL TESTING RESULTS

Cultural Resource Site No.	No. of STPs Excavated	Site Description	Results	CRHR Eligibility Recommendation
CA-IMP-006142	6	Prehistoric Site	- No subsurface artifacts or features identified.	Not Eligible
CA-IMP-006144	10	Prehistoric Site	- No subsurface artifacts or features identified.	Not Eligible
CA-IMP-006145	23	Prehistoric Site	- Freshwater shell and a ceramic sherd within upper 10 cm of STP. - Two (2) lithic artifacts, One piece of non-human (fish) bone; Two (2) pieces of charcoal at 50 cm below the surface.	<i>Eligible</i>
CA-IMP-006146	7	Prehistoric Site	- No subsurface artifacts or features identified	Not Eligible
CA-IMP-006149	2	Prehistoric Site	- No subsurface artifacts or features identified.	Not Eligible
CA-IMP-006162	1	Prehistoric Site	- No subsurface artifacts or features identified.	Not Eligible
TOTAL	49			

Source: Chambers Group, Inc., 2020 (Appendix H-5).

Based on the surface collection and archaeological testing, archaeological sites CA-IMP-6142, -6144, -6146, -6149, and -6162 are not recommended as being eligible for inclusion on the California Register of Historical Resources. Archaeological site CA-IMP-6145 is recommended as being eligible for listing on the California Register of Historical Resources, primarily on the basis of the presence of data that may answer important scientific questions related to the historic use of the region during a period of time in the history of the Salton rough where many questions remain unanswered or only partially understood, as well as being a site that represents an expression of an event that has made a significant impact to the broad patterns of California's history and cultural heritage, namely the formation and use of Ancient Lake Cahuilla.

Guidelines for Determination of Significance

This section presents the significance criteria used for considering project impacts related to cultural resources, the methodology employed for the evaluation, an impact evaluation, and mitigation requirements, if necessary.

A project would be considered to have a significant impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5?
3. Disturb any human remains, including those interred outside of formal cemeteries?

Impact 5.3-1: Change in the significance of an historical resource.

To be considered historically significant, a resource must meet one of four criteria for listing outlined in the CRHR (CEQA Guidelines 15064.3 (a)(3)). In addition to meeting one of the criteria outlined in the CRHR, a resource must retain enough intact and undisturbed deposits to make a meaningful data contribution to regional research issues (CCR Title 14, Chapter 1.5 Section 4852 [c]). Further, based on CEQA Guidelines Section 15064.5 (b), substantial adverse change would include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired. This can occur when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR, NRHP, a local register, or historic resources.
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its identification in an historical resources survey meeting the requirements of PRC §5024.1(g), unless the public agency establishes by a preponderance of the evidence that the resource is not historically or culturally significant.

Site Preparation and Construction

Site preparation for the Project includes internal access road improvements; onsite grading, berm and levee development, soil compaction, installation of two plastic membranes; and other ancillary improvements required for safe operation. Construction includes the construction of the new Cell 4 (Cell 4A/Cell 4B) and other support facilities.

Ground disturbing activities associated with the proposed Project during construction would have the potential to cause substantial adverse changes to resources that escaped detection on the survey and/or buried prehistoric and historic resources due to the moderately high potential of the Project area. If such resources are encountered during construction and those resources meet the eligibility criteria of the CRHR, the impact would cause a substantial adverse change in the significance of a historical or archaeological resource. This would be a potentially significant impact to cultural resources. With implementation of Mitigation Measures CUL-1, CUL-2 and CUL-3, impacts would be less than significant.

Site CA-IMP-6141 has been identified as being eligible for listing on the CRHR and NRHP and it is recommended that CA-IMP-6145 be eligible for inclusion on the CRHR. The Project does not include any ground disturbing activities near either of these sites, and both will be avoided by the Project. As required by **MM-CUL-2**, a 200 foot buffer around the boundaries of Sites CA-IMP-6141

and CA-IMP-6145 will be established and an archaeological monitor will be present during all preparation and construction activities that may take place near or within that buffer.

Site Operations

Operation of the proposed Project would not involve any “new” disturbance of ground areas that had not previously been disturbed during construction and therefore no operational impacts to historical resources would occur.

Site Closure and Post-Closure Maintenance

Closure and post-closure maintenance of Cells 4A and 4B would not involve any ground disturbing activities and therefore no impacts to historical resources would occur.

Impact 5.3-2: Disturb archaeological resources and remains.

Pursuant to CEQA Guidelines §15064.5(c)(1) and (2), an archaeological resource includes an archaeological site that qualifies as a significant historical resource as described for Impact 5.3-1. If an archaeological site does not meet any of the criteria outlined in the provisions under Impact 5.3-1, but meets the definition of a “unique archaeological resource” in PRC 21083.2, the site shall be treated in accordance with the provisions of PRC 21083.2, unless the project applicant and public agency elect to comply with all other applicable provisions of CEQA with regards to archaeological resources. “Unique archaeological resource” means an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important historic event or person.

CEQA Guidelines 15064.5(c)(4) confirms that if an archaeological resource is neither a unique archaeological nor an historic resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

Site Preparation and Construction

Two (2) previously recorded archaeological resources (CA-IMP-6145 and CA-IMP-6146) were identified during the archaeological record search and pedestrian survey. Site CA-IMP-614 has been identified as eligible to the CRHR and NRHP and it is recommended that CA-IMP-6145 be eligible for inclusion on the CRHR. The Project does not include any ground disturbing activities near either of these sites, and both will be avoided by the Project. A 200 foot buffer from the current site

boundaries will be established and an archaeological monitor be present during all preparation and construction activities that may take place near or within that buffer (see **MM CUL-2**).

