5.16 TRIBAL CULTURAL RESOURCES

5.16.1 INTRODUCTION

This section describes the existing regulatory and environmental settings, and analyzes the Project's potential to impact tribal cultural resources. Tribal cultural resources include, among other things, sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe (California Public Resources Code [PRC] § 21074). Other potential impacts to cultural resources (i.e., prehistoric, historic, and disturbance of human remains) are addressed in **Section 5.5: Cultural Resources** and impacts to paleontological resources are addressed in **Section 5.7: Geology, Soils, and Mineral Resources**. Where significant impacts remain despite compliance with the existing regulatory framework, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

Proposed General Plan

The proposed General Plan-related information in this section is based on methodology and information discussed in **Section 5.16.3** and **Section 5.16.4**, respectively. Refer to **Appendix 5.16 GP-1: Native American Heritage Commission (NAHC) Response** and **Appendix 5.16 GP-2: Tribal Correspondence Matrix** for the responses from the NAHC and tribes.

Barstow International Gateway Project (BIG)

BIG-related information in this section is based in part on data obtained from the City as a result of government-to-government consultation with Native American tribes located in **Appendix 5.16 GP-1** and **Appendix 5.16 GP-2**, as well as the following study:

- Barstow International Gateway Cultural Resources Assessment (Non-Confidential); see **Appendix 5.5 BIG-1: Cultural Resources Assessment**

Summary of Findings – Proposed General Plan

Future development will include ground-disturbing activities in areas that may have currently unknown tribal cultural resources. Construction activities such as grading and excavation could inadvertently disturb/unearth previously unknown/unrecorded tribal cultural resources. Even with mitigation measures and regulations designed to minimize impacts, there is a possibility that disturbing them during construction could have a significant impact on the tribal cultural resource. This is an important issue and the mitigation measures included in this section were drafted in consultation with the tribes. However, even with implementation of mitigation measures, future development could cause a significant and unavoidable impact to tribal cultural resources.

Summary of Findings – Barstow International Gateway

The BIG project could significantly affect tribal cultural resources. Through consultation with Native American tribes and a detailed cultural assessment, prehistoric resources were identified within the

project footprint. Of these, some are considered eligible for listing in state and national historic registers and are recognized as tribal cultural resources due to their cultural and archaeological significance.

Despite planned mitigation measures, including archaeological monitoring, pre-construction training, and reburial of discovered resources, the likelihood of uncovering unidentified cultural resources remains, leading to unavoidable impacts. Operational impacts are expected to be less significant due to protective measures and minimal new disturbance during operations. However, construction impacts would remain significant and unavoidable.

5.16.2 REGULATORY SETTING

5.16.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) (54 United States Code [U.S.C.] § 300101 et seq.), including § 106, 54 U.S.C. § 306108 establishes the federal government policy on historic preservation and the programs, including the National Register of Historic Places (NRHP), through which this policy is implemented. Under the NHPA, significant cultural resources, referred to as "historic properties," include any prehistoric or historic district, site, building, structure, or object included in, or determined eligible for inclusion in, the NRHP. Historic properties also include resources determined to be National Historic Landmarks. National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting United States heritage. A property is considered historically significant if it meets one of the NRHP criteria and retains sufficient historic integrity to convey its significance. This act also established the Advisory Council on Historic Preservation (ACHP), an independent federal agency that administers NHPA § 106 by developing procedures to protect cultural resources included in, or eligible for inclusion in, the NRHP. Regulations are published in 36 CFR Parts 60, 63, and 800 (ACHP, 1999).

The NHPA identifies cultural resources, which include any prehistoric or historic district, site, building, structure, or object, as well as Historic Properties, which are cultural resources that are listed in, or determined eligible for listing in, the National Register of Historic Places (NRHP). Historic Properties also include resources determined to be National Historic Landmarks (NHLs). NHLs are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting United States heritage. A property is considered historically significant if it meets one or more NRHP criteria and retains sufficient historic integrity to be able to convey its significance. This act also established the Advisory Council on Historic Preservation (ACHP), an independent agency responsible for implementing NHPA § 106 by developing procedures to protect cultural resources included in, or eligible for inclusion in, the NRHP.

