

## 3.5 Cultural Resources

This section discusses cultural resources that may be potentially impacted by the proposed VEGA 6 project and Ramon Substation expansion. 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 *VEGA 6 Cultural Resources Inventory Report* prepared by ECORP Consulting, Inc. and the *Ramon Substation Expansion – Cultural Resource Technical Study* prepared by HDR, Inc. These reports are contained in Appendix F1 and Appendix F2 of this EIR, respectively. Both of the cultural reports prepared included a records search, literature review, and pedestrian survey.

### 3.5.1 Existing Conditions

#### Pre-history

##### VEGA 6

The VEGA 6 project site is located in unincorporated Imperial County, within the Imperial Valley approximately 5 miles southwest of the community of Westmorland and 6 miles south of the Salton Sea. The predominant archaeological patterns through time in relation to behavioral traditions and temporal periods, and in specific reference to the Project Area, are discussed below.

Little archaeological material dating to the Early and Middle Holocene is known from the Salton Trough area of the Colorado Desert. The only indications of use of this area during this long period of time consist of large bifacial dart points found on relic lake beds of Lake Cahuilla and on desert pavement. These include projectile point types common in the Mojave Desert such as Lake Mojave, Pinto, and Elko. The sparse occupation during the Middle Holocene may be related to extremely arid climatic conditions and of the lack of water in the Salton Trough (absence of Lake Cahuilla). The Salton Sea Naval Test Base study has produced evidence for Archaic occupation on the west side of the Salton Trough. Pinto series and Elko series projectile points recovered during investigations at the Test Base yielded a date of 5,840 ±250 years before present (BP). These data suggest the desert area of southeastern California was not entirely abandoned during the Middle Holocene. While the population of the region was probably sparse, small bands of mobile people most likely moved among areas where water (at springs) and plant food resources were available (Appendix F1 of this EIR).

A few temporary camps with living surfaces and hearths dating to the period 3,000 to 1,300 BP (Late Archaic Period) are located away from the lakebed in canyons and in the upper Coachella Valley above the maximum lake level. However, two temporary camps dating to the first millennium BC that contain fish and waterfowl bone in the Coachella Valley along the maximum Lake Cahuilla shoreline indicate there may have been a lake stand during this period (Appendix F1 of this EIR)

Higher population and greater numbers of sites appear to correlate with the presence of Lake Cahuilla, which filled the Salton Trough when water flowed into the trough from the Colorado River. The lake dried when water ceased to flow from the river, markedly reducing the availability of resources. Occupation of the Salton Trough during the Late Period (1,300 BP to Contact) correlates with three cycles of inundation and desiccation in Lake Cahuilla that occurred between AD 1200 and 1680. When the lake was present, lacustrine resources such as fish, shellfish, and waterfowl were available. When the lake was absent, very few resources were available and human population was low. Lake Cahuilla

was much larger than the current Salton Sea. Whereas the current Salton Sea shoreline is about 70 meters (230 feet) below sea level, the maximum Lake Cahuilla shoreline was about sea level. To the northwest, in the Coachella Valley, the intermittent Whitewater River entered Lake Cahuilla near Point Happy between what is now Indian Wells and Indio. Several late pre-contact archaeological sites have been investigated along the ancient Lake Cahuilla shoreline in this area. To the south, the entire Imperial Valley between East Mesa and West Mesa was underwater when Lake Cahuilla was present (Appendix F1 of this EIR).

During the Late Period, the northern part of the Salton Trough (northern Salton Sea area and the Coachella Valley) was occupied by ancestors of the Takic-speaking Cahuilla. They also occupied the adjacent Santa Rosa and San Jacinto mountains. Large multi-seasonal residential bases were occupied along the ancient shorelines in the Coachella Valley when Lake Cahuilla was present. These sites contain abundant fish bone, waterfowl bone, and shell from freshwater shellfish. Animal and plant remains indicated use of both lowland and upland resources. Floral remains indicated use of these sites during all four seasons. Cottonwood and Desert Side-Notched arrow points, along with buff ware ceramics and late pre-contact marine shell beads, indicate occupation during the Late Period. These sites were likely occupied during the three Lake Cahuilla lake stands between AD 1200 and 1680. The final desiccation is marked by 15 episodes of fish trap construction (along 15 successively lower shorelines) as the lake receded (Appendix F1 of this EIR).

