

4.14 Tribal Cultural Resources

This section evaluates the potential impacts on Tribal Cultural Resources resulting from implementation of the Perris Airport Logistics Center Project (Proposed Project) and identifies known and potential Tribal Cultural Resources on the Project Site.

4.14.1 Environmental Setting

The following sections describe the history of the Project Site and discuss known Tribal Cultural Resources in or around the Proposed Project's area of potential effect.

4.14.1.1 Regulatory Setting

The treatment of cultural resources is governed by federal and state laws and guidelines. There are specific criteria for determining if prehistoric and historic sites or objects are significant or protected by law. Federal and state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant under state criteria. The laws and regulations seek to mitigate impacts to significant prehistoric or historic resources. The federal and state laws and guidelines for protecting historical resources are summarized below.

Federal

National Historic Preservation Act (U.S. Code, Title 54, Section 300101 et seq.)

The National Historic Preservation Act of 1966 established the National Register of Historic Places as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Listing in the National Register of Historic Places provides recognition that a property is significant to the nation, the state, or the community and assumes that federal agencies consider historical value in the planning for federal and federally assisted projects. Properties listed in the National Register of Historic Places or determined eligible for listing must meet certain criteria for historical significance and possess integrity of form, location, and setting. Structures and features must usually be at least 50 years old to be considered for listing in the National Register of Historic Places, barring exceptional circumstances. Criteria for listing in the National Register of Historic Places, which are set forth in Code of Federal Regulations, Title 36, Part 60.4, are the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or

- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

Eligible properties must meet at least one of the criteria and exhibit integrity, which is measured by the degree to which the resource retains its historic properties and conveys its historic character, the degree to which the original fabric has been retained, and the reversibility of changes to the property. The fourth criterion is typically reserved for archaeological and paleontological resources. These criteria have largely been incorporated into the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines).

Native American Graves Protection and Repatriation Act (U.S. Code, Title 25, Section 3001 et seq.)

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990. The Native American Graves Protection and Repatriation Act provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Native American Tribes and Native Hawaiian organizations. The Native American Graves Protection and Repatriation Act includes provisions for unclaimed and culturally unidentifiable Native American cultural items, intentional and inadvertent discovery of Native American cultural items on federal and Tribal lands, and penalties for noncompliance and illegal trafficking. Implementation of the Proposed Project would be conducted in compliance with the Native American Graves Protection and Repatriation Act.

Federal curation regulations are also provided in Title 36, Part 79, of the Code of Federal Regulations and apply to collections that are excavated or removed under the authority of the Antiquities Act (16 USC 431–433), the Reservoir Salvage Act (16 USC 469–469c), Section 110 of the National Historic Preservation Act (16 USC 470h-2), or the Archaeological Resources Protection Act (16 USC 470aa–mm). Such collections generally include those that are the result of a prehistoric or historical resources survey, excavation, or other study conducted in connection with a federal action, assistance, license, or permit.

State

Assembly Bill 52: Native Americans: California Environmental Quality Act

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American Tribes as part of the California Environmental Quality Act (CEQA) and equates significant impacts on Tribal Cultural Resources with significant

environmental impacts (California Public Resources Code, Section 21084.2). California Public Resources Code, Section 21074, defines Tribal Cultural Resources as follows:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
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 Section 5024.1.

Sacred places can include Native American sanctified cemeteries, places of worship, religious or ceremonial sites, and sacred shrines. In addition, both unique and non-unique archaeological resources, as defined in California Public Resources Code, Section 21083.2, can be Tribal Cultural Resources if they meet the criteria detailed above. The lead agency relies on substantial evidence to make the determination that a resource qualifies as a Tribal Cultural Resource when it is not already listed in the California Register of Historical Resources or a local register.