NHPA § 106 requires that effects on historic properties be taken into consideration in any Federal undertaking and requires consultation with Federally-recognized Tribes in all steps of the process when a Federal agency project or effort may affect historic properties that are either located on Tribal lands, or when any Native American Tribe or Native Hawaiian Organization attaches religious or cultural significance to the historic property, regardless of the property's location. The process has five steps:

(1) initiating the § 106 process, (2) identifying Historic Properties, (3) assessing adverse effects to Historic Properties, (4) resolving adverse effects, and (5) implementing stipulations in an agreement document. The § 106 process affords the ACHP and the State Historic Preservation Officer (SHPO), as well as other consulting parties, a reasonable opportunity to comment on any undertaking that would adversely affect Historic Properties. SHPOs administer the national historic preservation program at the state level, review NRHP nominations, maintain data on historic properties that have been identified but not yet nominated, and consult with Federal agencies during § 106 review (GSA, 2025).

Eligibility for the NRHP rests on two factors: significance and integrity. In order to be eligible for inclusion in the NRHP, a property must meet one or more of the criteria listed below (36 Code of Federal Regulations [CFR] § 60.4) and retain integrity:

- Criterion A: Association with "events that have made a significant contribution to the broad patterns of our history."
- Criterion B: Association with "the lives of persons significant in our past."
- Criterion C: Resources "that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction."
- Criterion D: Resources "that have yielded, or may be likely to yield, information important to history or prehistory."

The National Register bulletin entitled *How to Apply the National Register Criteria for Evaluation* states that, for a property to qualify for listing in the NRHP, it must meet at least one of the NRHP criteria by: (1) being associated with an important historic context, and (2) retaining historic integrity of those features necessary to convey its significance. The historic context of a resource will define the theme(s), geographical limits, and period of significance by which to evaluate a resource's significance (National Park Service, 1997). Generally, cultural properties must be 50 years of age or more to be eligible for listing in the NRHP, though younger properties may be considered eligible if they are "of exceptional importance" (National Park Service, 1997). In addition to being significant under one or more of the noted criteria, NRHP eligibility requires that a resource retain sufficient integrity to convey its significance. Integrity is evaluated through consideration of characteristics that existed during a resource's period of significance. The evaluation of integrity is measured against seven aspects:

- **Location:** The place where the resource was constructed
- **Design:** The combination of elements that create the form, plans, space, structure, and style of the resource
- **Setting:** The physical environment of the resource, including the landscape and spatial relationship of the buildings
- **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the resource

- **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period of history
- **Feeling:** The resource's expression of the aesthetic or historic sense of a particular period of time
- **Association:** The direct link between an important historic event or person and a resource

The process also allows properties of traditional religious and cultural importance to a Native American tribe to be determined eligible for NRHP inclusion. In addition, a broader range of traditional cultural properties (TCPs) are also considered and may be determined eligible for or listed in the NRHP. TCPs are places that may be eligible because of their association with cultural practices or beliefs of living communities that (1) are rooted in that community's history, and (2) are important in maintaining the continuing cultural identity of the community. In the NRHP programs, culture is understood to mean the traditions, beliefs, practices, customary ways of life, arts, crafts, and social institutions of any community, be it an Indian tribe, a local ethnic group, or the nation as a whole.

Isolated finds, such as single artifact with no other associated cultural materials, are generally considered to be ineligible for listing in the NRHP. However, the nature of the isolated resource and any available ethnographic data regarding affiliated Native American populations should be carefully considered during the evaluation process, particularly as it relates to potential eligibility under Criterion D.

Archaeological Resources Protection Act

Archaeological Resources Protection Act (16 U.S.C. 470) was enacted to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites on public lands and Indian lands. It was also enacted to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals (§ 2[4][b]).

