

5. Environmental Analysis

5.17 TRIBAL CULTURAL RESOURCES

This section of the Draft Program Environmental Impact Report (PEIR) evaluates the potential for implementation of the Countywide Plan to impact tribal cultural resources in the County of San Bernardino (County). Tribal cultural resources include landscapes, sacred places, or objects with cultural value to a California Native American tribe. Potential impacts to other cultural resources (i.e., historic, archaeological, and paleontological) are evaluated in Section 5.3, *Cultural Resources*. The analysis in this section is based in part on the following information:

- *Cultural Resources Technical Report for the San Bernardino Countywide Plan, San Bernardino County, California*, SWCA Environmental Consultants, February 2019.
- Responses to notifications regarding the Countywide Plan from six Native American tribal representatives.

Complete copies of these documents are in the technical appendices of this PEIR (Appendices E and M).

5.17.1 Environmental Setting

5.17.1.1 REGULATORY BACKGROUND

Federal

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands (see further description in Section 5.5, *Cultural Resources*).

Native American Graves Protection and Repatriation Act (NAGPRA)

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

State

Public Resources Code

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

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the Native American Heritage Commission (NAHC). These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

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Health and Safety Code

The discovery of human remains is regulated by California Health and Safety Code Section 7050.5:

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

California Senate Bill 18

Senate Bill (SB) 18 (California Government Code, Section 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB18 requires public notice to be sent to tribes listed on the Native American Heritage Commission's SB18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

Assembly Bill 52

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

TCRs must have certain characteristics:

- 1) Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. (PRC § 21074[a][1])

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- 2) The lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. (PRC § 21074[a][2])

The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it support its determination with substantial evidence and consider the resource’s significance to a California tribe. The process is similar to SB 18 with more defined timing (PRC §§ 21080.3.1–3.3):

- A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.
- Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.
- A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.
- The lead agency must initiate consultation within 30 days of receiving the request from the tribe.
- Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, OR a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.
- Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

5.17.1.2 HISTORICAL OVERVIEW

The County was historically home to several different indigenous groups. According to available ethnographic maps, the unincorporated areas fall within the traditional territory of the Desert Serrano sub-group, historically referred to as the Vanyume subgroup; the Kawaiisu; the Cahuilla; the Gabrielino; the Mohave; and the Chemehuevi or Southern Paiute.

Serrano/Vanyume

“Serrano” is a term that the Spanish gave this group of people (from the Spanish word “sierra” for mountain). But in their own language, they called themselves “Yuhaviatum” or “people of the pines.” Tribal members now refer to themselves using both of these terms. The Serrano people once occupied the Mountain, North Desert, and East Desert Regions of the County. The Vanyume lived along the Mojave River and associated Mojave Desert areas and are also referred to as the Desert Serrano. The Vanyume were friendly with the Chemehuevi and Mohave to the east, whereas other Serrano maintained animosity with these groups. The area of combined Serrano/Vanyume occupation—the San Bernardino Mountains, the southwestern portions of the Mojave Desert, and the Mojave River area—has become known as the Serrano area.

Most Serrano lived in small villages near water sources. The fundamental economy of the Serrano was based on subsistence hunting, fishing, and collecting plant goods. Especially important was the Serrano practice of

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moving seasonally to best acquire resources or making “seasonal rounds.” Serrano territory was a trade nexus between inland tribes and coastal tribes, and trade and exchange was an important aspect of the Serrano economy.

A variety of materials were used for hunting, gathering, and processing food; many of the same materials were also used for shelter, clothing, and ceremonial items. Shell, wood, bone, horn, stone, plant materials, animal skins, and feathers were used for making baskets, blankets, mats, nets, and bags. Shell was also used as money. The Serrano were excellent basket makers and could weave baskets so tightly they were waterproof. Animal tallow was also used to line the insides of some baskets for this purpose. The Serrano made pottery and used it daily to carry and store water or food; ceramics were also used as ceremonial objects. The Serrano also made awls, sinew-backed bows, arrows, arrow straighteners, throwing sticks (for hunting), traps, fire drills, stone pipes, toys, musical instruments of various types (rattles, rasps, bull-roarers, and whistles), yucca fiber cordage for snares, yucca sandals, nets, carrying bags, and clothing. Prior to Spanish occupation of their lands, the Serrano practiced cremation of the body and the deceased’s possessions.