The Colorado Desert area northeast of the Salton Trough, including the Chuckwalla Valley area, was probably used intermittently prior to AD 1200 by small groups of Yuman-speaking hunter-gatherers that had residential bases or villages along the Colorado River. Sites generated by this use of the desert would consist of small temporary camps and lithic scatters. Ancestors of the Numic-speaking Chemehuevi moved into the southeastern Mojave Desert and northeastern Colorado Desert (including Chuckwalla Valley) on the west side of the Colorado River about AD 1200. Because the Chemehuevi did not have access to the Colorado River Valley (still occupied by Yuman speakers), their use of the desert area was more intensive. Temporary camps used by ancestors of the Chemehuevi should be larger than those dating prior to AD 1200 with a greater quantity and variety of artifacts. There should be differences between low- and medium-elevation camps used for general hunting and gathering and higher elevation camps used for hunting big horn sheep and deer. Lithic scatters will also likely be larger and denser compared to earlier periods. Pottery is present in some of the temporary camps and consists of either locally made brown ware or buff ware that was obtained through trade with the Colorado River groups (Appendix F1 of this EIR).

The southern part of the Salton Trough was occupied by ancestors of the Yuman-speaking Tipai, Kumeyaay, or Kamia. This area included the Imperial Valley, the Yuha Desert, and the mountains to the west and east. The lower Colorado River area was occupied by ancestors of the Yuman-speaking Quechan. Late Prehistoric archaeological sites in this area belong to the Patayan pattern characterized by use of the bow and arrow and ceramics. Patayan I begins about 1,300 BP with the introduction of the bow and arrow, indicated archaeologically by the presence of small projectile points (arrow points) and, along the Colorado River, by the appearance of ceramics. Patayan ceramics first appeared about 1,200 BP on the east shore of Lake Cahuilla and were probably introduced by Yuman people from the Colorado River. Elsewhere, in the southern Salton Trough area, ceramics first appear about 1,000 BP at the beginning of Patayan II. Patayan I ceramics along the Colorado River include Black Mesa Buff and Colorado Beige. Later Patayan II (AD 1000 to 1700) and III (AD 1700 to 1850) ceramics include Tumco Buff and Colorado Buff. There is also a Salton Brown ware that is transitional between the valley buff wares and the Tizon Brown ware of the Peninsular Ranges to the west (Appendix F1 of this EIR).

The Colorado River Yumans practiced horticulture beginning in Patayan I. Domesticates, including corn and squash, probably came from the Hohokam area of Arizona or from northern Mexico. At the time of European contact, the Imperial Valley Yumans were practicing floodplain agriculture using small dams and ditches along the New and Alamo rivers. Horticulture in the Imperial Valley probably began after the last recession of Lake Cahuilla during Patayan III using domesticates obtained from the Colorado River Yumans (Appendix F1 of this EIR).

Along the lower Colorado River, the Patayan settlement-subsistence system consisted of horticulture, hunting, and gathering in riparian habitats. People lived in multi-seasonal residential bases along the river. When Lake Cahuilla was present in the Salton Trough, they also occupied temporary camps for fishing, hunting, and gathering on the eastern shore of Lake Cahuilla. On the west side of the Salton Trough, the Patayan pattern consisted of a seasonal round among upland and lowland habitats. When Lake Cahuilla was present, seasonal residential bases and temporary camps were occupied on the western shore of Lake Cahuilla in order to obtain lacustrine resources including fish, shellfish, and waterfowl (Appendix F1 of this EIR).

