

## 5. Environmental Analysis

### 5.16 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Agua Mansa Commerce Park Specific Plan project (proposed project) to impact tribal cultural resources. Tribal cultural resources include landscapes, sacred places, or objects with cultural value to a California Native American Tribe. Other potential impacts to cultural resources (i.e., prehistoric, historic, and disturbance of human remains) are evaluated in Section 5.4, *Cultural Resources*.

The following analysis is based in part on information obtained from:

- *Phase I Cultural Resources Assessment of the Proposed Agua Mansa Commerce Park, City of Jurupa Valley, County of Riverside, California*, MIG, December 14, 2017.

A complete copy of this study and the Native American consultation documentation are in the Technical Appendices of this Draft EIR (Volume II, Appendix E).

#### 5.16.1 Environmental Setting

##### 5.16.1.1 REGULATORY BACKGROUND

###### Federal

###### *Archaeological Resources Protection Act*

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

###### *Native American Graves Protection and Repatriation Act*

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

###### State

###### *Public Resources Code*

Archaeological resources are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. In addition, cultural resources are recognized as a nonrenewable resource and therefore receive protection under the California Public Resources Code and CEQA.

**California Public Resources Code 5097.9–5097.991** provides protection to Native American historical and cultural resources, and sacred sites and identifies the powers and duties of the Native American Heritage Commission (NAHC). It also requires notification to descendants of

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discoveries of Native American human remains and provides for treatment and disposition of human remains and associated grave goods.

#### *Health and Safety Code*

The discovery of human remains is regulated per California Health and Safety Code Section 7050.5, which states that:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of 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.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

#### *Senate Bill 18*

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

Senate Bill 18 on Traditional Tribal Cultural Places was signed into law in September 2004 and went into effect on March 1, 2005. It places new requirements upon local governments for developments within or near traditional tribal cultural places (TTCP). SB 18 requires local jurisdictions to provide opportunities for involvement of California Native Americans tribes in the land planning process for the purpose of preserving traditional tribal cultural places. The Final Tribal Guidelines recommend that the NAHC provide written information as soon as possible but no later than 30 days after receiving notice of the project to inform the lead agency if the proposed project is determined to be in proximity to a TTCP and another 90 days for tribes to respond to a local government if they want to consult with the local government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, it would be included in the project's EIR.

Per SB 18, the law institutes a new process which would require a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCP prior to the adoption,

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

### *Assembly Bill 52*

The Native American Historic Resource Protection Act (AB 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCR) into the CEQA process. It requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require a Notice of Preparation of an EIR or Notice of Intent to adopt a ND or MND are subject to AB 52. A significant impact on a TCR is considered a significant environmental impact, requiring feasible mitigation measures.

TCRs must have certain characteristics:

- 1) Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. (PRC § 21074(a)(1))
- 2) The lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. (PRC § 21074(a)(2))

The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it supports its determination with substantial evidence and considers the resource's significance to a California tribe. The following is a brief outline of the process (PRC §§ 21080.3.1–3.3).

- 1) A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.
- 2) Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.
- 3) A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.

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- 4) The lead agency must initiate consultation within 30 days of receiving the request from the tribe.
- 5) Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, OR a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.
- 6) Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

#### 5.16.1.2 EXISTING CONDITIONS

##### Natural Setting

The project site, formerly the Riverside Cement Plant, comprises office buildings, labs, manufacturing and processing facilities, quarries, a lake, and vacant land located east of Rubidoux Boulevard, south of El Rivino Road, west of Hall Avenue, and north of West Riverside Canal in the northeast quadrant of the City of Jurupa Valley, County of Riverside. The elevation within the study area ranges from approximately 700 feet above mean sea level (amsl) in the north-northeast to 940 feet above amsl and is surrounded by gentle slopes to the east and south.

Geologically, the study area is located in the Peninsular Ranges Province of Southern California, dominated by granitic rocks of Mesozoic age that intruded pre-existing sedimentary strata. A tertiary stratum was deposited west of the eroded granitic rocks, and as the area was uplifted, some of these strata formed upland coastal plains. The study area is located east of the coastal plains in an area dominated by granitic rocks that are mainly quartz diorite. The study area was developed for mining activities because of two steeply dipping limestone formations approximately 200 to 300 feet thick in the south end of the study area. The limestone formations are roughly parallel with an upper and lower formation—the upper formation is known as Sky Blue Hill, and the lower formation is known as Chino Limestone. Thin, poorly developed soils and minor sedimentary strata locally cover the bedrock on the study area.