Mainly due to the inland territory that the Serrano occupied beyond Cajon Pass, contact between Serrano and Europeans was relatively minimal prior to the early 1800s. As early as 1790, however, the Serrano began to be drawn into mission life. More Serrano were relocated to the Mission San Gabriel in 1811 after a failed indigenous attack on that mission. Another attack occurred at San Gabriel’s outpost, the Asistencia, which is now within Redlands city limits, at which 14 “neophytes” were killed. In the 1860s, a smallpox epidemic decimated many indigenous southern Californians, including the Serrano. Oral history accounts of a massacre in the 1860s at Twentynine Palms that may have been part of a larger American military campaign that lasted 32 days. During the Mexican era, missions were secularized, and those people living in the missions were left to fend for themselves.

Surviving Serrano sought shelter at Morongo with their Cahuilla neighbors; Morongo later became a reservation. Other survivors followed the Serrano leader Santos Manuel down from the mountains and toward the valley floors, and eventually settled what later became the San Manuel Band of Mission Indians Reservation. This reservation was established in 1891.

Very little is known of the Desert Serrano (also Vanyume) people because the Spanish missionaries greatly disrupted the group between the early 1820s and 1834. By the 1900s, the group was considered extinct. However, recent genealogical research combined with mitochondrial DNA analysis indicates that three lineages from the Fort Tejon area were originally from the village of Topipabit downstream from Victorville. These lineages are currently part of the San Fernando Band of Mission Indians in Newhall. This group, which includes Kitanemuk, Inland Chumash, Tataviam, and Vanyume, has applied for federal recognition.

Kawaiisu

The Kawaiisu were mobile hunter-gatherers who primarily resided in a core area in the southern Sierra Nevada and Tehachapi Mountains and made frequent forays into the Mojave Desert to exploit seasonal resources. Their range included the northwestern portion of the North Desert Region of the County. Although there is general agreement about the location of the Kawaiisu core area, the extent of their territory in the Mojave Desert is less clearly understood. Historians depict an area of seasonal use that extends east of the Granite Mountains,

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in present-day Fort Irwin, and cite an account of a Kawaiisu group on the upper Mojave River and in the southern Panamint Range. The Kawaiisu were also placed in the southern Panamint Valley, the Argus Range, the town of Trona, and an undetermined area to the south and west. Although the Shoshone occupied the northern Panamint Valley, the Kawaiisu and Shoshone were mixed in the southern part of the valley and perhaps near Trona.

Pottery is rare in sites attributed to the Kawaiisu and was probably primarily acquired through trading. Basket making was an important tradition among the Kawaiisu, who used numerous types of baskets for food collecting, processing, and storing, such as seedbeaters, burden baskets, containers, winnowers, trays, and hoppers. Raw material for tool making, such as chert, was likely obtained from areas near Red Rock Canyon, whereas obsidian was acquired through trade with groups from the Coso Volcanic Field. Long-distance exchange with coastal areas is also evident by the presence of marine shell artifacts in some sites attributed to the Kawaiisu.

During the winter months, the Kawaiisu lived in circular, aboveground structures with vertical and transverse poles bound together and covered with brush, bark, and tule mats. Other structures included open, flat-roofed shade houses for summer habitation, sweathouses, circular brush enclosures, and small granaries.

Cahuilla

The study area includes a portion of the ethnographic territory of the Cahuilla. The eastern portion of the Valley Region, the southeastern part of the Mountain Region, and the southern portion of the East Desert Region were once home to the Cahuilla. It is thought that the Cahuilla migrated to southern California about 2,000 to 3,000 years ago with other, related sociolinguistic groups, most likely from the southern Sierra Nevada ranges of east-central California. The Cahuilla settled in a territory that extended west to east from the present-day city of Riverside to the central portion of the Salton Sea in the Colorado Desert, and south to north from the San Jacinto Valley to the San Bernardino Mountains.

Each lineage had a defined territory that, among the Cahuilla of the Coachella Valley desert, was formed around springs in mountain canyons and alluvial fans that spread from these canyons onto the desert floor. Villages in these canyons were occupied year-round.

Spanish mission outposts, like the original Redlands Asistencia, were established near both Serrano and Cahuilla territory at San Bernardino and San Jacinto by 1819. Interaction with Europeans was less intense in the Cahuilla region than for coastal groups because the topography and paucity of water rendered the inland area inhabited by the Cahuilla unattractive to colonists. By the 1820s, however, the Cahuilla who lived near the Pass experienced consistent contact with the ranchos of Mission San Gabriel, and the Mountain Cahuilla were frequently employed by private rancheros and were recruited to Mission San Luis Rey.