Obsidian from the Obsidian Butte source on the southeast margin of the Salton Sea was used for making flaked-stone tools throughout Southern California during the Late Period. However, obsidian from Obsidian Butte could only be obtained when lake levels were low since it is at an elevation of 40 meters (130 feet) below sea level). It is possible that the Imperial Valley Yumans traded obsidian for food resources from other groups when lacustrine resources from Lake Cahuilla were not available. Exchange patterns are also indicated by the presence of numerous marine shell beads (made in the coastal Chumash area) in late pre-contact Takic-speaking Cahuilla sites, but not in Yuman-speaking areas (Appendix F1 of this EIR).

### *Ramon Substation Expansion*

Riverside County environmental conditions during the late Pleistocene and Holocene periods fostered an ecologically rich region for human settlement. This 14,000-year period of human occupation was marked by an overall trend toward increasing aridity and warmer temperatures, with some temporary reversals as well as periods of climatic stability. As environmental conditions changed, Native American populations adapted with modifications in settlement patterns, subsistence practices, social organization and technology.

Three primary geomorphic provinces are found in Riverside County: the Mojave Desert, the Colorado Desert and the Peninsular Ranges. The diverse prehistoric landscape and habitats of the internally drained basins and pluvial (landlocked) lakes of the Mojave Desert region, the fresh water lakes of the Colorado Desert and the prominent ranges of the Peninsular Range were used by ancient and indigenous groups of people, leaving a rich archeological heritage. The following artifacts and features are characteristic of the Prehistoric Period: ceramics, projectile points of many types, grinding implements (mortars and pestles, metates and manos), enigmatic cogstones, shell, bone, clay beads and pendants, evidence of big game hunting.

## Ethnohistory

### *VEGA 6*

The Kumeyaay (also known as Ipai and Tipai) are the Yuman-speaking native people of central and southwestern Imperial County, central and southern San Diego County, and the northern Baja Peninsula in Mexico. Spanish missionaries and settlers used the collective term Diegueño for these people, which referred to people living near the presidio and mission of San Diego de Alcalá. Today,

these people refer to themselves as Kumeyaay or as Ipai and Tipai, which are northern and southern subgroups of Kumeyaay language speakers, respectively. The ancestral lands of the Kumeyaay extend north from Todos Santos Bay near Ensenada, Mexico to Agua Hedionda Lagoon in north San Diego County, and east to the Imperial Valley (Appendix F1 of this EIR).

The primary source of Kumeyaay subsistence was vegetal food. Seasonal travel followed the ripening of plants from the lowlands to higher elevations of the mountain slopes. Acorns, grass and sage seeds, cactus fruits, wild plums, pinyon nuts, and agave stalks were the principal plant foods. Women sometimes transplanted wild onion and tobacco plants to convenient locations and sowed wild tobacco seeds. Deer, rabbits, small rodents, and birds provided meat. Village locations were selected for seasonal use and were occupied by exogamous, patrilineal clans or bands. Three or four clans might winter together and disperse into smaller bands during the spring and summer (Appendix F1 of this EIR).

The Kumeyaay were loosely organized into exogamous patrilineal groups termed sibs, clans, gens, and tribelets by ethnographers. The Kumeyaay term was cimul. The cimul used certain areas for hunting and gathering, but apparently did not control a bounded and defended territory, as did the Luiseño and Cahuilla. In addition, members of several different cimul usually lived in the same residential base, unlike the Luiseño, where a single party or clan controlled a village and its territory. Kumeyaay lived in residential bases during the winter and subsisted on stored resources. No permanent houses were built. Brush shelters were temporary and were not reused the next year. Ceremonies, including rites of passage and ceremonies to ensure an abundance of food, were held in the winter residential bases. The cimul leader directed the ceremonies and settled disputes. One of the most important ceremonies was the mourning ceremony. Upon death, the Kumeyaay cremated the body of the deceased. Ashes were placed in a ceramic urn and buried or hidden in a cluster of rocks. The family customarily held a mourning ceremony 1 year after the death of a family member. During this ceremony, the clothes of the deceased individual were burned to ensure that the spirit would not return for his or her possessions (Appendix F1 of this EIR).

