

3.6 Cultural Resources

This section discusses 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.

Information for this section is summarized from the *Cultural Resource Assessment* for the proposed project prepared by PaleoWest, LLC. This report is included in Appendix G of this EIR. The cultural resources inventory included a records search, literature review, and pedestrian survey.

3.6.1 Existing Conditions

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.

Records Search

PaleoWest conducted an in-person records search at the South Coastal Information Center (SCIC), housed at San Diego State University, on February 1, 2023. The inventory effort included the project area along with a corresponding one-mile buffer, collectively termed the records search area. The objective of the SCIC records search was to identify prehistoric and historical cultural resources that have been previously recorded within the records search area during prior investigations.

Previous Cultural Resource Investigations

The data review indicates that no fewer than 35 previous investigations have been conducted and documented within one mile of the project area since 1976. Six of these studies encompassed portions or the entirety of the project area. Many of the prior studies were associated with proposed geothermal developments. None of these previous investigations identified any cultural resources within the current project area. A summary of the prior cultural studies is provided in Appendix G of this EIR.

Cultural Resources Reported within the Study Area

The review of the record search data indicate that six cultural resources have been previously documented within one mile of the project area. All these resources date to the historic period and include the mapped locations of telegraph poles, railroad segments, an irrigation feature, and a pool facility. No prehistoric archaeological resources were identified within the record search area and none of the previously documented resources are located within or immediately to the project area. A summary of the previously recorded resources in the record search area is provided in Appendix G of this EIR.

Native American Outreach

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.

Field Survey

A cultural resources survey of the project was completed by PaleoWest archaeologists between February 22 and 24, 2023. The survey methods consisted of walking a series of parallel pedestrian transects spaced at 10–15 meter (33–50-foot) intervals across the geothermal plant site and solar energy facilities. A 300-foot- (91-meter-) wide buffer was also surveyed along the proposed gen-tie line and pipeline alignments. In total, 219 acres of land were inventoried during the field effort.

The survey of the project area resulted in the identification of three historic built-environment resources that include segments of the Central Main Canal, Dogwood Canal, and Beech Canal and Drain system. All three resources consist of portions of in-use irrigation-related features that are more than 45 years of age. No prehistoric or historic period archaeological remains were identified in the project area. Descriptions and evaluations of the three historic built-environment resources are provided below.

Central Main Canal

Portions of the proposed medium voltage distribution cable and brine pipeline alignment intersect the Central Main Canal. The Central Main Canal is a major distribution canal and an integral part of the extensive irrigation system that comprises the IID. The construction and operation of the Central Main Canal and its associated laterals can be considered an important event in the early settlement of the Imperial Valley. The canal system that was built in the early twentieth century significantly increased the agricultural productivity of the area between the Alamo River and New River. Because the Central Main Canal can be directly associated with historical events that have made a significant contribution to the broad patterns of our history, it is recommended eligible under Criterion 1. The Central Main Canal was funded and constructed by the IID and cannot be attributed to a specific individual. Because it cannot be associated with the lives of persons important in our past, it does not meet CRHR Criterion 2. The Central Main Canal and its associated laterals and drains are simple in design and construction and utilitarian in nature, and their construction does not represent any innovative design or building technique. Therefore, the resource does not exhibit any distinctive characteristics or engineering merits that would suggest it is significant under Criterion 3. Finally, the Central Main Canal does not have the potential to yield any information important to the study of twentieth century channel construction and is thus not eligible under Criterion 4.

The alignment of the Central Main Canal has not changed significantly since its construction in the early part of the twentieth century and therefore, the resource retains integrity of location. There have been some minor alterations to the canal over the years, such as the replacement of bridges and the installation of brine pipelines. However, the earthen construction that characterizes the canal has not been substantially modified. Therefore, it retains integrity of design, workmanship, and materials. Although agricultural fields are still prevalent in the area, the construction and operation of industrial and energy facilities in the immediate vicinity of the Central Main Canal has resulted in the loss of integrity of setting, feeling, and association. Despite this loss, the character-defining aspects of the segment of the Central Main Canal within the project area retain sufficient integrity to convey the resource's significance.

