

## 4.16 TRIBAL CULTURAL RESOURCES

This section provides an assessment of potential impacts related to tribal cultural resources that could result from implementation of the Project.

### 4.16.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Tribal Cultural Resources impacts associated with the development of the Beaumont Summit Station Specific Plan (Project). Historically, the term “cultural resources” encompassed archaeological, historical, paleontological, and tribal cultural resources, including both physical and intangible remains, or traces left by historic or prehistoric peoples. Tribal resources refer to 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.

### 4.16.2 Environmental Setting

#### Ethnographic Setting

At the time of Spanish contact, the Project area of potential effects (APE) was likely utilized by the Cahuilla. The Cahuilla have been studied extensively by Dr. Lowell Bean and much of the following discussion is derived from Bean’s description of the Cahuilla in Volume 8 of the Handbook of North American Indians (Bean 1978:575–587). The Cahuilla belong to nonpolitical, nonterritorial patrimoieties that governed marriage patterns as well as patrilineal clans and lineages. Each clan, “political-ritual-corporate units” composed of 3 to 10 lineages, owned a large territory in which each lineage owned a village site with specific resource areas. Clan lineages cooperated in defense, in large communal subsistence activities, and in performing rituals. Clans were apt to own land in the valley, foothill, and mountain areas, providing them with the resources of many different ecological niches.

In prehistoric times Cahuilla shelters are believed to have been dome shaped; after contact they tended to be rectangular in shape. Cahuilla shelters were often made of brush, palm fronds, or arrowweed. Most of the Cahuilla domestic activities were performed outside the shelters within the shade of large, expansive ramadas.

The Cahuilla were, for the most part, hunting, collecting, harvesting, and proto-agricultural peoples. As in most of California, acorns were a major staple, but the roots, leaves, seeds, and fruit of many other plants also were used. Fish, birds, insects, and large and small mammals were also available.

To gather and prepare these food resources, the Cahuilla had an extensive inventory of equipment including bows and arrows, traps, nets, disguises, blinds, spears, hooks and lines, poles for shaking down pine nuts and acorns, cactus pickers, seed beaters, digging sticks and weights, and pry bars. In addition, the Cahuilla also had an extensive inventory of food processing equipment including hammers and anvils, mortars and pestles, manos and metates, winnowing shells and baskets, strainers, leaching baskets and bowls, knives (made of stone, bone, wood, and Carrizo cane), bone saws, and drying racks made of wooden poles to dry fish.

Mountain tops, unusual rock formations, springs, and streams are held sacred to the Cahuilla as are rock art sites and burial and cremation sites. In addition, various birds are revered as sacred beings of great power and sometimes were killed ritually and mourned in mortuary ceremonies similar to those for important individuals. As such, bird cremation sites are considered sacred by the Cahuilla.<sup>1</sup>

### **4.16.3 Regulatory Setting**

#### **Federal**

##### ***National Historic Preservation Act***

The National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices (SHPO). Among other things, the act requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as “Section 106 Review.”

##### ***National Register of Historic Places***

Developed in 1981 pursuant to Title 36 Code of Federal Regulations § 60, the National Register of Historic Places (NRHP) provides an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment. It should be noted that the listing of a private property on the NRHP does not prohibit any actions which may otherwise be taken by the property owner with respect to the property. The listing of sites in California to the National Register is initiated through an application submitted to the State Office of Historical Preservation. Applications deemed suitable for potential consideration are handled by the State Historic Preservation Officer. All NRHP listings for sites in California are also automatically added to the California Register of Historical Resources by the State of California. The listing of a site on the NRHP does not generally result in any specific physical protection. Among other things, however, it does create an additional level of CEQA (and NEPA, the National Environmental Protection Act) review to be satisfied prior to the approval of any discretionary action occurring that might adversely affect the resource.