The Kumeyaay were geographically and linguistically divided into western and eastern Kumeyaay. The western and eastern Kumeyaay spoke two different dialects. The western Kumeyaay lived along the coast and in the valleys along the drainages west of the mountains. The eastern Kumeyaay lived in the canyons and desert east of the mountains. The western Kumeyaay spent the winter in residential bases in the lowland valleys and then broke into smaller cimul groups that moved gradually eastward toward the mountains, following ripening plants and occupying temporary residential bases along the way. Thus, each group occupied several different residential bases during the course of a year. The eastern Kumeyaay spent the winter in villages on the desert margin where water was available from springs at canyon mouths. They moved up the canyons toward the mountains during spring and summer. The eastern and western Kumeyaay met in the mountains in the fall where they gathered black oak acorns, traded, and held ceremonies. The large residential bases in the mountains appear archaeologically to be village sites (Appendix F1 of this EIR).

The Kumeyaay population was estimated to be between 10,000 and 20,000 at the time of European contact, based on Spanish accounts and ethnographies. Beginning in 1775, the seminomadic life of the Kumeyaay began to change as a result of contact with European-Americans, particularly from the influence of the Spanish missions. Through successive Spanish, Mexican, and Anglo-American control, the Kumeyaay were forced to adopt a sedentary lifestyle and accept Christianity (Appendix F1 of this EIR).

### *Ramon Substation Expansion*

The Ethnohistoric Period of Riverside County at the time of Euro-American contact was distinguished by eight distinct resident cultural groups of Native Americans: Cahuilla (primarily), Gabrielino, Juaneño, Luiseño, Quechan, Halichidhoma, Chemehuevi and Serrano. These groups occupied territories across Southern California.

The majority of western Riverside County was occupied by the Cahuilla who spoke a Cupan language within the Takic family of the Uto-Aztecan language stock. The western part of the county, in the vicinity of the Santa Ana Mountains fell within the territory of the Gabrielinos, Juaneños and Luiseños who also spoke Cupan languages. These three populations had territories that extended from the coast eastward and northeastward across the Santa Ana and Palomar mountains, encompassing Temescal Valley and Lake Elsinore, and extending toward the foothills of the San Jacinto and Santa Rosa Mountains.

### Records Search

#### *VEGA 6*

ECORP requested a records search for the VEGA 6 project site from the South Coastal Information Center (SCIC) of the California Historical Resources Information System (CHRIS) at San Diego State University on September 15, 2020 (Appendix F1 of this EIR). The purpose of the records search was to determine the extent of previous surveys within a 1-mile radius of the VEGA 6 project area (Survey Area), and if previously documented pre-contact or historic-period archaeological sites, architectural resources, or traditional cultural properties exist within this area.

The results of the CHRIS records search were received by ECORP on September 18, 2020 and are contained in the the *Cultural Resources Inventory Report* (Appendix F1 of this EIR).

Two previous cultural resource investigations have been conducted within 1 mile of the VEGA 6 property, covering approximately 5 percent of the total area surrounding the property within the records search radius. Neither study was conducted within the VEGA 6 Survey Area. These studies were both negative for cultural resources; they were conducted in 1983 and 1998 and vary in size from 65 to 458 acres. The results of the records search indicate that none of the property has been previously surveyed for cultural resources; therefore, a pedestrian survey of the VEGA 6 project area was warranted (Appendix F1 of this EIR).

The records search also determined that 61 previously recorded pre-contact and historic-era cultural resources are located within 1 mile of the VEGA 6 project area (see Appendix F1 of this EIR for full list). Of these, 60 are believed to be associated with Native American occupation of the vicinity, and one is a historic-era site, associated with irrigation activities. There are no previously recorded cultural resources in or within 600 feet of the VEGA 6 project area.