Mexican ranchos were near Cahuilla territory along the upper Santa Ana and San Jacinto rivers by the 1830s, providing the opportunity for the Cahuilla to earn money ranching and to learn new agricultural techniques. The Bradshaw Trail, established in 1862, was the first major east-west stage and freight route through the Coachella Valley. Traversing the San Gorgonio Pass, the trail connected gold mines on the Colorado River to the coast. Bradshaw developed his trail using the model used for the Cocomaricopa trail, with maps and guides

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provided by local Native Americans. Journals by early travelers along the Bradshaw Trail described encounters with Cahuilla villages and walk-in wells as they journeyed through the Coachella Valley.

The expansion of immigrants into the region introduced the Cahuilla to European diseases. The single worst recorded event was a smallpox epidemic in 1862 to 1863. By 1891, only 1,160 Cahuilla remained within what was left of their territory, down from an aboriginal population estimated at 6,000 to 10,000. By 1974, approximately 900 people claimed Cahuilla descent, and most of them resided on reservations.

Between 1875 and 1891, the United States established 10 reservations for the Cahuilla within their territory: Agua Caliente, Augustine, Cabazon, Cahuilla, Los Coyotes, Morongo, Ramona, Santa Rosa, Soboba, and Torres-Martinez. Four of these reservations are shared with other Native American groups, including the Chemehuevi, Cupeño, and Serrano.

Gabrielino

The southwestern portion of the county (Valley Region and western portion of the Mountains Region) lies within an area historically occupied by the Gabrielino. The name Gabrielino denotes the people who were under the control of the Spanish from Mission San Gabriel, which included people from the Gabrielino proper as well as other social groups. In the post-Contact period, the name does not necessarily identify a specific ethnic or tribal group. The names Native Americans in southern California used to identify themselves have, for the most part, been lost. Many contemporary Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and use the native term *Tongva*. This term is used in the remainder of this section to refer to the pre-Contact inhabitants of the Los Angeles Basin and their descendants.

Tongva lands encompassed the greater Los Angeles Basin and three Channel Islands: San Clemente, San Nicolas, and Santa Catalina. Their mainland territory was bounded on the north by the Chumash at Topanga Creek, the Serrano at the San Gabriel Mountains in the east, and the Juaneño on the south at Aliso Creek.

The Tongva established large, permanent villages in the fertile lowlands along rivers and streams and in sheltered areas along the coast, stretching from the foothills of the San Gabriel Mountains to the Pacific Ocean. A total tribal population has been estimated of at least 5,000, but recent ethnohistoric work suggests that a number approaching 10,000 seems more likely.

Historic-era Tongva settlements in the San Bernardino Valley were primarily located at the base of the foothills and along perennial watercourses. Tongva communities near the study area included Tooyapinga to the southwest and Kuukamonga to the southeast.

Deceased Tongva were either buried or cremated, with inhumation more common on the Channel Islands and the neighboring mainland coast, and cremation predominating on the remainder of the coast and in the interior, though many inhumations have been found inland as well. Cremation ashes have been found in archaeological contexts buried in stone bowls and in shell dishes.

European contact with the Tongva occurred as early as 1542 with the Spanish expedition led by Juan Rodriguez Cabrillo, followed by Sebastián Vizcaíno in 1602, both of whom visited Santa Catalina Island. Colonization of

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Tongva lands did not begin in earnest until after the inland expedition led by Gaspar de Portolá in 1769. By 1771, four missions had been constructed in the region, including Mission San Gabriel in Los Angeles County, which was founded in September 1771.

The Franciscan missions, charged with converting the Native Americans to Christianity and acculturating them to European society and economy, began relocating them to mission grounds. Relocation and baptism initially involved the Eastern Tongva of the plains as far south as the Santa Ana River and west to the Los Angeles River. The missionaries later proselytized the Western Tongva living west of the Los Angeles River and on the southern Channel Islands, and the interior groups to the east and south. Between 1780 and 1794, most people from the southeast region were baptized and removed to the mission. Mission San Fernando del Rey was founded in 1797, and its priests pushed into the lands of other tribes to the north and west and converted Tongva people along the Los Angeles River and its tributaries.