Ground disturbing activities associated with the proposed Project during construction would have the potential to cause substantial adverse changes to resources that escaped detection on the survey and/or buried prehistoric and historic resources due to the moderately high potential of the Project area. If such resources are encountered during construction and those resources meet the eligibility criteria of the CRHR, the impact would cause a substantial adverse change in the significance of a historical or archaeological resource. This would be a potentially significant impact to cultural resources. With implementation of **Mitigation Measures CUL-1, CUL-2 and CUL-3** impacts would be less than significant.

Site Operations

Operation of the proposed Project would not involve any ground disturbing activities and therefore no impacts to archaeological resources would occur.

Site Closure and Post-Closure Maintenance

Closure and post-closure maintenance of Cell 4A and Cell 4B would not involve any disturbance of previously undisturbed ground and therefore no impacts to archaeological resources would occur.

Impact 5.3-3: Would the project disturb any human remains, including those interred outside of formal cemeteries?

Site Preparation and Construction

During the construction and phases of the proposed Project, grading, excavation and trenching will be required. While no potential human remains have been identified in the project area, subsurface activities always have some potential to impact previously unknown remains. This potential impact is considered a significant impact. Mitigation Measure CUL-4 will ensure that the potential impacts to previously unknown human remains do not rise to the level of significance pursuant to CEQA. Implementation of **Mitigation Measure CUL-4** will reduce the potential impact associated with inadvertent discovery of human remains to a level less than significant.

Site Operations

Operation of Cells 4A and Cell 4B would not disturb any areas not previously disturbed during construction and therefore no impacts to human remains would occur.

Site Closure and Post-Closure Maintenance

Closure and post-closure maintenance of Cells 4A and Cell 4B would not disturb any areas not previously disturbed during construction and therefore no impacts to human remains would occur.

5.3.4. Mitigation Measures

The following Mitigation Measures would reduce impacts to below a level of significance.

MM CUL-1: Cultural Resources and Native American Construction Monitor

A cultural resources monitor shall be present during all initial excavation or other earth-moving activities associated with construction of Cell 4A and Cell 4B and ancillary improvements. The monitoring shall consist of the full-time presence of a Qualified Archaeologist who meets or exceeds the Secretary of the Interior Professional Qualifications Standards as an archaeologist and a TCA (traditionally and culturally affiliated) Native American Monitor.

The Applicant shall immediately notify the Imperial County Planning and Development Services Department if any undocumented and/or buried prehistoric or historic resource is uncovered. All construction must stop in the vicinity of the find until the find can be evaluated for its eligibility for listing in the CRHR. The cultural resources monitor shall have the authority to halt construction activity in the immediate vicinity of the encountered historic resource for a sufficient interval of time to allow avoidance or recovery of the encountered historic resources and shall also have the authority to redirect construction equipment in the event that any cultural resource is inadvertently encountered. All cultural resources are assumed to be eligible for the CRHR until determined otherwise by the monitor. Work will not resume in the area of the discovery until authorized by the monitor.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *Imperial County Planning and Development Services Department*

MM CUL-2: Delineate Environmentally Sensitive Areas

Prior to the construction permit issuance, the Applicant shall delineate on a confidential copy of project plans provided to the County, Environmentally Sensitive Areas (ESAs). ESAs will encompass the site boundary of two sites deemed significant under CEQA (CA-IMP-6141 and CA-IMP-6145) plus a 200-foot buffer around the site(s). ESAs shall be staked and/or flagged in a conspicuous manner prior to the commencement of construction. To ensure the integrity of these areas from unauthorized disturbance or collection, the delineated areas shall not be labeled with regard to the specific type of cultural resource identified as sensitive. Spot checking by a qualified archaeologist shall be completed throughout construction to ensure ESAs are not entered. If it is necessary for the Project to encroach on any ESA, full

time monitoring by a qualified archaeologist, who is approved by the County, will be required to ensure there are no impacts to the archaeological site. If avoidance is not an option, then a data recovery program shall be undertaken.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *Imperial County Planning and Development Services Department*

MM CUL-3: Data Recovery Program

The Project was designed to avoid and preserve archaeological resources in place where possible. Where avoidance and preservation is not possible, data recovery through excavation is the most feasible mitigation. Prior to excavation, a data recovery plan must be prepared that makes provision for adequately recovering the scientifically consequential information from and about the historical resource. Data recovery includes the documentation, recordation, and removal of the archeological deposit from a project site in a manner consistent with professional (and regulatory) standards; and the subsequent inventorying, cataloguing, analysis, identification, dating, interpretation of the artifacts and “ecofacts” & the production of a report of findings.

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *Imperial County Planning and Development Services Department*

MM CUL-4: Unanticipated Discovery – Human Remains

In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the Health and Safety Code). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC, which will designate a most likely descendant (MLD) for the project (Section 5097.98 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the

site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).

Timing/Implementation: *Prior to grading permit issuance, during grading and excavation activities, and upon completion of monitoring activities.*

Enforcement/Monitoring: *Imperial County Planning and Development Services Department*

Level of Significance After Mitigation

The Project will have less than significant impacts after implementation of MM CUL-1 through CUL-4 because these measures require the performance of professionally accepted and legally compliant procedures for the monitoring, discovery, data recovery, and treatment of previously undocumented significant archaeological resources and human remains.