### *Ramon Substation Expansion*

HDR carried out archival research, including a record search at the Eastern Information Center (EIC) of the CHRIS and a review of available historical aerial photographs and maps to identify potential cultural resources that may be present within the Ramon Substation expansion area. The EIC visit included a search of all previous cultural resource investigations and all previously recorded cultural resources within 0.25 miles of the expansion area. The EIC search identified two previous investigations within the record search area, one of which was carried out in 2000 and covered the entire expansion area. One previously recorded resource – P-33-009665, a historic “jackrabbit

homestead” – was identified approximately 500 feet south of the expansion area. However, this homestead is no longer extant as it was demolished during construction of the existing Ramon Substation. No previously recorded or potential cultural resources were identified within the expansion area as a result of the archival research. In addition to the archival research, an intensive pedestrian survey of the expansion area was undertaken. The results of the pedestrian survey were negative for cultural resources. The results of the EIC record search area provided in Appendix F2 of this EIR.

## Sacred Lands File Coordination

### VEGA 6

In addition to the records search, ECORP contacted the California Native American Heritage Commission (NAHC) on September 15, 2020, to request a search of the Sacred Lands File for the VEGA 6 project area (Appendix F1 of this EIR). A search of the Sacred Lands File by the NAHC failed to indicate the presence of Native American cultural resources in the VEGA 6 Survey Area. A record of all correspondence is provided in the *Cultural Resources Inventory Report* (Appendix F1 of this EIR).

### *Ramon Substation Expansion*

On June 12, 2023, HDR submitted to the NAHC a request for a search of the Sacred Lands File in correspondence with the Ramon Substation expansion area. The NAHC responded on July 10, 2023, stating that the results of the Sacred Lands File search were negative and provided a contact list for twelve Native American tribes who may also have knowledge of cultural resources in the vicinity of the Ramon Substation expansion area (Appendix F2 of this EIR).

## Field Survey

### VEGA 6

ECORP conducted a pedestrian survey of the VEGA 6 project area between October 5 and 12, 2020, under the guidance of the *Secretary of the Interior's Standards for the Identification of Historic Properties* using 15-meter transects (Appendix F1 of this EIR). ECORP expended 19 person-days in the field. At the time, the ground surface was examined for indications of surface or subsurface cultural resources. The general morphological characteristics of the ground surface were inspected for indications of subsurface deposits that may be manifested on the surface, such as circular depressions or ditches. Whenever possible, ECORP examined the locations of subsurface exposures caused by such factors as rodent activity, water or soil erosion, or vegetation disturbances for artifacts or for indications of buried deposits. No subsurface investigations or artifact collections were undertaken during the pedestrian survey (Appendix F1 of this EIR).

### *Ramon Substation Expansion*

On June 16, 2023, HDR cultural resource specialists conducted a full-coverage, intensive pedestrian survey of the Ramon Substation expansion area. All accessible portions of the Ramon Substation expansion area were covered with survey transects using 10- to 15-meter spacing. Disturbance from vehicle activity, grading of the existing substation, installation of transmission poles, and other construction activities was observed throughout the expansion area.

## Historical Resources

### VEGA 6

The VEGA 6 Survey Area had not been previously surveyed for cultural resources; as a result, no resources were previously recorded. The 2020 survey by ECORP identified 39 new cultural resources within the VEGA 6 Survey Area. None of the newly recorded resources within the VEGA 6 Survey Area have been evaluated using NRHP and CRHR eligibility criteria; therefore, it is not currently known if any of these are considered historical resources under CEQA or historic properties under Section 106 NHPA. The process of evaluation requires a combination of archival research and archaeological excavation if sites are not presumed eligible.

The field survey and records search for the VEGA 6 project area did not yield any historic-period or pre-contact cultural resources.