The Jurupa Valley, in which the study area lies, is located in the eastern end of the Jurupa Mountains on the south side of the San Bernardino Valley. The Santa Ana River drains the San Bernardino Valley toward the southwest and is approximately one-half mile east of the study area.

##### Tribal Cultural Setting

The study area is near the traditional territory of the Gabrieleno, Serrano, Luiseño, and Cahuilla. These ethnographic groups are described below.

##### *Gabrieleno*

The Gabrieleno are Takic-speakers and are descended from Late Prehistoric populations of the region. The name Gabrieleno was given to the local inhabitants by Spanish missionaries who established a mission (San Gabriel) in Gabrieleno territory in 1771. However, self-identification for the broader group of Native Americans who inhabited the Los Angeles basin includes the names Tongva (or Tong-v) and Kizh (Kij or

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Kichereno); nevertheless, there is evidence that these names initially referred to local collection/gathering areas or smaller bands of people within the larger group that we now call Gabrieleno. Important food resources for these people would have been acorns, agave, wild seeds and nuts, game, and fish. Gabrieleno villages were self-contained and had an autonomous political structure consisting of non-localized lineages where the largest and dominant lineage's leader was usually the village chief. The villages were located near fresh water and raw material resources. Villagers would have utilized temporary camps throughout their localized territories for hunting, gathering, and raw material trips away from the main village.

#### *Serrano*

The Serrano people speak the Takic language, which is similar to dialects spoken by the Luiseno, Cahuilla, and Gabrieleno. The name Serrano comes from the Spanish word: “mountaineer or highlander” and refers to the indigenous people inhabiting the San Bernardino Mountains east of the Cajon Pass who may have settled along the Santa Ana River as early as 8,000 B.C. Their territory has been difficult to define precisely, but it can be reliably characterized as extending northeast from the San Bernardino Mountains to the Mojave River region and southeast to the Tejon Creek area. The Serrano people were hunter-gatherers. Villages were based on exogamous moieties (marriage outside of one's clan) and their size ranged between 25 to 100 people. The Yuhaviatam clan is known as the San Manuel Band of Mission Indians, and the Maarenga' yam clan is known as the Morongo Band of Mission Indians, with a further clan division for the Soboba Band of Luiseno Indians. The villagers lived in large communal dwellings made from tree branches that were covered with woven mats. In 1771, the Serrano were subjugated and absorbed into the San Gabriel Mission system that resulted in the loss of their freedom, culture, and customs. In 1891, the United States created the “San Manuel” Indian Reservation after Chief Santos Manuel. From this date forward the Serrano Indians have been known as the San Manuel Band of Mission Indians.

#### *Luiसेño*

The Luiसेño are a Takic-speaking people that are usually associated with coastal and inland areas of present-day Orange and southern Riverside counties, with cultural and social behavioral characteristics similar to those of the Cahuilla, a tribal group generally linked with areas northeast of the San Jacinto Mountains. In fact, exchanges between the Luiseno and Cahuilla have been well documented. In context, the study area is considered a Luiसेño area, though evidence of a Cahuilla presence may be identified. The term Luiसेño derives from the mission named San Luis Rey and has been used in the region to refer to those Takic-speaking people associated with Mission San Luis Rey. The Luiसेño shared boundaries with the Cahuilla, Cupeño, Gabrielino, and Kumeyaay groups on the east, north, and south, respectively. These different bands shared cultural and language traditions with the Luiसेño. The Luiसेño territory extended from the coast to Agua Hedionda Creek on the south to near Aliso Creek on the northwest. The boundary extended inland to Santiago Peak, then across to the eastern side of Elsinore Fault Valley, then southward to the east of Palomar Mountain, then around the southern slope above the valley of San Jose. Their habitat covered every ecological zone from the ocean, sandy beaches, shallow inlets, coastal chaparral, grassy valleys, and oak groves, among various other niches. The Luiसेño social structure is unclear; however, each village was a clan-tribelet—a group of people patrilineally related who owned an area in common and who were politically and economically autonomous from neighboring groups. The Luiसेño were not organized into exogamous moieties such as were their neighbors,

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the Cahuilla, Cupeño, and Serrano. The hereditary village chief held an administrative position that combined and controlled religious, economic, and warfare powers. Marriage was arranged by the parents of children, and important lineages were allied through marriage. Reciprocally useful alliances were arranged between groups in different ecological niches and became springboards of territorial expansion, especially following warfare and truces.