AB 52 defines a “California Native American Tribe” as a Native American Tribe in California that is on the contact list maintained by the Native American Heritage Commission (NAHC) (California Public Resources Code, Section 21073). Under AB 52, formal consultation with Tribes is required before determining the level of environmental document if a Tribe has requested to be informed by the lead agency of proposed projects and if the Tribe, upon receiving notice of the Proposed Project, accepts the opportunity to consult within 30 days of receipt of the notice. AB 52 also requires that consultation, if initiated, address project alternatives and mitigation measures for significant effects if specifically requested by the Tribe. AB 52 states that consultation is considered concluded when the parties agree to measures to mitigate or avoid a significant effect on Tribal Cultural Resources or when either the Tribe or the lead agency concludes that mutual agreement cannot be reached after making a reasonable, good-faith effort. Under AB 52, any mitigation measures recommended by the lead agency or agreed on with the Tribe may be included in the final environmental document and in the adopted Mitigation Monitoring and Reporting Program if the mitigation measures were determined to avoid or lessen a significant impact on a Tribal Cultural Resource.

If the recommended measures are not included in the final environmental document, then the lead agency must consider the four mitigation methods described in California Public Resources Code, Section 21084.3(e). Any information submitted by a Tribe during the consultation process is considered confidential and is not subject to public review or disclosure. It will be published in a

confidential appendix to the environmental document unless the Tribe consents to disclosure of all or some of the information to the public.

Assembly Bill 978: California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act, enacted in 2001, required the state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. California Native American Graves Protection and Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate Tribes.

California Government Code, Sections 6254(r) and 6254.10

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

California Health and Safety Code, Section 7050.5, and California Public Resources Code, Section 5097.9

California Health and Safety Code, Section 7050.5, addresses the protection of human remains discovered in any location other than a dedicated cemetery and makes it a misdemeanor for any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law, except as provided in California Public Resources Code, Section 5097.99. It further states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains will occur until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions concerning investigation of the circumstances, manner, and cause of any death and that the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to their authorized representative, in the manner provided in California Public Resources Code, Section 5097.98. If the county coroner determines that the remains are not subject to their authority and if the county coroner recognizes the human remains

to be those of a Native American or has reason to believe that they are those of a Native American, they shall contact, by telephone and within 24 hours, the NAHC. Whenever the NAHC receives notification of a discovery of Native American human remains from the county coroner, the agency shall immediately notify the most likely descendants if it believes them to be the most likely descendants of the deceased Native American. The most likely descendants may inspect the site of the discovery and make recommendations on the removal or reburial of the remains.

California Register of Historical Resources

The California Register of Historical Resources is a state government program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The California Register of Historical Resources is the authoritative guide to the state's significant historical and archaeological resources and encourages public recognition and protection of resources of architectural, historic, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

The term "historical resource" includes but is not limited to any object, building, structure, site, area, place, record, or manuscript that is historically or archaeologically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (California Public Resources Code, Section 5020.1[j]). Historical resources may be designated as such through three different processes:

- Official designation or recognition by a local government pursuant to local ordinance or resolution (California Public Resources Code, Section 5020.1[k])
- A local survey conducted pursuant to California Public Resources Code, Section 5024.1(g)
- Listing in or eligibility for listing in the National Register of Historic Places (California Public Resources Code, Section 5024.1[d][1])

To be eligible for listing in the California Register of Historical Resources, a building must satisfy at least one of the following four criteria:

- **Criterion 1.** It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- **Criterion 2.** It is associated with the lives of persons important to local, California, or national history.
- **Criterion 3.** It embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values.
- **Criterion 4.** It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Native American Historic Cultural Sites (California Public Resources Code, Section 5097 et. seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the California Register of Historical Resources.

Senate Bill 18: Traditional Tribal Cultural Places

As of March 1, 2005, Senate Bill 18 (California Government Code, Sections 65352.3 and 65352.4) requires that, before the adoption or amendment of a General Plan proposed on or after March 1, 2005, a city or county must consult with Native American Tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects within that jurisdiction. The consultation intends to establish a meaningful dialogue regarding potential means to preserve Native American places of importance. It allows for Tribes to hold conservation easements and for Tribal Cultural Places to be included in open space planning.

Local

City of Perris General Plan

The following Goal, Policy, and Implementation Measures from the Conservation Element of the City of Perris General Plan (City of Perris 2008) are in place to protect cultural resources, including Tribal Cultural Resources.