### *Ramon Substation Expansion*

The results of the pedestrian survey were negative for cultural resources within the Ramon Substation expansion area. No artifacts, ecofacts, features, historic structures, midden soils, or other evidence of cultural resources were identified within the expansion area (Appendix F2 of this EIR).

## 3.5.2 Regulatory Setting

This section identifies and summarizes federal, state, and local 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:
  - a. The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (HSC Section 7050.5).
  - b. 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:
  - a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
  - b. If the coroner determines the remains to be Native American:
    - i. The coroner shall contact the NAHC within 24 hours
    - ii. The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American
    - iii. 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

- c. 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.
  - i. 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.
  - ii. The descendant fails to make a recommendation; or
  - iii. 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 3.10, Land Use and Planning, of this EIR analyzes the VEGA 6 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 3.5-1.



**Table 3.5-1. VEGA 6 Project Consistency with General Plan**

General Plan Policies	Consistency with General Plan	Analysis
<b>Conservation and Open Space Element</b>		
<p><b>Goal 1</b> - Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions and educating the public on their value.</p> <p><b>Objective 1.4</b> - Ensure the conservation and management of the County's natural and cultural resources.</p>	Consistent	<p>A cultural resources inventory was prepared for the project area. The proposed VEGA 6 project has the potential to encounter undocumented historical, archaeological resources, and human remains. Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts on historical resources to a level less than significant. With implementation of Mitigation Measure CUL-3, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant. Mitigation Measure CUL-4 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA.</p>
<p><b>Objective 3.1</b> - Protect and preserve sites of archaeological, ecological, historical, and scientific value, and/or cultural significance.</p>	Consistent	

Source: County of Imperial 2016

*Riverside County Planning Department Procedures*

The Riverside County Archaeologist reviews all proposed land use projects subject to CEQA and not otherwise deemed categorically exempt. The Riverside County Archaeologist reviews various internal databases for information that might pertain to the age of any buildings found on site, grading permits, ground disturbance activities and building permits. Where buildings are 45 years or older, the project applicant is required to perform an architectural history evaluation to assess potential historic value as part of a Phase I Cultural Resources study. When the study is completed, and if historic-period resources were identified during a survey, a copy of the report is transmitted to the Riverside County Historic Preservation Officer (CHPO) for review and comment. The CHPO sends relevant comments back to the Riverside County Archaeologist.

Vacant parcels within areas known to have prehistoric or historic resources trigger a Phase I Cultural Resources study. Similarly, any parcels with environmental, geomorphological, or vegetative features known to increase the likelihood of cultural resources being present trigger a "Phase I" cultural resources study. Such studies are required to follow the reporting formula found on the Riverside County Planning Department's website which mirror the recommendations published by the SHPO in 1987.

The Riverside County Archaeologist reviews all Phase I cultural resources studies for completeness and reasonable conclusions based on current industry standards in archaeology. The Phase I study serves to advise the Riverside County Archaeologist on matters relating to any identified prehistoric or historic resources, provide the requisite information to complete the project-related CEQA analysis and guide the Riverside County Archaeologist in determining which land use conditions of approval and/or mitigation measures apply to the proposed project.

Copies of studies are provided to tribes, upon their request, as a confidential document. If a proposed project is subject to the requirements of the Traditional Tribal Places Act (commonly referred to as Senate Bill 18), a Phase 1 report is forwarded to tribes who request it as part of consultation under SB 18. Typically, official tribal consultations are scheduled after the report has been sent to the tribe(s) to maximize consultation efforts.

### 3.5.3 Impacts and Mitigation Measures

This section presents the significance criteria used for considering project impacts related to cultural and archaeological 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 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 VEGA 6 project area and the Ramon Substation expansion 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, the Cultural Resources Inventory Report was prepared for the VEGA 6 project and the Cultural Resource Technical Study was prepared for the Ramon Substation expansion (Appendix F1 and F2 of this EIR). Both reports provide the results of the SCIC and EIC records search and field survey which have been completed for the project areas pursuant to CEQA.