#### *Cahuilla*

The Cahuilla occupied a large area in the geographic center of southern California that was bisected by the Cocopa-Maricopa Trail as well as the Santa Fe and Yuman Trails. They occupied an area from the summit of the San Bernardino Mountains in the north to Borrego Springs and the Chocolate Mountains in the south, portions of the Colorado Desert west of Orocopia Mountain to the east, and the San Jacinto Plain near Riverside and the eastern slopes of Palomar Mountain to the west.

#### *European Contact*

European contact with the Native American groups that likely inhabited the study area and surrounding region began in 1542 when Spanish explorer, Juan Rodriguez Cabrillo, arrived by sea during his navigation of the California coast. Sebastian Vizcaino arrived in 1602 during his expedition to explore and map the western coast that Cabrillo visited 60 years earlier. In 1769, another Spanish explorer, Gaspar de Portola, passed through Luiseño/Kumeyaay territory and interacted with the local indigenous groups. In 1798, Mission San Luis Rey was established by the Spanish and it likely integrated the Native Americans from the surrounding region. Multiple epidemics took a great toll on Native American populations between approximately 1800 and the early 1860s, along with the cultural and political upheavals that came with European, Mexican, and American settlement. In the beginning of the nineteenth century, some Spaniards who had worked at the missions began to set up what would later be known as the “Ranchos.” The Rancho era in California history was a period when the entire state was divided into large parcels of land equaling thousands of acres each. These large estates were ruled over in a semi-feudal manner by men who had been deeded the land by first the Spanish crown, and later the Mexican government. In 1821 Mexico won independence from Spain and began to dismantle the mission system in California. As the missions began to secularize, they were transformed into small towns, and most Native Americans would later be marginalized into reservations or into American society. It was during this time that “Americans” began to enter California. Many of the American Californians married into the Rancho families, a development that would transform land ownership in Mexican California. By the time the United States annexed California after the Mexican-American War in 1850, much of the Rancho lands were already in the hands of Americans.

#### **5.16.1.3 STUDY METHODOLOGY**

##### **Cultural Resources Records Search**

On August 26, 2016, MIG conducted a records search at the California Historical Resources Information System-Eastern Information Center at the California University, Riverside (CHRIS-EIC). The records search included a review of all recorded archaeological and historical resources within a one-mile radius of the study area as well as a review of cultural resource reports and historic topographic maps on file. In addition, MIG

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reviewed the California Points of Historical Interest CPHI, the California Historical Landmarks, the National Register of Historic Places, the California Register of Historical Resources, the California State Historic Resources Inventory listings, local registers (Riverside County and the City of Jurupa Valley), historical topographic maps, and historical aerial photographs. The purpose of the records search was to determine whether or not there are previously recorded archaeological or historical resources within the study area that required evaluation and treatment. The results also provide a basis for assessing the sensitivity of the study area for additional and buried cultural resources.

#### **Sacred Lands File Search and Native American Consultation**

On August 15, 2016, MIG commissioned a Sacred Lands File records search of the study area through the NAHC and conducted follow-up consultation with the 16 Native American groups or individuals (inclusive of Luiseño and Cahuilla groups) identified by the NAHC as having affiliation with the study area vicinity. Each Native American group or individual listed was sent a project notification letter and map and was asked to convey any knowledge regarding prehistoric or Native American resources (archaeological sites, sacred lands, or artifacts) located within the study area or surrounding vicinity. The letter included information such as study area location and a brief description of the proposed project. Results of the search and follow-up consultation provided information as to the nature and location of additional prehistoric or Native American resources to be incorporated in the assessment whose records may not be available at the CHRIS-EIC.