- **Goal IV – Cultural Resources:** Protection of historical, archaeological, and paleontological sites.
 - **Policy IV.A:** Comply with state and federal regulations and ensure preservation of the significant historical, archaeological, and paleontological resources.

Implementation Measures

- **IV.A.1:** For all private and public projects involving new construction, substantial grading, or demolition, including infrastructure and other public service facilities, staff shall require appropriate surveys and necessary site investigations in conjunction with the earliest environmental document prepared for a project.
- **IV.A.2:** For all projects subject to CEQA, applicants will be required to submit results of an archaeological records search request through the Eastern Information Center, at the University of California, Riverside.

- **IV.A.3:** Require Phase I Surveys for all projects located in areas that have not previously been surveyed for archaeological or historic resources, or which lie near areas where archaeological and/or historic sites have been recorded.
- **IV.A.5:** Identify and collect previous surveys of cultural resources. Evaluate such resource and consider preparation of a comprehensive citywide inventory of cultural resources including both prehistoric sites and man-made resources.
- **IV.A.6:** Create an archive for the City wherein all surveys, collections, records and reports can be centrally located.
- **IV.A.7:** Strengthen efforts and coordinate the management of cultural resources with other agencies and private organizations.

4.14.1.2 Existing Conditions

The following sections describe the history of the Project Site and discuss known Tribal Cultural Resources in or around the Project's Area.

Prehistory

The earliest scientifically accepted sites discovered in the Riverside area date back to a time period archaeologists refer to as the Paleoindian Period. At the time, much of what is now Riverside County showed site type and continuity with other areas of Southern California and it is thought that the small population size and high group mobility indicated a cultural and genetic continuity throughout much of the Southern California landscape. While currently known Paleoindian Sites in Riverside County date back to approximately 8 millennia before present (BP), technically the term Paleoindian refers to any site prior to 7500 BP in the region so any older finds within the County discovered at a later time would also automatically be within the County's Paleoindian Period.

This broader Southern California Paleoindian tradition included a presumed focus on mobile groups hunting large game with finely crafted stone tools in inland groups and some amount of reliance on maritime resources for many coastal groups. Counterintuitively, many early Paleoindian flaked lithics appear more finely worked and requiring more complex flaking skill than their lithic counterparts in later periods. The Paleoindian saw a lithic tradition that included "finely worked blades, spear points, choppers, and scrapers out of fine-grained volcanics" (Carrico 1977). In addition, leaf-shaped knives, foliate to ovoid bifaces, foliate to short-bladed shoulder points, crescents, engraving tools, core hammers, pebble hammers, and cores were part of the tool assemblage. While portable groundstone during the period was rare and Bedrock Milling Features are completely absent in this period, other stone artifacts occur in the region including the still-mysterious crescents of ancient California. Ceramics are completely absent from the archaeological record during this period and burials are usually flexed inhumations.

Much is still left to be learned about the Paleoindian Period, especially the early portion of it. Human populations in Southern California are estimated to be quite small during this time and the temporal distance between the present day and the Paleoindian Period indicate many of those archaeological resources have already been forever lost to time. As such, Paleoindian sites represent a tiny fraction of overall prehistoric sites in the area.

These periods are summarized in Section 4.4 of this EIR, and further described in the Cultural and Resources Survey Letter Report included in Appendix D; the ethnohistoric periods, which are particularly relevant to Tribal Cultural Resources are summarized below.

Ethnohistory

The Ethnohistoric Period begins with the first permanent European settlements. For Riverside County, there are at least six Native American groups living in the area during the Ethnohistoric Period. These groups include the Cahuilla, Gabrieleño, Serrano, Luiseño, Chemehuevi, and Mojave Tribes (the Mojave being the only Yuman speaking group among the otherwise Shoshonean-speaking groups).

The Luiseño and Gabrieleño occupied the western end of what is now Riverside County, with the Luiseño occupying the southwestern ends of the County and the Gabrieleño occupying the northwest areas. Both groups extending west beyond present day Riverside County and to the coast. The Cahuilla and Serrano occupied the central areas of the County, with the Cahuilla occupying the southern portion of the County, and the Serrano the northern portion. The Chemehuevi, the southernmost of the Paiute groups, occupied what is now the northeastern areas of the County while the farthest eastern stretches of the present-day County were occupied by the westernmost branches of the Mojave Peoples.