The information from the cultural reports were 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 3.5-1 Would the project cause a substantial adverse change in the significance of a historical resources pursuant to §15064.5?***



VEGA 6

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.

The 2020 field survey by ECORP identified 39 new cultural resources within the VEGA 6 Survey Area. None of the newly recorded resources within the VEGA 6 Survey Area have been evaluated using NRHP and CRHR eligibility criteria; therefore, it is not currently known if any of these are considered historical resources under CEQA. Based on this, implementation of the VEGA 6 project could potentially cause a substantial adverse change in the significance of historical resources. The potential impact is considered significant. Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the potential impact associated with historical resources to a level less than significant.

*Ramon Substation Expansion*

According to the *Ramon Substation Expansion – Cultural Resource Technical Study*, archival research and an intensive pedestrian survey identified no cultural resources within the expansion area (Appendix F2 of this EIR). The negative results of the archival research and field survey support a determination that the proposed expansion would not result in a significant impact to cultural resources. Construction of the Ramon Substation expansion would not entail demolition or substantial alteration of any historical resources within the expansion area. Therefore, the proposed Ramon Substation expansion would not result in a significant impact to any historical resources pursuant to Section 15064.5(b) of the *CEQA Guidelines*.

Mitigation Measure(s)

VEGA 6

**CUL-1 Prepare Phase I Cultural Resources Survey Report.** Prior to issuance of a grading permit, the project applicant shall retain a qualified archaeologist defined as one meeting the Secretary of the Interior’s Professional Qualification Standards (U.S. Department of the Interior 2008) to oversee a Phase I cultural resources survey for the VEGA 6 project, to determine if previously unidentified cultural resources exist within the project site and to relocate and evaluate the previously identified resources that have not yet been evaluated. A Native American monitor shall accompany the qualified archaeologist during the pedestrian survey/fieldwork component of the Phase I Cultural Resources Survey Report. The methods and results of the survey, as well as the records search, shall be summarized in a Phase I cultural resources survey report that follows the guidelines in *Archaeological Resource Management Reports: Recommended Contents and Format*, Department of Parks and Recreation, Office of

Historic Preservation, State of California, 1990. The report shall address the requirements of CEQA and NEPA for NHPA/Section 106 compliance associated with any proposed BLM actions.

**CUL-2**

**A. Evaluate Significance of Find.** If previously documented but unevaluated and/or newly documented archaeological resources are identified within the project site, they shall be evaluated by a qualified archaeologist defined as one meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) for inclusion in the CRHR, NRHP and/or as unique archaeological resources. Should newly documented archaeological resources be found eligible for listing in the CRHR, NRHP and/or constitute unique archaeological resources, avoidance and preservation in place is the preferred manner of mitigation. If avoidance is not feasible, a treatment plan shall be developed by the qualified archaeologist in coordination with the project applicant and the lead agency that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resources.

**B. Cultural Resources Management Plan.** Project proponent will develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resources laws, management of resources during operation, and consideration of the effect of decommissioning. The CRMP shall include the following: identification of California Native American tribes, identification of long and short term management goals for cultural resources within the project area, evaluation of eligibility for the CRHR and NRHP for all resources within the project area, description of measures to avoid, minimize, and reduce significant impacts to cultural resources (including both historical and archaeological resources), unanticipated discovery procedures, monitoring needs, data recovery of significant cultural resources where avoidance is not possible, curation procedures for recovered artifacts, anticipated personnel requirements and qualifications. The draft CRMP shall be prepared by a registered professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) and reviewed and approved by the County of Imperial Planning and Development Services Department.

**C. Cultural Resources Training.** Project proponent will provide cultural resources training for all project personnel regarding the laws protecting cultural resources, appropriate conduct in the field, and other project-specific issues identified in the CRMP prepared for each site as required by Mitigation Measure CUL-2.B.

*Ramon Substation Expansion*

No mitigation measures are required.