#### **Pedestrian Field Survey**

On September 12 and 13, 2016, MIG conducted a pedestrian field survey on portions of the study area that were either undeveloped or vacant as these areas are undisturbed by the associated cement plant activities and may exhibit visible ground-surface archaeological (prehistoric and historic) and paleontological resources. MIG surveyed 100 percent of the undeveloped and vacant areas within the study area. The field survey was carried out on foot, and survey transects were spaced no more than 10 meters apart between each interval. All previously recorded and newly identified archaeological or historic materials were examined closely to determine the extent of the cultural deposit (site, structure or isolate).

#### **5.16.2 Notice of Preparation/Scoping Comments**

A Notice of Preparation (NOP) for the proposed project was circulated for public review on July 17, 2017. The comments from the NOP review that will be addressed in the tribal cultural resources section are included in Table 5.16-1.

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**Table 5.16-1 NOP Written Comments Summary**

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
Native American Heritage Commission (NAHC)  Gayle Totton, M.A., PhD Associate Governmental Program Analyst	7/24/17	<ul style="list-style-type: none"> <li>Provides details on Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52) requirements.</li> <li>Recommends lead agencies consult with all California Native American tribes traditionally and culturally affiliated with the project area per AB 52 and SB 18 requirements</li> <li>States that lead agencies should contact appropriate regional California Historical Research Information System Centers for an archaeological records search of the project area; prepare a professional cultural resources assessment report; contact the NAHC for a Sacred Lands File search and Native American Tribal Consultation List.</li> <li>Lead agencies should include mitigation to reduce impacts to potentially inadvertently discovered archaeological resources during project construction, including plans for the disposition of recovered cultural items and human remains.</li> </ul>	<ul style="list-style-type: none"> <li>Section 5.4, <i>Cultural Resources</i></li> <li>Section 5.16, <i>Tribal Cultural Resources</i></li> </ul>

All comments are organized based on date received.

In addition, a scoping meeting was held on July 27, 2017, at the Jurupa Valley City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509, to elicit comments on the scope of the DEIR. A list of attendees is provided in Appendix A; no verbal or written comments were received during the scoping meeting.

### 5.16.3 Thresholds of Significance

The City of Jurupa Valley has not established local CEQA significance thresholds as described in Section 15064.7 of the State CEQA Guidelines. Criteria for determining the significance of impacts related to tribal cultural resources are based on criteria in Appendix G of the CEQA Guidelines.

TCR-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) 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
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?



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### 5.16.4 Applicable Policies and Design Features

#### 5.16.4.1 PLANS, POLICIES, AND PROGRAMS

These include existing regulatory requirements, such as plans, policies, or programs, applied to the project based on federal, state, or local law currently in place and which effectively reduce impacts related to tribal cultural resources. These requirements are included in the project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 5.16-1 The project is required to comply with the applicable provisions of California and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq.

#### 5.16.4.2 PROJECT DESIGN FEATURES

No existing PDFs are applicable to the tribal cultural resources of the proposed project.

### 5.16.5 Environmental Impacts

The following impact analysis addresses thresholds of significance that are considered potentially significant impacts.

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**Impact TCR-1** **Threshold: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

**i) 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**

**ii) significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

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As part of the cultural resources' assessment prepared by MIG, a Sacred Land Files request was submitted to the NAHC on August 15, 2016, to inquire about the presence/absence of sacred or religious sites in the vicinity of the project area. On August 16, 2016, the NAHC responded that there are no sacred lands within the project area or a half-mile radius, and provided a list of Native American tribes with traditional lands or cultural places within the boundaries of Riverside County. On August 31, 2016, MIG, on behalf of the City of Jurupa Valley, sent certified letters to 35 Native American contacts notifying them of the proposed project and requesting comments or concerns for the project area. MIG received letter responses from the Agua Caliente Band of Cahuilla Indians, Pala Band of Mission Indians, Rincon Band of Luiseno Indians, Santa Rosa Band of Cahuilla Indians, Viejas Band of Kumeyaay Indians, Soboba Band of Luiseno Indians, and Gabrieleno Band of Mission