When not prevented from doing so by Europeans or their diseases, native groups in the Ethnohistoric Period carried on their lifeways from the Late Prehistoric Period, including a heavy reliance on traditional food acquisition including acorns, mesquite beans (in the lower desert settings), native grasses, and wild game such as birds, deer, rabbit, and rodents. Similar to the Late Prehistoric, Native settlements in the Ethnohistoric Period usually centered around permanent water sources and some form of food resource, be that oak trees, lake and river aquatic resources, or a concentration of other local foodstuffs.

History

The history of the Project Site, as well as that of the City of Perris and Riverside County, are discussed further in Section 4.4 of this EIR.

Tribal Cultural Resources

As previously discussed in Section 4.4 of this EIR, Harris & Associates staff conducted a records search of the surrounding area using the California Historic Resources Inventory System (CHRIS) (Confidential Appendix B, CHRIS Background Data, of the Cultural Resources Survey Letter Report). Eleven studies (Table 4.4-1 in Section 4.4, Cultural Resources, of this EIR) have been conducted within a 0.25-mile radius, and two sites (Table 4.4-2 in Section 4.4 of this EIR) were previously recorded. Of the previously recorded sites, one is prehistoric (CA-RIV-000805/P-33-000805), and one is historic (CA-RIV-8196/P-33-015743). None of these resources are located within the Project Site.

Harris & Associates requested a records search of the Sacred Lands Files from the NAHC. The NAHC response was positive and recommended that the list of Tribes provided be contacted for more information. All Tribal bands on the list were contacted and requested to provide any relevant information regarding Sacred Sites that may be present on site (Cultural Resources Survey Report Confidential Appendix C). To date, three tribes (Aqua Caliente Band of Cahuilla Indians, Quechan Tribe of the Fort Yuma Reservation, and Rincon Band of Luiseño Indians) have responded. The Agua Caliente Band responded by identifying three sites that are less than one mile from the Proposed Project Site and stating that survey site records are available with site specifics. The Quechan Tribe responded that the Historic Preservation Office does not wish to comment on the Proposed Project and would defer to local Tribes and support their determinations. The Rincon Band responded that they have received the Proposed Project information letter and that they will review and respond. To date, no additional responses have been received.

The City of Perris provided a notification of the Proposed Project on June 7, 2022 to the Tribes that have requested such notice, as required by AB 52. Two tribes responded; the Agua Caliente Band of Cahuilla Indians (Agua Caliente) and the Pechanga Band of Indians (Pechanga). The results of this Native American outreach/consultation did not reveal the presence of any Tribal Cultural Resources on the Project Site; however, Tribes did indicate the potential for Tribal Cultural Resources to be encountered during excavation activities as the Proposed Project is proximate to culturally sensitive areas and therefore requested cultural monitors be present during ground-disturbing activities.

As further discussed in Section 4.4, Cultural Resources, of this EIR, Harris & Associates conducted pedestrian surveys of the Project Site on April 29, 2022, and January 27, 2023. No Tribal Cultural Resources (or any other resources) were discovered during the survey (Harris & Associates 2023).

4.14.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the Proposed Project would have a significant impact on Tribal Cultural Resources if it would:

- **Threshold 1:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - 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.

4.14.3 Regulatory Implementation

RI CUL-1 In the event that human remains (or remains that may be human) are discovered at the Project Site or within the off-site project improvement areas during ground-disturbing activities, the construction contractors, project archaeologist, and/or designated Native American tribal representative shall immediately stop all activities within 100 feet of the find. Work outside of the 100-foot radius may continue. The Property Owner/Project Proponent/Developer shall then inform the Riverside County Coroner and the City of Perris Planning Division immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).