**Impact 3.5-2** *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

*VEGA 6*

Pursuant to CEQA Guidelines §15064.5(c)(1) and (2), an archaeological resource includes an archaeological site that qualifies as a significant historical resource as described for Impact 3.5-1. If an archaeological site does not meet any of the criteria outlined in the provisions under Impact 3.5-1



but meets the definition of a “unique archaeological resource” in PRC 21083.2, the site shall be treated in accordance with the provisions of PRC 21083.2, unless the project applicant and public agency elect to comply with all other applicable provisions of CEQA with regards to archaeological resources. “Unique archaeological resource” means an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

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

As discussed above, although the Cultural Resources Inventory Report (Appendix F1 of this EIR) identified 39 new cultural resources within the VEGA 6 Survey Area, none of the newly recorded resources within the VEGA 6 Survey Area have been evaluated using NRHP and CRHR eligibility criteria. However, surface sediments found within the VEGA 6 Survey Area consist of Holocene surficial sediments in which regional pre-contact archaeological deposits have been previously identified and documented, and upon which pre-contact resources were identified in the cultural report. The potential for subsurface cultural deposits still exists due to the presence of sediments contemporaneous with human occupation of the region, and the location of the VEGA 6 Survey Area within the dry lakebed or along the ancient shoreline of Lake Cahuilla (Appendix F1 of this EIR).

Therefore, although unlikely, the potential for unearthing a previously undiscovered archaeological resource during construction does exist. This potential impact is considered significant. However, implementation of Mitigation Measures CUL-3 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a level less than significant.

*Ramon Substation Expansion*

According to the *Ramon Substation Expansion – Cultural Resource Technical Study* (Appendix F2 of this EIR), the soils in the Ramon Substation expansion area are young and their geomorphic surfaces are unstable and the possibility exists for archaeological sites to be buried under them. Therefore, the potential to encounter buried archaeological resources in the expansion area during construction does exist. This potential impact is considered significant. However, implementation Mitigation Measures RS-CUL-1 would reduce the potential impact associated with the inadvertent discovery of archaeological resources to a level less than significant.

Mitigation Measure(s)

VEGA 6

**CUL-3 Evaluate Significance of Find (Unknown Archaeological Resources).** In the event of the discovery of previously unidentified archaeological materials, the archaeological monitor shall require that the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the

~~archaeological monitor 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 shall~~ 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 in accordance with the procedures and recommendations established as part of the Cultural Resources Management Plan required by Mitigation Measure CUL-2B.

#### *Ramon Substation Expansion*

**RS-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 County of Riverside Planning Department. 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 3.5-3 Would the project disturb any human remains, including those interred outside of dedicated cemeteries?***

#### ***VEGA 6***

The VEGA 6 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. It was also noted that in other areas along the ancient shoreline and lakebed of Lake Cahuilla, extensive archaeological deposits with human remains have been encountered (Appendix F1 of this EIR). Although the potential for encountering subsurface human remains within the VEGA 6 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-4 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-4, impacts would be less than significant.

*Ramon Substation Expansion*

Ground disturbing activities during construction of the proposed Ramon Substation expansion could adversely impact presently unidentified human remains, including those interred outside of dedicated cemeteries. Although the potential for encountering subsurface human remains within the expansion area 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 RS-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 RS-CUL-2, impacts would be less than significant.

Mitigation Measure(s)

VEGA 6

**CUL-4 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 reinternment 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.

### *Ramon Substation Expansion*

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

## 3.5.4 Decommissioning/Restoration and Residual Impacts

### Decommissioning/Restoration

If at the end of the PPA term, no contract extension is available for a power purchaser, no other buyer of the energy emerges, or there is no further funding of the project, the project will be decommissioned 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

Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts on historical resources to a level less than significant. With implementation of Mitigation Measure CUL-3, potential



impacts to previously unrecorded cultural resources would be reduced to a level less than significant. Mitigation Measure CUL-4 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.

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