With the founding of the Pueblo of Los Angeles in December 1781, civilian settlers came into the region, soon followed by retiring military men and their families from the Spanish garrisons. After governmental control of California shifted to Mexico, the missions were formally secularized in 1834, and the extensive mission lands were divided into private land grants claimed by the growing ranchero class. With the migration of farmers to southern California after the Mexican-American War of 1846, the local native population, who continued to work as laborers, was soon a minority and often lumped together with the Mexican-American community. Many allied themselves with remaining Native American communities in the Tehachapi and San Bernardino mountains.

In the early twentieth century, Tongva who still lived in San Gabriel neighborhoods near the old mission joined the Mission Indian Federation and sought redress from the federal government over lost lands. A generation later, partly as an outgrowth of the civil rights movement, the Tongva started to form political organizations of their own to change the handling of ancestral remains discovered at construction sites and to seek federal acknowledgement of their tribe. There are currently five such organizations, with total membership approaching nearly a thousand people. They are still struggling to receive federal recognition. This has made it very difficult for them to reap the benefits of federal laws like NAGPRA, which protects Native American rights to repatriate any ancestors and sacred objects that have been unearthed.

Mohave

The ethnographic territory of the Mohave people includes the easternmost part of the North Desert Region of the County, along the western side of the Colorado River. The Mohave were known equally for their military might, powerful shamans and religious ceremonies, and proclivity for long-distance travel. Most of the Mohave population lived along both sides of the lower Colorado River from south of Davis Dam to Topock. The Mohave also extended their territory south into the Chemehuevi and Colorado valleys, and intermittently controlled areas as far south as the Palo Verde Valley. After the Halchidhoma vacated the Parker-Blythe area between 1825 and 1830, the Mohave briefly settled there, but soon returned to their stronghold in the Mohave Valley.

During much of the year, the Mohave lived in villages on terraces above the Colorado River, only moving down to the floodplain in the spring to plant crops after the seasonal floods. Like other lower Colorado River peoples,

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the Mohave relied on floodplain horticulture, fishing, and gathering for subsistence. The Mohave are also well known for their long-distance travel. Like other Colorado River tribes, they participated in a trade network extending east to the Pueblos of Arizona, south to Mexico, and west to the Pacific coast. A number of important passes and routes of travel, including the well-known Mohave trail connecting the high deserts with the southern California coastal valleys, were developed or frequented by the Mohave.

Southern Paiute

The traditional territory of the Southern Paiute is vast, and the environmental variation of the lands occupied by the Southern Paiute is pronounced, ranging from the Colorado Plateau to the Mojave Desert, and including the Colorado River basin and numerous small mountain ranges. The ethnographic territory of the Chemehuevi subgroup of the Southern Paiute included the easternmost part of the East Desert Region of the County as well as a large swath of the North Desert Region.

Southern Paiute subsistence was centered on gathering and hunting, though for many of these tribes, a more appropriate way to view this lifestyle is through the lens of stewardship. For the Paiute and the other tribes mentioned above, there was an understanding of the landscape, what plants provided benefits for other floral and fauna, and how to harvest them respectfully. They stewarded the land with strategies like controlled burning to clean the forest understory (and in turn the rivers) and to ensure resources for the next season (since many plants only germinate after burning). Burning also opened up grassy spaces that attracted wildlife that could be hunted. The environmental differences of the territories of various Southern Paiute groups were reflected in the resources they exploited for subsistence as well as in the procurement strategies they employed. Food sources included small game such as rabbits and tortoises as well as fish and mountain sheep. The Southern Paiute exploited a variety of flora for food, including piñon nuts and agave; some groups practiced agriculture, raising maize, squash, and winter wheat, among other things. The basic socioeconomic unit of the Southern Paiute was the family household. No centralized political hierarchy has been recorded, though at times households would band together during hunting and gathering activities. Immediately after marriage, matrilineal residence was common, though in the longer term most would permanently settle near the husband's relatives.

Location of Tribal Cultural Resources

SWCA conducted a California Historical Resources Information System (CHRIS) records search at the South Central Coastal Information Center at Cal State Fullerton on three separate occasions: December 8, 2016; January 30, 2018; and February 14, 2018. The records search showed that the County is home to a robust and varied suite of cultural resources, from prehistoric campsites and rock art to historic infrastructure and buildings. Multiple places considered sacred to local indigenous groups are also present in the County. Tribal cultural resources are more prevalent in the East and North Desert Regions, but the Mountain Region contains both prehistoric and historic resources. Tribal cultural resources are numerous in the Mountain Region, which also has landscape features considered sacred by multiple Native American groups, because this region provided a variety of resources for Native Americans in the summer months.