If the coroner determines that the remains are of Native American origin, the coroner shall notify the Native American Heritage Commission (NAHC), which will identify the “Most Likely Descendent” (MLD). Despite the affiliation with any Native American tribal representative(s) at the site, the NAHC’s identification of the MLD will stand. The MLD shall be granted access to inspect the site of the discovery of Native American human remains and may recommend to the Property Owner means for treatment or disposition, with appropriate dignity of the human remains and any associated grave goods. The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The disposition of the remains will be determined in consultation between the Property Owner and the MLD. In the event that there is disagreement regarding the disposition of the remains, State law will apply and median with the NAHC will make the applicable determination (see Public Resources Code Section 5097.98I and 5097.94(k)).

The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the consulting archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the South Coastal Information Center.

4.14.4 Environmental Impacts

The following sections address various potential impacts relating to Tribal Cultural Resources that could result from implementation of the Proposed Project.

4.14.4.1 Threshold TCR-1: Tribal Cultural Resources

Impact Analysis

As previously discussed in Section 4.4, Cultural Resources, of this EIR, Harris & Associates staff conducted a records search of the surrounding area using the California Historic Resources Inventory System. No resources were identified within the Project Site.

The City requires consultants completing cultural resources studies to contact NAHC for a Sacred Lands File search. A records search of the Sacred Lands Files from the NAHC was requested by Harris & Associates and came back positive. The NAHC stated that the Pechanga Band of Indians should be contacted for information and provided contact information for the Tribal Chairperson and the Cultural Resources Coordinator. The City of Perris provided a notification of the Proposed Project to Tribes that have requested such notice, as required by AB 52, and entered into consultation with Tribes that requested consultation. In total, two Tribes requested consultation. A timeline of AB 52 consultation activities is included below:

- On June 7, 2022, the City commenced AB 52 Tribal Consultation with the Soboba Band of Luiseño Indians, Rincon Band of Mission Indians, Pechanga Band of Mission Indians, Morongo Band of Mission Indians, Agua Caliente Indians.
- On July 7, 2022, the City received a letter from Agua Caliente Band of Cahuilla Indians. They requested a cultural resources inventory, a copy of the records search, and the cultural report.
- On August 1, 2022, the City received a letter from Agua Caliente Band of Cahuilla Indians. The Tribe indicated that the Project Site is not located within the boundaries of their reservation. They did identify that the Project Site is within the Tribe's Traditional Use Area and for this reason requested formal consultation pursuant to AB 52.
- On July 15, 2022, the City received a letter from Pechanga Band of Indians. The Tribe identified the Project Site as a part of Luiseño territory and therefore a culturally sensitive area and for this reason requested formal consultation pursuant to AB 52.

- November 9, 2023, the City received a letter from the Agua Caliente Band of Cahuilla Indians indicating that the Project Site is within proximity to several archaeological sites from the southeast and requesting mitigation and a copy of the EIR.

It should be noted that most of the written and oral communication between the Native American Tribes and the City of Perris is considered confidential in respect to places that have traditional Tribal cultural significance (OPR 2017), and although relied upon in part to inform the preparation of this EIR section, those communications are treated as confidential and are not available for public review.

As discussed above, Tribal notification pursuant to AB 52 was initiated on June 7, 2022, by the City of Perris. Two Tribes responded (Agua Caliente Band of Cahuilla Indians [Agua Caliente] and Pechanga Band of Indians [Pechanga]).

Agua Caliente initially requested a copy of the cultural study, including the records search, but consultation was not requested at that time. A follow-up letter from Agua Caliente requested consultation. The City provided a copy of the cultural report to Agua Caliente on May 22, 2023, and January 17, 2024. The City followed up on January 17, 2024, inquiring whether they would like to consult.

Pechanga responded requesting consultation; however, the response was submitted on July 15, 2022, which was after the deadline (July 7, 2022). The City conducted consultation with Pechanga on August 17, 2022. Pechanga identified that there is a high probability for the presence of resources since Veterans Industrial Park 215 Project and the Perris Valley Channel Lateral B, Stage 4 Project identified resources. They requested a follow-up consultation. City staff provided the CEQA status and cultural report status at the consultation. The City provided a copy of the cultural report to Pechanga on May 22, 2023, and January 17, 2024. The City followed up on January 17, 2024, inquiring whether they would like to consult further. At present, no further comments have been received from Tribes. Currently, the City of Perris is conducting consultations to meet the requirements of AB 52.