Based on these findings, the Central Main Canal is recommended as eligible for inclusion in the CRHR under Criterion 1.

Dogwood Canal

Portions of the proposed medium voltage distribution cable and brine pipeline alignment intersect a lateral of the Dogwood Canal, an approximately 12.8-mile-long irrigation channel that branches off the Central Main Canal near Highway 111.

The Dogwood Canal is a part of the IID's CM canal system, which was initially constructed in the early twentieth century. The construction and operation of the Dogwood Canal and its associated laterals can be considered an important event in the early settlement of the Imperial Valley. The canal systems that were built at this time significantly increased the agricultural productivity of the area between the New River and Alamo River. Because the Dogwood Canal can be directly associated with historical events that have made a significant contribution to the broad patterns of our history, it is recommended eligible under Criterion 1. The Dogwood Canal was funded and constructed by the IID and cannot be attributed to a specific individual. Because it cannot be associated with the lives of persons important in our past, it does not meet CRHR Criterion 2. The Dogwood Canal and its associated laterals are simple in design and construction and utilitarian in nature, and their construction does not represent any innovative design or building technique. Therefore, the resource does not exhibit any distinctive

characteristics or engineering merits that would suggest it is significant under Criterion 3. Finally, the Dogwood Canal does not have the potential to yield any information important to the study of twentieth century channel construction and is therefore not eligible under Criterion 4.

The alignment of the Dogwood Canal has not changed since its construction in the early part of the twentieth century and as such, the resource retains integrity of location. Although agricultural fields are still prevalent in the area, the construction and operation of industrial and energy facilities in the immediate vicinity of the canal has resulted in the loss of the resource's integrity of setting, feeling, and association. The resource has also experienced extensive alterations including lining portions of the canal with concrete and the replacement of gates and hardware. As a result of these alterations, the structure lacks integrity of design, workmanship, and materials. Due to the loss of integrity, the character-defining aspects of the Dogwood Canal do not retain sufficient integrity to convey its significance under Criterion 1.

Based on these findings, the Dogwood Canal is not recommended as eligible for inclusion in the CRHR.

Beech Canal and Drain

A portion of the proposed solar facilities site, medium voltage distribution cable, and brine pipeline alignment intersect the lateral distribution system associated with the Beech Canal and Drain.

The Beech Canal and Drain are part of the IID's Central Main canal system, which was initially constructed in the early twentieth century. The construction and operation of the canal and its associated laterals and drainage systems can be considered an important event in the early settlement of the Imperial Valley. The canal systems that were built at this time significantly increased the agricultural productivity of the area between the New River and Alamo River. Because the Beech Canal and Drain can be directly associated with historical events that have made a significant contribution to the broad patterns of our history, it is recommended eligible under Criterion 1. The Beech Canal and Drain was funded and constructed by the IID and cannot be attributed to a specific individual. Because it cannot be associated with the lives of persons important in our past, it does not meet CRHR Criterion 2. The Beech Canal and Drain and its associated laterals and drainage systems are simple in design and construction and utilitarian in nature, and their construction does not represent any innovative design or building technique. Therefore, the resource does not exhibit any distinctive characteristics or engineering merits that would suggest it is significant under Criterion 3. Finally, the Beech Canal and Drain does not have the potential to yield any information important to the study of twentieth century channel construction and is therefore not eligible under Criterion 4.

The alignment of the Beech Canal and Drain has not changed since its construction in the early part of the twentieth century and as such, the resource retains integrity of location. Although agricultural fields are still prevalent in the area, the construction and operation of industrial and energy facilities in the immediate vicinity of the Beech Canal and Drain has resulted in the loss of the resource's integrity of setting, feeling, and association. The resource has experienced extensive alterations including the lining of the canal and associated laterals with concrete and the replacement of gates and hardware. As a result of these alterations, the structure lacks integrity of design, workmanship, and materials. Due to the loss of integrity, the character-defining aspects of the Beech Canal and Drain do not retain sufficient integrity to convey its significance under Criterion 1.