SWCA also submitted a Sacred Lands File (SLF) search request to the NAHC on March 1, 2018, and received the results on March 5, 2018. A total of 23 different quadrangles contain NAHC-listed sacred lands. Many of

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these places are considered sacred by more than one tribe or band. Native American groups with NAHC-listed sacred lands in the County include:

- Chemehuevi Indian Reservation
- Gabrieleno Band of Mission Indians–Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Kern Valley Indian Community
- Morongo Band of Mission Indians
- Pechanga Cultural Resource Facility
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians

The general location information provided by the NAHC for the SLF search results allows for rough categorization by geographic region. The Valley Region contains four quadrangles with NAHC-listed sacred lands. Two additional quadrangles overlap the Valley and Mountain Regions. Six quadrangles are in the Mountain Region, and two are in the East Desert Region. The North Desert Region fully encompass eleven quadrangles with sacred lands, and two additional quadrangles overlap the North Desert and Mountain Regions.

5.17.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- TCR-1 Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- TCR-2 A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.17.3 Regulatory Requirements and General Plan Policies

5.17.3.1 REGULATORY REQUIREMENTS

- RR TCR-1 Per AB 52, within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.

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- RR TCR-2 Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.
- RR CUL-5 If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5).

5.17.3.2 POLICY PLAN

The proposed Countywide Plan Cultural Resources Element sets forth the following policies protecting tribal cultural resources:

- Goal CR-1** **Tribal Cultural Resources.** Tribal cultural resources that are preserved and celebrated out of respect for Native American beliefs and traditions.
- Policy CR-1.1** **Tribal notification and coordination.** We notify and coordinate with tribal representatives in accordance with state and federal laws to strengthen our working relationship with area tribes, avoid inadvertent discoveries of Native American archaeological sites and burials, assist with the treatment and disposition of inadvertent discoveries, and explore options of avoidance of cultural resources early in the planning process.
- Policy CR-1.2** **Tribal planning.** We will collaborate with local tribes on countywide planning efforts and, as permitted or required, planning efforts initiated by local tribes.
- Policy CR-1.3** **Mitigation and avoidance.** We consult with local tribes to establish appropriate standard project-specific mitigation measures and resource-specific treatment of potential cultural resources. We require project applicants to design projects to avoid known tribal cultural resources, whenever possible. If avoidance is not possible, we require appropriate mitigation to minimize project impacts on tribal cultural resources.
- Policy CR-1.4** **Resource monitoring.** We encourage active participation by local tribes as monitors in surveys, testing, excavation, and grading phases of development projects with potential impacts on tribal resources.

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5.17.4 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Notice of Preparation disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.17-1: The proposed Countywide Plan would not cause a substantial adverse change in the significance of a tribal cultural resource. [Threshold TCR-1 and TCR-2]

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (CNRA 2018). As noted above, tribal cultural resources are located in the Valley, Mountain, East Desert, and North Desert Regions of the County.

To fulfill requirements of SB 18 and AB 52, the County requested a list of tribal contacts from the NAHC and received a response on November 15, 2016. The NAHC provided the County with a list of 16 Native American tribes with traditional lands or cultural places within the unincorporated areas of the County. The list included the following tribes:

- Agua Caliente Band of Cahuilla Indians
- Chemehuevi Indian Tribe
- Colorado River Indian Tribes of the Colorado River Indian Reservation
- Gabrieleno Band of Mission Indians–Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation
- Fort Mojave Indian Tribe
- Kern Valley Indian Council
- Morongo Band of Mission Indians
- Pechanga Band of Luiseno Indians
- Ramona Band of Cahuilla
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians
- Twenty-Nine Palms Band of Mission Indians

The County sent letters to each of the contacts, notifying them of the Countywide Plan and requesting input via certified mail on December 13, 2016. The County followed up by calling each contact on December 27, 2016. Those who did not respond were also called on January 12, 2017. Six tribes responded to the County within the allotted 30 days:

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- Agua Caliente Band of Cahuilla Indians
- Gabrieleno Band of Mission Indians–Kizh Nation
- Morongo Band of Mission Indians
- San Manuel Band of Mission Indians
- Soboba Band of Luiseño Indians
- Twenty-Nine Palms Band of Mission Indians

The Soboba Band of Luiseño Indians, Morongo Band of Mission Indians, and the San Manuel Band of Mission Indians requested formal consultation. The Twenty-Nine Palms Band of Mission Indians requested the data generated for the Countywide Plan and to discuss draft policies with the County. The Agua Caliente Band of Cahuilla Indians also requested to receive any tribal cultural resources data generated for the Countywide Plan. The Gabrieleno Band of Mission Indians–Kizh Nation requested formal consultation on November 9, 2017; however, the tribe decided that it was unnecessary and canceled the process on October 24, 2018.

During 2017 and 2018, County staff held individual meetings or conference calls with representatives from four tribes—the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseño Indians, and Twenty-Nine Palms Band of Mission Indians. Tribe representatives provided information about best practices for protecting and minimizing impacts to tribal cultural resources. They also asked questions about the Countywide Plan Policy Plan process and the County’s project notification process.

In November 2018, a representative of the San Manuel Band of Mission Indians provided the County with recommended changes to the draft Cultural Resources Element for the Policy Plan. The County collaborated with the San Manuel Band of Mission Indians’ Cultural Resources Analyst to refine the goals and policies as recommended.

Since the CHRIS records search, the SLF search, and consultation with Native American tribes indicate that some unincorporated areas contain tribal cultural resources, future development or improvements related to changes in land use could potentially affect and cause significant adverse impacts to tribal cultural resources.

Tribal cultural resources are present in all geographic regions of the County. Four main areas are anticipated for growth: the Bloomington community (Rialto SOI), City of Fontana SOI, East Valley Area Plan, and the Town of Apple Valley SOI. The Bloomington community, Fontana SOI, and East Valley Area Plan are in the Valley Region, which has fewer tribal cultural resources than surrounding regions, likely due to historical and modern disturbance and development as well as other factors. However, NAHC-listed sacred lands are present in the Valley Region. As such, growth in the Bloomington community in particular, and the Valley Region in general, has the potential to directly and indirectly affect tribal cultural resources through ground-disturbing construction activities associated with residential and commercial construction. Apple Valley is in the North Desert Region, which is home to numerous tribal cultural resources. New residential and commercial development in Apple Valley and the North Desert Region has the potential to directly and indirectly affect tribal cultural resources through ground-disturbing construction activities. Little to no growth is anticipated for the Mountain Region and East Desert Region.

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The Cultural Resources Element of the proposed Countywide Plan is designed to address potential impacts to tribal cultural resources. Specifically, Policies CR-1.1 through 1.4 call for notification, planning, avoidance, or mitigation and monitoring. In the course of implementing the Countywide Plan and these specific policies, and in complying with requirements of AB 52, the County will identify and address any impacts of specific projects to tribal cultural resources. No additional mitigation measures are recommended to assist in the avoidance and mitigation of potential impacts from future projects in the Countywide Plan Area to tribal cultural resources.

Impact Analysis: Implementation of RR TCR-1 is complete. With the implementation of RR TCR -2, RR CUL-5, and general plan policies, Impact 5.17-1 would be less than significant.

5.17.5 Cumulative Impacts

The area considered for analysis of cumulative impacts is all of the County, including incorporated cities and other areas outside of County land use jurisdiction. Many projects in areas outside of County jurisdiction would involve ground disturbance and thus could damage tribal cultural resources. Other lead agencies would consult independently with Native American tribes regarding TCRs pursuant to AB 52. Other projects would comply with state and federal laws and regulations protecting TCRs and would implement feasible mitigation measures for significant impacts identified. Therefore, cumulative impacts would be less than significant.

5.17.6 Level of Significance Before Mitigation

With the implementation of RR TCR-2, RR CUL-5, and general plan policies, Impact 5.17-1 would be less than significant.

5.17.7 Mitigation Measures

No significant impacts would occur and no mitigation measures are required.

5.17.8 Level of Significance After Mitigation

Impacts would be less than significant.

5.17.9 References

California Natural Resources Agency (CNRA). 2018. CEQA: The California Environmental Quality Act.
<http://resources.ca.gov/ceqa/>.

5. Environmental Analysis

TRIBAL CULTURAL RESOURCES

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