

## 3.16 Tribal Cultural Resources

This section discusses tribal cultural resources that may be potentially impacted by the proposed project. The following identifies the existing cultural resources within the project site, analyzes potential impacts of the proposed project, and recommends mitigation measures to avoid or reduce potential impacts of the proposed project.

### 3.16.1 Existing Conditions

Tribal cultural resources are defined as sites, features, places, cultural landscapes, 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 Historical Resources (CRHR); or included in a local register of historical resources; or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria (PRC Section 21074).

#### Tribal Cultural Setting

The Cultural Resource Assessment prepared for the project (Appendix G of this EIR) contains a detailed description of the prehistoric, ethnographic, and historic context of the project region.

#### Native American Outreach

##### *Sacred Lands File Results*

PaleoWest contacted the Native American Heritage Commission (NAHC) for a review of the Sacred Land Files (SLF) on January 19, 2023. The objective of the SLF search was to determine if the NAHC had any knowledge 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 area. The NAHC responded on February 28, 2023, stating that the SLF search resulted in positive results.

The NAHC recommended that the Ewiiapaayp Band of Kumeyaay Indians and the Torres-Martinez Desert Cahuilla Indians be contacted to request information on known Native American cultural resources in the project vicinity. In addition, the NAHC provided a list of 24 individuals representing 16 Native American tribal groups that may also have knowledge of cultural resources in the project area. Outreach letters that included a map of the project area were sent to the Native American contacts on March 1, 2023, with follow up emails and phone calls conducted on March 15, 2023. A summary of the Native American outreach letters is provided in Appendix G of this EIR.

As of March 23, 2023, the following four comments have been received:

- Ray Teran of the Viejas Band of Kumeyaay Indians (“Viejas”) responded via email on March 1, 2023, requesting a project plan and description, specifically as it relates to ground disturbance. PaleoWest responded later that day stating that information on the full extent of ground disturbance was not yet known but that it is anticipated that some ground disturbance will take place in most of the Project area that was shown on the map provided in the outreach letter. Mr. Teran responded via email on March 2, 2023, stating he had reviewed the proposed project and at this time has determined that the project site has cultural significance or ties to Viejas. He further noted that cultural resources have been located within or adjacent to the

proposed project and requested that a Kumeyaay Cultural Monitor be on site for ground-disturbing activities. In addition, he requested that the Viejas be informed of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains.

- On March 2, 2023, Jill McCormick, the Historic Preservation Officer of the Quechan Indian Tribe, responded via email and stated that the tribe does not wish to provide PaleoWest with any comment on the project.
- Rebecca Osuna, Chairperson of the Inaja-Cosmit Band of Indians, stated on March 15, 2023, that the project is outside of the tribe's geographic area and she had no comments at this time.
- Lisa Cumper, Tribal Historic Preservation Officer for the Jamul Indian Village, discussed the proposed project on the phone with PaleoWest staff on March 15, 2023, and noted that the tribe would defer to more local Native American groups.

#### *AB 52 Tribal Notification*

In accordance with AB 52, Imperial County, as the CEQA lead agency, sent an AB 52 consultation request letter to the Campo Band of Mission Indians and Fort Yuma-Quechan Indian Tribe on January 19, 2024.

### 3.16.2 Regulatory Setting

This section identifies and summarizes federal, state, and local laws, policies, and regulations that are applicable to the project.

### 3.16.3 Impacts and Mitigation Measures

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

#### Thresholds of Significance

Based on CEQA Guidelines Appendix G, project impacts related to tribal cultural resources are considered significant if the project causes a substantial adverse change in the significance of a tribal cultural resource defined in PRC section 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:

- Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC section 5020.1(k)
- 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe

## Impact Analysis

**Impact 3.16-1** ***Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 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:***

*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)*

*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?*

AB 52 was passed in 2014 and took effect on July 1, 2015. It establishes a new category of environmental resources that must be considered under CEQA called tribal cultural resources (PRC 1074) and establishes a process for consulting with Native American tribes and groups regarding those resources. AB 52 requires a lead agency to begin consultation with a California Native American Tribe that is traditionally and culturally affiliated with the geographic areas of the proposed project.

In accordance with AB 52, the County provided notification of the proposed project to Native American tribes that the County understands to be traditionally and culturally affiliated with the geographic area of the proposed project. This notification was provided in a letter sent via certified mail on January 19, 2024, to the Campo Band of Mission Indians and Fort Yuma-Quechan Indian Tribe. The County requested for tribes to provide any information regarding any Traditional Cultural Properties, Sacred Sites, resource collecting areas, or any other areas of concern known to occur in the project area. To date, the Campo Band of Mission Indians and Fort Yuma-Quechan Indian Tribe have not responded that indicate the potential for traditional cultural properties or sacred sites.

As previously mentioned in Section 3.16.1 above, the NAHC responded on February 28, 2023, stating that the SLF search resulted in positive results. The NAHC recommended that the Ewiiapaayp Band of Kumeyaay Indians and the Torres-Martinez Desert Cahuilla Indians be contacted to request information on known Native American cultural resources in the project vicinity. In addition, the NAHC provided a list of 24 individuals representing 16 Native American tribal groups that may also have knowledge of cultural resources in the project area. Outreach letters that included a map of the project area were sent to the Native American contacts on March 1, 2023, with follow up emails and phone calls conducted on March 15, 2023. Ray Teran of the Viejas Band of Kumeyaay Indians (“Viejas”) responded via email on March 2, 2023, stating he had reviewed the proposed project and at this time has determined that the project site has cultural significance or ties to Viejas. He further noted that cultural resources have been located within or adjacent to the proposed project and requested that a Kumeyaay Cultural Monitor be on site for ground-disturbing activities. In addition, he requested that Viejas be informed of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. Implementation of Mitigation Measure TCR-1 would ensure that the potential impacts on unidentified tribal cultural resources do not rise to the level of significance.

### *Mitigation Measure(s)*

**TCR-1** If previously unidentified tribal cultural resources are identified during construction activities, construction work within 100 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist and tribal representative assesses the significance of the resource. The archaeologist, in consultation with Imperial County and any interested Tribes, shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are determined to be a tribal cultural resource as defined in PRC Section 21074.

### *Significance After Mitigation*

The proposed project has the potential to impact unidentified tribal cultural resources during construction. However, implementation of Mitigation Measure TCR-1 would reduce this potential impact to a less than significant level.

## 3.16.4 Decommissioning/Restoration and Residual Impacts

### Decommissioning/Restoration

#### Decommissioning/Restoration

At the end of the project's useful life, all equipment and facilities will be properly abandoned and dismantled. No impact is anticipated from restoration activities as the ground disturbance and associated impacts will have occurred during the construction phase of the proposed project.

### Residual

With implementation of Mitigation Measure TCR-1, potential impacts on unidentified tribal cultural resources would be reduced to a level less than significant. No unmitigable impacts on tribal cultural resources would occur with implementation of the proposed project.