Based on these findings, the Beech Canal and Drain is not recommended as eligible for inclusion in the CRHR.

3.6.2 Regulatory Setting

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

Federal

National Historic Preservation Act

Federal regulations (36 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; 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 the (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.

State

California Office of Historic Preservation

The California Office of Historic Preservation (OHP) administers state and federal historic preservation programs and provides technical assistance to federal, state, and local government agencies, organizations, and the general public with regard to historic preservation programs designed to identify, evaluate, register, and protect California's historic resources.

Section 15064.5 of the CEQA Guidelines also requires that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains (HSC Section 7050.5, PRC Sections 5097.94 et seq.).

CEQA Guidelines: Historical Resources Definition

CEQA Guidelines Section 15064.5(a) defines a historical resource as:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC Section 5024.1; Title 14 CCR, Section 4850 et seq.).
- (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's

determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the CRHR (PRC Section 5024.1; Title 14 CCR, Section 4852) including the following:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - (B) Is associated with the lives of persons important to our past;
 - (C) 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
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.

- (1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).
- (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
- (3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.
- (4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

CEQA Guidelines: Human Remains

Section 15064.5 of CEQA Guidelines provides specific guidance on the treatment of human remains pursuant to PRC § 5097.98, which provides specific guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the NAHC:

- (d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the NAHC. Action implementing such an agreement is exempt from:
 - (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (HSC Section 7050.5).
 - (2) The requirements of CEQA and the Coastal Act.
- (e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
 - (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - (A) The coroner or the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - (B) If the coroner determines the remains to be Native American:
 - 1. The coroner shall contact the NAHC within 24 hours.
 - 2. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - 3. The mostly descendent may make recommendations to the landowner of the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or
 - (2) Where the following conclusions occur the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - (A) The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - (B) The descendant fails to make a recommendation; or
 - (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.
- (f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should

be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.”

California Health and Safety Code, Section 7050.5

California HSC 7050.5 makes it a misdemeanor to disturb or remove human remains found outside a cemetery. This code also requires a project owner to halt construction if human remains are discovered and to contact the County Coroner.

Local

Imperial County General Plan

The Imperial County General Plan provides goals, objectives, and policies for the identification and protection of significant cultural resources. The Conservation and Open Space Element of the General Plan includes goals, objectives, and policies for the protection of cultural resources and scientific sites that emphasize identification, documentation, and protection of cultural resources. While Section 3.9, Land Use Planning, of this EIR analyzes the project’s consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Board of Supervisors and Planning Commission ultimately make a determination as to the project’s consistency with the General Plan. Goals and Objectives applicable to the proposed project are summarized in Table 3.6-1.

Table 3.6-1. Project Consistency with Applicable General Plan Goals and Objectives

| General Plan Policies | Consistency with General Plan | Analysis |
|--|-------------------------------|--|
| Conservation and Open Space Element - <i>Open Space and Recreation Conservation</i> 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. Objective 1.4 - Ensure the conservation and management of the County’s natural and cultural resources. | Consistent | A cultural assessment was prepared for the project area. The proposed project has the potential to encounter undocumented archaeological resources and human remains. With implementation of Mitigation Measure CUL-1, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant. Mitigation Measure CUL-2 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA. |
| Objective 3.1 - Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance. | Consistent | |

Source: County of Imperial 1993

Notes:

CUL=cultural; WEAP= Worker Environmental Awareness Program

3.6.3 Impacts and Mitigation Measures

Thresholds of Significance

Based on CEQA Guidelines Appendix G, project impacts related to cultural resources are considered significant if any of the following occur:

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

Methodology

This analysis evaluates the potential for the project, as described in Chapter 2, Project Description to interact with cultural resources in the project area. Based on the extent of these interactions, this analysis considers whether these conditions would result in an exceedance of one or more of the applied significance criteria as identified above.