##### ***American Indian Religious Freedom Act***

This American Indian Religious Freedom Act became law in 1978 (Public Law 95-341, 42 USC 1996) in order to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise their traditional religions. These religious rights extend to, but are not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremonials and traditional rites.

Under this regulation, federal agencies and departments are charged with evaluating their policies and procedures in consultation with native traditional religious leaders in order to eliminate interference with the free exercise of native religion. Agencies must determine and make appropriate changes necessary to

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<sup>1</sup> PaleoWest. 2021. *Cultural Resources Assessment for the Beaumont Summit Station Project, Riverside County, California*.

protect and preserve Native American religious cultural rights and practices, and to accommodate access to and use of religious sites “to the extent that the use is practicable and not inconsistent with an agency’s essential functions.” The intent is to protect Native Americans’ First Amendment right to “free exercise” of religion.

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

Enacted in 1990 under Title 25 U.S. § 3001, the Native American Graves Protection and Repatriation Act (NAGPRA) describes the rights of Native American lineal descendants, Indian Tribes and Native Hawaiian organizations with respect to treatment, repatriation, and disposition of Native American cultural items for which they can show a relationship of lineal descent or cultural affiliation. The statute also requires federal agencies and museums receiving federal funds to inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. In an attempt to recognize the religious and cultural significance of such sites and to protect their sacred integrity, it also provides for greater protection of Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on federal and tribal lands.

### ***National Park Service – National Register Bulletin 38***

National Park Service has prepared guidelines to assist in the documentation of Traditional Cultural Properties (TCPs) by public entities. The Bulletin is intended to be an aid in determining whether properties have traditional cultural significance and if they are eligible for inclusion in the National Register. It is also intended to assist federal agencies, SHPOs, Certified Local Governments, tribes, and other historic preservation practitioners who need to evaluate such properties when considering their eligibility for the NRHP as part of the review process prescribed by the Advisory Council on Historic Preservation (ACHP).

TCPs are a broad group of places that can include:

- location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

## State

### *California Register of Historical Resources*

*(Public Resource Code Section 5024.10 et seq.)*

Created in 1992 and implemented in 1998, the California Register of Historical Resources (CRHR) is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (Public Resources Code [PRC] § 5024.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHL) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest (PHI) program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the SHRC determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

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

Under PRC § 5024.1 and 14 California Code of Regulations (CCR) § 4852(c), a cultural resource must retain integrity to be considered eligible for the CRHR. Specifically, it must retain sufficient character or appearance to be recognizable as a historical resource and convey reasons of significance. Integrity is evaluated with regard to retention of such factors as location, design, setting, materials, workmanship, feeling, and association. Cultural sites that have been affected by ground-disturbing activities, such as agricultural activities and off-road vehicle use (both of which occur within the warehouse site), often lack integrity because they have been directly damaged or removed from their original location, among other changes.

Typically, a prehistoric archaeological site in California is recommended eligible for listing in the CRHR based on its potential to yield information important in prehistory or history (Criterion 4). Important information includes chronological markers such as projectile point styles or obsidian artifacts that can be subjected to dating methods or undisturbed deposits that retain their stratigraphic integrity. Sites such as these have the ability to address research questions.

### *CRHR Criteria*

For purposes of CEQA, a historical resource is any object, building, structure, site, area, place, record, or manuscript listed in or eligible for listing in the CRHR (PRC § 21084.1). A resource is eligible for listing in the CRHR if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. Is associated with the lives of persons important in our past.
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.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The CCR further provides that cultural resources of local significance are CRHR-eligible (Title 14 CCR, § 4852).