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Indians-Kizh Nation. Follow-up calls were conducted by MIG for all other Native American contacts. In total, the following 10 tribal responses were received:

1. **The Agua Caliente Band of the Cahuilla Indians** stated that a records check of their cultural registry revealed that this project is not located within the tribe's traditional use area. Therefore, they defer to the other tribes in the area and the letter concluded their consultation effort.
2. **The Gabrieleno/Tongva San Gabriel Band of Mission Indians** stated that the project locale lies in an area where the ancestral and traditional territories of the Kizh (Kitc) Gabrieleño villages such as Hurungna, adjoined and overlapped with each other, at least during the Late Prehistoric and Protohistoric Periods. The tribe requested that tribal monitors be present during all ground-disturbing construction work.
3. **The Rincon Band of Mission Indians** stated that the project locale lies in the aboriginal territory of the Luiseno people; however, it is not within Rincon's historic boundaries. The tribe did not provide any additional information regarding this project, but deferred to the Pechanga Band of Luiseno Indians or Soboba Band of Luiseno Indians, who are closer to the project area.
4. **The Viejas Band of Kumeyaay Indians** determined that the project site has little significance or ties to the Viejas. The tribe recommended that MIG contact tribe(s) closer to the cultural resources. However, the tribe wishes to be kept informed on any inadvertent discovery of Native American cultural artifacts found within the project site.
5. **Santa Rosa Band of Mission Indians** stated that they defer further consultation to the Soboba Band of Luiseno Indians.
6. **The Pala Band of Mission Indians** stated that they had consulted their maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its traditional use area. Therefore, they had no objection to the continuation of project activities as currently planned and deferred to the wishes of tribes in closer proximity to the project area.
7. **Torres-Martinez Desert Cahuilla Indians** stated that they defer further consultation to the Soboba Band of Mission Indians.
8. **Soboba Band of Luiseno Indians** stated that the project area is considered sensitive by the people of Soboba, as there are existing sites in the surrounding area. An in-house database search identified multiple areas of potential impact. The tribe requested consultation with the City and that their letter be forwarded to the lead agency and summarized in the final report.
9. **Morongo Band of Mission Indians** stated the tribe defers to the San Manuel Band of Mission Indians.

Results of the records research conducted at the CHRIS-SCCIC, the Sacred Lands File Search commissioned through the NAHC, follow-up Native American scoping, and the pedestrian field survey failed to indicate known TCR within the study area as specified in Public Resources Code (PRC) 210741, 5020.1(k), or 5024.1. However, there are four previously recorded prehistoric resources within a one-mile radius of the study area.

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The four resources have been identified as P-33-024750 (rock shelter, with lithic scatter), P-33-024756 (rock shelter, with hearth), and P-33-024751 (bedrock milling feature), and P-33-024772 (isolate; mano fragment), which suggests the possibility of encountering buried archaeological resources associated with TCRs in the study area, given the proven prehistoric occupation of the region, the identification of multiple surface archaeological resources, and the favorable natural conditions that would have attracted prehistoric inhabitants to the area (e.g., ephemeral drainages, natural spring, and vegetation communities).

#### *SB 18 Consultation*

In accordance with SB 18 requirements, the City submitted a Local Government Tribal Consultation List Request to the NAHC to obtain a list of SB 18–specific Native American tribes. The NAHC provided a list of tribal representatives who may have knowledge of Native American cultural resources in the project area. The City sent invitation letters to the Native American representatives provided by the NAHC on October 20, 2016 (Tam 2017), formally inviting tribes to consult with the City on the proposed project.

Responses were received from the Pala Band of Mission Indians on October 31, 2016, and Viejas Band of Kumeyaay Indians on November 22, 2016. The Pala Band of Mission Indians determined the project site is not within the boundaries of the recognized Pala Indian Reservation and is also beyond the boundaries of the territory that the tribe considers its traditional use area. Therefore, the tribe has no objection to the continuation of project activities and defers to the wishes of tribes in closer proximity to the project site. The Viejas Band of Kumeyaay Indians determined the site has little cultural significance or ties to the tribe and also defers to other tribes closer to the site. However, the tribe requests to be informed of any inadvertent discoveries of cultural artifacts, cremation sites, or human remains.