In summary, the City provided information to the Tribes, as requested, including the technical reports prepared (including the Cultural Resources Survey Letter provided in Appendix D of this EIR and the confidential appendix available at the City), Proposed Project plans, and proposed mitigation measures.

As previously discussed, no cultural resources, including Tribal Cultural Resources, were observed during the field survey. However, given the Tribes' responses, the Proposed Project has the potential to impact Tribal Cultural Resources during ground-disturbing activities. Mitigation measure MM CUL-1 (stated below and in Section 4.4.7), requires that an archaeological monitor and a Tribal representative be present during ground-disturbing activities and identifies steps that would be taken if any artifacts of Native American origin are discovered to ensure potential impacts to Tribal Cultural

Resources are less than significant. With implementation of mitigation measure MM CUL-1, potential impacts to Tribal Cultural Resources would be less than significant.

Significance of Impact

Potentially significant without mitigation.

4.14.5 Cumulative Impacts

The following sections address various potential cumulative impacts relating to Tribal Cultural Resources that could result from implementation of the Proposed Project.

4.14.5.1 Cumulative Threshold TCR-1: Tribal Cultural Resources

This cumulative impact analysis considers development of the Proposed Project in conjunction with other development projects and planned development in the City have a potential for uncovering Tribal Cultural Resources. As noted previously, Harris & Associates requested a Sacred Lands File search from the NAHC, which came back positive. The City of Perris conducted Native American consultation with potentially culturally affiliated Tribes, as required by AB 52. As a result of this consultation effort, Tribes did indicate a concern over potential impacts to subsurface resources due to the Proposed Project's proximity to culturally sensitive areas. Other cumulative developments within the region also would have the potential to result in impacts to subsurface Tribal Cultural Resources. Therefore, the Proposed Project's potential impacts to subsurface Tribal Cultural Resources could represent a cumulatively considerable contribution to a significant cumulative impact, prior to mitigation. With implementation of mitigation measure MM CUL-1 and Regulatory Implementation condition RI CUL-1, potential impact to Tribal Cultural Resources would be less than significant. Each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the Proposed Project. Neither the Proposed Project nor other cumulative developments are expected to result in significant impacts to Tribal Cultural Resources provided site-specific surveys are conducted and required measures to protect the Tribal Cultural Resources are implemented. As such, the Proposed Project would not result in a cumulatively considerable contribution to a significant cumulative impact to Tribal Cultural Resources.

4.14.6 Level of Significance Before Mitigation

4.14.6.1 Threshold TCR-1: Tribal Cultural Resources

The Proposed Project could cause a substantial adverse change in the significance of a Tribal Cultural Resource.

4.14.7 Mitigation Measures

MM CUL-1: Archaeological Resource – Monitoring. Prior to the issuance of grading permits, the Project Proponent/Developer shall retain a professional archaeologist meeting the Secretary of the Interior’s Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the Project archaeologist shall be to monitor the initial ground-disturbing activities at both the Project site and any off-site Project-related improvement areas for the identification of any previously unknown archaeological and/or cultural resources. Selection of the Project archaeologist shall be subject to the approval of the City of Perris Director of Development Services and no ground-disturbing activities shall occur at the site or within the off-site project improvement areas until the Project archaeologist has been approved by the City.

The Project archaeologist shall be responsible for monitoring ground-disturbing activities, maintaining daily field notes and a photographic record, and for reporting all finds to the developer and the City of Perris in a timely manner. The Project archaeologist shall be prepared and equipped to record and salvage cultural resources that may be unearthed during ground-disturbing activities and shall be empowered to temporarily halt or divert ground-disturbing equipment within a 50-foot radius of the find to allow time for the recording and removal of the resources. Work may continue outside the 50-foot radius.