### ***California Government Codes (Related to Native American Heritage)***

Section 6254(r) of the California Government Codes (CGC) exempts from disclosure public records of Native American graves, cemeteries and sacred places maintained by the Native American Heritage Commission (NAHC). Pursuant to Senate Bill (SB) 18, CGC § 65351 specifies how local planning agencies should provide opportunities for involvement of California Native American tribes to consult on the preparation or amendment of general plans. In particular, CGC § 65352 requires local planning agencies to refer proposed actions of general plan adoption or amendment to California Native American tribes on the contact list maintained by the NAHC and others, with a 45-day opportunity for comments. In regard to historical properties, CGC §§ 25373 and 37361 allows city and county legislative bodies to acquire property for the preservation or development of a historical landmark. It also allows local legislative bodies to enact ordinances to provide special conditions or regulations for the protection or enhancement of places or objects of special historical or aesthetic interest or values. Lastly, CGC §§ 50280-50290 implement the Mills Act which allows the negotiation of historical property contracts between a private property owner of a "qualified historical property" and provides additional guidelines for such contracts.

### ***California Health and Safety Code (Sections 7050.5, 7051, and 7054)***

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the PRC), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

### ***Public Resources Code Section 5097 (Related to Cultural Resources)***

California PRC § 5097 addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the California NAHC to resolve disputes regarding the disposition of such remains. It has been incorporated into § 15064.5(e) of the *CEQA Guidelines*.

The NAHC, created in statute in 1976 (Chapter 1332, Statutes of 1976), is a nine-member body whose members are appointed by the Governor. The NAHC identifies, catalogs, and protects Native American

cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties (NAHC).

PRC §§ 5097.9 through 5097.991 establish that no public agency or private party using or occupying public property (or operating on under a public license, permit, grant, lease, or contract made after July 1, 1977) shall in any manner interfere with the free expression or exercise of Native American religion as provided in the U.S. Constitution and the California Constitution. It also prohibits such agencies and parties from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require it.

These sections also establish the state's NAHC. The NAHC is tasked with working to ensure the preservation and protection of Native American human remains, associated grave goods and cultural resources. Towards this end, the NAHC has a strategic plan for assisting the public, development communities, local and federal agencies, educational institutions, and California Native Americans to better understand problems relating to the protection and preservation of cultural resources and to serve as a tool to resolve these problems. In 2006, PRC §§ 5097.91 and 5097.98 were amended by Assembly Bill (AB) 2641 to authorize the NAHC to bring legal action when necessary to prevent damage to Native American burial grounds or places of worship. It also established more specific procedures to be implemented in the event that Native American remains are discovered.

### ***Human Remains***

According to § 15064.5 of the *CEQA Guidelines*, all human remains are a significant resource. This section also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are discussed within PRC § 5097.

### ***Native American Heritage Commission***

The NAHC, created in statute in 1976, is a nine-member body, appointed by the Governor, to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is charged with the duty of preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintain an inventory of Native American sacred sites located on public lands (i.e., Sacred Lands File), and review current administrative and statutory protections related to these sacred sites.

### ***State Historic Preservation Office***

SHPO (or Office of Historic Preservation [OHP]) is a state governmental function created by the federal government in 1966 under Section 101 of the NHPA. SHPO administers the NRHP, the CRHR, the CHL, and

the California PHI programs. The purposes of a SHPO include surveying and recognizing historic properties, reviewing nominations for properties to be included in the NRHP, reviewing undertakings for the impact on the properties as well as supporting federal organizations, state and local governments, and private sector. SHPO maintains the California Historical Resources Information System (CHRIS), which includes the statewide Historical Resources Inventory database.

### ***California State Historical Landmarks***

CHLs are buildings, structures, sites, or places that have been determined to have statewide historical significance and meet specific criteria. The resource must also be approved for designation by the county or local jurisdiction, be recommended by the State Historical Resources Commission, and be officially designated by California State Parks. California Historical Landmarks are automatically listed in the CRHR.

### ***California Points of Historical Interest***

California PHI are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific, technical, religious, experimental, or other value.