As previously mentioned, a *Cultural Resource Assessment* was prepared for the proposed project and (Appendix G of this EIR). The report provides the results of the SCIC records search and field survey which have been completed for the project area pursuant to CEQA.

The information from the cultural report was reviewed and summarized to present the existing conditions and to identify potential environmental impacts, based on the significance criteria presented in this section. Impacts associated with cultural resources that could result from project construction and operational activities were evaluated qualitatively based on site conditions; expected construction practices; materials, locations, and duration of project construction and related activities.

Impact Analysis

Impact 3.6-1 Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Pursuant to *CEQA Guidelines* Section 15064.5 (b), substantial adverse change in the significance of a historical resource 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 Section 5024.1(g), unless the public agency establishes by a preponderance of the evidence that the resource is not historically or culturally significant.

Based on the current design, the only project components that intersect the Central Main Canal are the medium voltage distribution cable and geothermal pipeline corridors. The geothermal fluid/brine

generated by the project will be transported across the Central Main Canal through the existing pipeline network and no additional pipelines will be installed in the vicinity of the Central Main Canal. The proposed medium voltage distribution cable would cross S Dogwood Road and be attached via trays to the existing pipeline that runs west before turning north to cross the Beech Drain and Central Main Canal at the existing above-ground pipeline span. The cable would continue to follow the existing pipeline alignment and connect into the new Dogwood OEC. No new footings or foundations are required for the cable trays. Based on this analysis, the proposed project will not directly impact the essential physical characteristics of the historical resource and the aspects of integrity (i.e., location, design, workmanship, and materials) that contribute to its significance.

Indirect impacts are also not expected to result in an adverse change in the significance of the Central Main Canal. The recorded segment of the Central Main Canal has been impacted by prior development of industrial and solar facilities which have altered the surrounding vicinity and geographic terrain and caused a loss of integrity of setting, feeling, and association. Because the Central Main Canal has already lost these aspects of integrity, any indirect visual intrusions introduced by the Project will not result in a substantial change in the significance of the resource. It is anticipated other indirect impacts, such as noise and vibration effects, would be temporary in nature and limited to the construction phase.

Given these findings, the proposed project will not result in any adverse change to the significance of the Central Main Canal as a historical resource under CEQA and impacts would be considered less than significant.

Mitigation Measure(s)

No mitigation measures are required.

Impact 3.6-2 Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

No archaeological resources were identified in the record search or field investigation and the absence of known archaeological resources within one mile of the project suggests that this area is characterized by a low sensitivity for archaeological remains. However, there is a potential, albeit minimal, to encounter unanticipated cultural resources or human remains during ground-disturbing activities. This potential impact is considered significant. However, implementation of Mitigation Measure CUL-1 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a less than significant level.

Mitigation Measure(s)

CUL-1 Evaluate Significance of Find (Unknown Archaeological Resources). In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a “stop work” notice or otherwise interfere with the project’s continuation except as set forth in this paragraph.

In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.

Impact 3.6-3 Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The project site is not located on a known cemetery and no human remains are anticipated to be disturbed during project construction. However, during construction, grading, excavation, and trenching would be required. Although the potential for encountering subsurface human remains within the project site is low, there remains a possibility that human remains are present beneath the ground surface and such remains could be exposed during construction. The potential to encounter human remains is considered a potentially significant impact. Mitigation Measure CUL-2 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA. Therefore, with implementation of Mitigation Measure CUL-2, impacts would be reduced to a less than significant level.

Mitigation Measure(s)

CUL-2 Human Remains. If subsurface deposits believed to be human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist who meets the Secretary of the Interior's Standards for prehistoric and historic archaeology and is familiar with the resources of the region, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Imperial County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented.
- If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC may mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 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 reinterment

document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the Imperial County Planning and Development Services Department, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

3.6.4 Decommissioning/Restoration and Residual Impacts

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 on cultural resources will have occurred during the construction phase of the proposed project.

Residual

With implementation of Mitigation Measure CUL-1, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant. Mitigation Measure CUL-2 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA. No unmitigable impacts on cultural resources would occur with implementation of the proposed project.