#### *AB 52 Consultation*

Per AB 52 requirements, the City is also required to initiate consultation with AB 52–specific Native American tribes. Native American tribes are required to request to be notified of projects within any jurisdiction. For the City of Jurupa Valley, the Gabrieleño Band of Mission Indians–Kizh Nation and the Soboba Band of Luiseno Indians are identified as AB 52–specific tribes. Thus, the City sent an invitation letter to the tribal representatives on October 20, 2016 (Tam 2017), formally inviting the tribes to consult with the City on the proposed project.

Andrew Salas of the Gabrieleño Band of Mission Indians–Kizh Nation replied to the City’s invitation letter on November 4, 2016, and stated similar concerns as their response to the Sacred Land Files search. Joseph Ontiveros of the Soboba Band of Luiseno Indians replied to the City’s letter on November 21, 2016, and requested to initiate formal consultation with the City. Annette Tam, City of Jurupa Valley’s Senior Planner, informed Mr. Ontiveros that the City’s standard mitigation measures, which have been worked out in consultation with the Soboba Band of Luiseno Indians, will be implemented on the project. These mitigation measures are detailed in MM TCR-1, MM TCR-2, and MM TCR-3.

***Level of Significance before Mitigation:*** Impact TCR-1 would be potentially significant. Mitigation Measures MM TCR-1 to MM TCR-3 are required to reduce Impact TCR-1 to less than significant.

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#### 5.16.6 Cumulative Impacts

Cumulative impacts to tribal cultural resources occur when the impacts of the proposed project, in conjunction with other projects and development in the region, result in multiple and/or cumulative impacts to tribal cultural resources in the area. Each future project in the City of Jurupa Valley will be required to evaluate that project's impacts to site-specific tribal cultural resources as part of the CEQA review, including tribal consultation as required by AB 52 or SB 18. Where significant impacts to tribal cultural resources are identified, projects would be required to either avoid impacts or implement feasible mitigation measures to reduce impacts. Consequently, impacts to tribal cultural resources would not be cumulatively considerable.

#### 5.16.7 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- **Impact TCR-1** Potential impact to a cultural tribal resource that is 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 a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

#### 5.16.8 Mitigation Measures

##### Impact TCR-1

MM TCR-1 **Native American Monitoring.** Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American tribe(s) that have requested monitoring through consultation with the City during the AB 52 process. The applicant shall coordinate with the tribe(s) to develop a tribal monitoring agreement(s). A copy of the agreement shall be provided to the Jurupa Valley Planning Department prior to the issuance of a grading permit.

MM TCR-2 **Treatment of Discovered Native American Resources.** If a significant tribal cultural resource is discovered on the property, ground-disturbing activities shall be suspended 100 feet around the resource(s). A representative of the appropriate Native American tribe(s), the project proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented to protect the identified tribal cultural resources from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the tribal cultural resources in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native

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American tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered tribal cultural resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American tribe(s) if that is recommended by the City of Jurupa Valley. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the Jurupa Valley Planning Department, the Eastern Information Center, and the appropriate Native American tribe(s).

**MM TCR-3 Disposition of Discovered Native American Resources.** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries:

The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and nonhuman remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Jurupa Valley Planning Department with evidence of same:

- a) A fully executed reburial agreement with the appropriate culturally affiliated Native American tribes or bands. This shall include measures and provisions to protect the reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.
- b) A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.
- c) If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center by default.
- d) Should reburial of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Jurupa Valley Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs, and the repository and curation method shall be described in the Phase IV monitoring report.

## 5. Environmental Analysis

### TRIBAL CULTURAL RESOURCES

#### 5.16.9 Level of Significance After Mitigation

The mitigation measures identified above would reduce impact TCR-1 to a level that is less than significant. Therefore, no significant unavoidable adverse impacts relating to tribal cultural resources remain.

#### 5.16.10 References

Tam, Annette (senior planner). 2017, October 3. Correspondence to JoAnn Hadfield (principal, PlaceWorks).  
City of Jurupa Valley.

MIG. 2017, December 14. Phase I Cultural Resources Assessment of the Proposed Agua Mansa Commerce  
Park, City of Jurupa Valley, County of Riverside, California.