### ***Native American Heritage Commission (NAHC)***

PRC § 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC § 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

### ***California Public Records Act***

Sections 6254(r) and 6254.10 of the California Public Records Act (CGC § 6250 et seq.) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects...maintained by, ..., the Native American Heritage Commission....” § 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the [NAHC], another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

### ***Senate Bill 18***

SB 18 (CGC § 65352.3) requires local governments to consult with Native American tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to the adoption and amendment of general plans and specific plans. The consultation process requires (1) that local governments send the NAHC information on a proposed project and request contact information for local Native American tribes; (2) that local governments then send information on the project to the tribes that the NAHC has identified and notify

them of the opportunity to consult; (3) that the tribes have 90 days to respond on whether they want to consult or not, and (4) that consultation begins, if requested, by a tribe and there is no statutory limit on the duration of the consultation. If issues arise and consensus on mitigation cannot be reached, SB 18 allows a finding to be made that the suggested mitigation is infeasible.

### ***Assembly Bill 52***

Signed into law in September 2014, California AB 52 created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the CRHR, included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing on the CRHR. AB 52 requires that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level.

## **Local**

### ***Application for Environmental Review and Processing***

As part of the entitlement process, applicants are required to complete and submit an Application for Environmental Review and Processing, which is used by the City Planning Department to determine what, if any, technical studies may be required as part of the entitlement process. According to the Application for Environmental Review and Processing, a cultural resources report is required for an implementing development project if: native soils are present; the project area is known to have a rich cultural history; construction activities will result in trenching, excavation of undisturbed soils, and/or the project area is within, or nearby historical buildings.

### ***City of Beaumont 2040 General Plan***

#### *Land Use and Community Design Element*

**Goal 3.12:** **A City that minimizes the extent of urban development in the hillsides, and mitigates any significant adverse consequences associated with urbanization.**

**Policy 3.12.2** Limit the extent and intensity of uses and development in areas of unstable terrain, steep terrain, scenic vistas, and other critical environmental areas.

#### *Conservation and Open Space Element*

**Goal 8.9:** **A City where the extent of urban development in the hillsides is minimized and mitigated.**

**Policy 3.12.2** Limit the extent and intensity of uses and development in areas of unstable terrain, steep terrain, scenic vistas, and other critical environmental areas.

**Goal 11:** **A City where cultural resources and historical places are identified, recognized, and preserved.**

**Policy 8.11.1** Avoid or when avoidance is not feasible, minimize impacts to sites with significant archaeological, paleontological, cultural and tribal cultural resources, to the extent feasible.

**Policy 8.11.2** Comply with notification of California Native American tribes and organizations of proposed projects that have the potential to adversely impact cultural resources, per the requirements of AB52 and SB18.

**Policy 8.11.4** Require that any human remains discovered during implementation of public and private projects within the City be treated with respect and dignity and fully comply with the California Native American Graves Protection and Repatriation Act California Public Resources Code Amended Statutes 1982 Chapter 1492, California Public Resources Code Statutes 2006, Chapter 863, Section 1, CA Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, Public Resources Code Section 5097.94, SB 447 (Chapter 404, Statutes of 1987) and other appropriate laws.

**Implementation C20** Cultural Resources Sensitivity Map. Develop a Cultural Resources Sensitivity Map based upon field and literature surveys identifying the locations of known cultural resources and areas of archaeological sensitivity within the City and its Sphere of Influence.

#### 4.16.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning tribal cultural resources. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- 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:
  - The Project 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
  - The Project contains 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## 4.16.5 Impacts and Mitigation Measures

**Impact 4.16-1** *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:*

*Would the Project be developed in an area 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 § 5020.1(k)?*

*Would the Project contain 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 Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

***Level of Significance: Less than Significant with Mitigation Incorporated.***

### Construction and Operations

In compliance with PRC § 21080.3.1(b), formal notification has been provided to California Native American tribal representatives which may have interest in projects within the geographic area traditionally and culturally affiliated with the tribe. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources (TCRs) as defined in PRC § 21074. The NAHC was contacted on April 28, 2021, for a review of the Sacred Land File (SLF) search.