The Property Owner/Project Proponent/Developer shall also enter into an agreement with either the Soboba Band of Luiseño Indians, the Pechanga Band of Indians, or the Agua Caliente Band of Cahuilla Indians for a Native American Tribal representative (observer/monitor) to work along with the Project archaeologist. This Tribal representative will assist in the identification of Native American resources and will act as a representative between the City, the Property Owner/Project Proponent/Developer, and Native American Tribal Cultural Resources Department. The Native American Tribal representative should be on-site during all ground-disturbing of each portion of the Project Site including clearing, grubbing, tree removals, grading, trenching, etc. The Native American Tribal representative should be on-site any time the Project archaeologist is required to be on-site. Working with the Project archaeologist, the Native American representative shall have the authority to halt, redirect, or divert any activities in areas where the identification, recording, or recovery of Native American resources are ongoing.

The agreement between the Property Owner/Project Proponent/Developer and the Native American Tribe shall include, but not be limited to:

- An agreement that artifacts will be reburied on-site and in an area of permanent protection;
- Reburial shall not occur until all cataloging and basic recordation have been completed by the consulting archaeologist;
- Native American artifacts that cannot be avoided or relocated at the Project Site shall be prepared for curation at an accredited curation facility in Riverside County that meets federal standards (per 36 CFR Part 79) and available to archaeologists/researchers for further study; and
- The Project archaeologist shall deliver the Native American artifacts, including title, to the identified curation facility within a reasonable amount of time, along with applicable fees for permanent curation.

The Property Owner/Project Proponent/Developer shall submit a fully executed copy of the agreement to the City of Perris Planning Division to ensure compliance with this condition of approval. Upon verification, the City of Perris Planning Division shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

In the event that archaeological resources are discovered at the Project Site or within the off-site Project improvement areas, the handling of the discovered resource(s) will differ, depending on the nature of the find. Consistent with California Public Resources Code, Section 21083.2(b), and Assembly Bill 52 (Chapter 532, Statutes of 2014), avoidance shall be the preferred method of preservation for Native American/Tribal cultural/archaeological resources. However, it is understood that all artifacts, with the exception of human remains and related grave goods or sacred/ceremonial/religious objects, belong to the Property Owner. The Property Owner shall commit to the relinquishing and reburial and/or curation of all artifacts identified as being of Native American origin. All artifacts, Native American or otherwise, discovered during the monitoring program shall be recorded and inventoried by the consulting archaeologist.

If any Native American artifacts are identified when Native American Tribal representatives are not present, all reasonable measures shall be taken to protect the resource(s) in situ and the City Planning Division and Native American Tribal representative shall be notified. The designated Native American Tribal representative will be given sufficient time to examine the find. If the find is determined to be of sacred or religious value, the Native American Tribal representative will work with the City and Project archaeologist to protect the resource in accordance with Tribal requirements as may be feasible. All analysis will be undertaken in a manner that avoids destruction or other adverse impacts.

In the event that human remains are discovered at the Project Site or within the off-site Project improvement areas, Regulatory Implementation condition RI CUL-1 shall immediately apply, and all items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

Non-Native American artifacts shall be inventoried, assessed, and analyzed for cultural affiliation, personal affiliation (prior ownership), function, and temporal placement. Subsequent to analysis and reporting, these artifacts will be subjected to curation, as deemed appropriate, or returned to the Property Owner.

Once grading activities have ceased and/or the Project archaeologist, in consultation with the designated Native American Tribal representative, determines that monitoring is no longer warranted, monitoring activities can be discontinued following notification to the City of Perris Planning Division.

A report of findings, including an itemized inventory of artifacts, shall be prepared upon completion of the tasks outlined above. The report shall include all data outlined by the Office of Historic Preservation guidelines, including a conclusion of the significance of all recovered, relocated, and reburied artifacts. A copy of the report shall also be filed with the City of Perris Planning Division, the South Coastal Information Center and the Native American Tribe involved with the Project.

4.14.8 Level of Significance After Mitigation

4.14.8.1 Threshold TCR-1: Tribal Cultural Resources

With implementation of mitigation measure MM CUL-1 and Regulatory Implementation condition RI CUL-1, potential impacts to Tribal Cultural Resources would be reduced to less than significant levels. No significant and unavoidable impacts would remain.