The SLF search did not return any information of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project APE. The NAHC responded on May 17, 2021, noting that the SLF returned negative results. However, NAHC noted that the absence of specific site information in the SLF does not indicate the absence of TCRs within the Project area of potential effect (APE). The NAHC requested 23 individuals representing 15 Native American tribal groups be contacted to elicit information regarding cultural resource issues related to the Project. Outreach letters to the 15 recommended tribal groups were sent on June 17, 2021. These letters were followed up by phone calls on July 2, 2021.

As of July 2021, the following five responses have been received:

- The Quechan Historic Preservation Department sent an email indicating the Tribe does not wish to comment on the Project and stating they defer to more local tribes.
- Mr. Ryan Nordness, Cultural Resource Analyst for the San Manuel Band of Mission Indians (SMBMI), stated that the Project area is not located within the Serrano ancestral territory. As such, the Tribe will not be requesting to receive consulting party status with the lead agency and do not wish to participate in scoping, development, or review of documents for the Project.

- The Rincon Band of Luiseno Indians responded by stating that the Project area is not within the Tribe's specific area of historic interest and as such, they do not have any information to provide and defer to a closer tribe to the Project area.
- Mr. Paul Macarro, Cultural Resources Coordinator for the Pechanga Band of Luiseno Indians, responded via phone call and stated that the Project area is outside of the Tribe's ancestral territory and therefore, the Tribe has no comment to provide for the Project.
- Mr. Mark Cochrane, Co-Chairperson for the Serrano Nation of Mission Indians, stated that he did not have any comments to provide for the Project but requested that the Serrano Nation, either himself or Mr. Wayne Walker, be notified if any cultural material is encountered during construction.

Based on the lack of TCRs found during the site visit, the lack of TCRs noted by NAHC and the SLF search, and the lack of tribal interest for the APE from tribes, it is concluded that tribal consultation has officially concluded. Additionally, based on the aforementioned, the Project would not be developed in an area listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources, and nor is the Project site anticipated to contain a TCR. With the implementation of **MM TCR-1**, a less than significant impact is anticipated.

#### ***Mitigation Measures***

**MM TCR-1** The Serrano Nation, (currently Mr. Mark Cochrane and/or Mr. Wayne Walker, but the representative could change depending on when a finding may occur), shall be notified if any cultural material is encountered during Project construction.

#### **4.16.6 Cumulative Impacts**

For purposes of cumulative impact analysis to cultural and tribal resources, the geographic context for cumulative analysis is regional and considers both direct and indirect impacts over a wide area. However, the discussion is focused on the Projects potential for resulting in site-specific impact that could contribute to a cumulative loss. Accordingly, impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off-site, such as a historic townsite or district. With this consideration, the cumulative analyses for historical, archaeological, and tribal cultural resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common cultural or paleontological resources.

As discussed above, the NAHC determined that there are no known Native American cultural resources within the immediate Project site. In addition, future cumulative development projects have the potential to encounter/adversely affect tribal cultural resources. Potential tribal cultural resource impacts associated with other project development would be site-specific and would undergo individually environmental and design review pursuant to CEQA in order to evaluate potential impacts. The combination of the proposed Project as well as past, present, and reasonably foreseeable projects in the City would be required to comply with all applicable State, federal, and County and local regulations concerning preservation, salvage, or handling of cultural and paleontological resources, including compliance with required mitigation. This also includes project-by-project consultation with the

appropriate tribal representatives to discuss mitigation measures that would be included to mitigate impacts to tribal cultural resources. In addition, implementation of the proposed mitigation measures would reduce project-specific impacts to a less than significant level. Therefore, the Project's contribution to cumulative impacts would be less than significant.

#### **4.16.7 Significant Unavoidable Impacts**

No significant unavoidable tribal cultural resources impacts have been identified.

#### **4.16.8 References**

PaleoWest. 2021. Cultural Resources Assessment for the Beaumont Summit Station Project, Riverside County, California.