Native American Graves Protection and Repatriation Act

The Native American Grave Protection and Repatriation Act (25 U.S.C. 3001–3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statutes as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. One of the statute's purpose is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on federal and tribal lands.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (42 U.S.C. § 1996) protects and preserves the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and Native Hawaiians. The act requires policies of all governmental agencies to respect the free exercise of native religion and to accommodate access to and use of religious sites to the extent that the use is practicable and is not inconsistent with an agency's essential functions. If a place of religious importance to American Indians may be affected by a project, the American Indian Religious Freedom Act promotes consultation with Indian religious practitioners, that may be coordinated with § 106 consultation.

Presidential Memorandum, Government-to-Government Relations with Native American Tribal Governments, April 29, 1994

Directed to the heads of executive departments and agencies, this memorandum outlines the principles that are to be followed in interactions with the governments of federally recognized Native American tribes. It includes provisions for government-to-government relations and consultation and requires assessment of the impact of federal government plans, projects, programs, and activities on tribal trust resources and assurance that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities.

Consultation with Indian Tribal Governments (Executive Order 13175)

Consultation with Indian Tribal Governments (Executive Order 13175) establishes regular and meaningful consultation and collaboration with officials of federally recognized Indian tribes in the development of federal policies that have tribal implications, to strengthen the government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes. It sets forth guiding principles for government-to-government relations with Indian tribes, along with criteria for formulating and implementing policies that have tribal implications.

5.16.2.2 State

California Environmental Quality Act Guidelines

State CEQA Guidelines (Title 14, Division 6, California Code of Regulations Chapter 3) are administrative regulations governing implementation of CEQA. State CEQA Guidelines § 15064.5 outlines the process to identify the significance of impacts to unique archaeological and historical resources during the CEQA process. Specifically, this section speaks to the definitions of unique archaeological and historical resources, the process to identify the presence of and potential effects to these resources as a result of a project, and the requirement for agencies to consider actions or measures to avoid or mitigate impacts to these resources. This section extensively refers to various areas PRC sections, including PRC § 5020.1, 5024.1, 5024.5, 5097.98, 21083.2, and 21084.1, as well as California Health and Safety Code § 7050.5, all of which are discussed below.

California Assembly Bill 52

The Native American Historic Resource Protection Act (Assembly Bill [AB] 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCRs) 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 or Mitigated 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:

- 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])

- 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 § 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it supports its determination with substantial evidence and considers the resource's significance to a California tribe. The following is a brief outline of the process (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 a lead agency 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.

California Public Resources Code

California Public Resources Code (PRC) § 5024.1 establishes the California Register of Historical Resources (CRHR). The register lists all California properties considered to be significant historical resources. The CRHR also includes all properties listed or determined eligible for listing in the NRHP, including properties evaluated and determined eligible under § 106. The criteria for listing on the CRHR, criteria 1 through 4, are similar to those of the NRHP and listed below.

PRC §§ 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC §§ 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC § 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. Further, PRC §§ 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage

Commission (NAHC); 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.

PRC §§ 21083.2 and 21084.1 outlines the process for the review and consideration of a project's impact to "unique archaeological resources" and "historical resources". A unique archaeological resource is defined as 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:

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

A historical resource is defined as "a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of § 5020.1, or deemed significant pursuant to criteria set forth in § 5024.1(g), are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of § 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section."

These codes also require the inclusion of impact analysis within environmental documents, as well as describes treatment options, such as avoidance, capping, etc., and appropriate mitigation measures that may be utilized for a project to avoid or mitigate impacts to unique archaeological resources and/or historical resources, as well as tribal cultural resources.

California Health and Safety Code

California Health and Safety Code §§ 7050.5-7055 govern the process for reporting inadvertent discoveries of human remains to the County Coroner; the process for the County Coroner to report human remains of Native American descent to the NAHC; and the protections offered against removal or desecration of human remains.

California Senate Bill 18

California Senate Bill (SB) 18, effective September 2004, requires a local government to notify and consult with California Native American tribes when the local government is considering adoption or amendment of a general plan or a specific plan. SB 18 provides California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning, for the purpose of protecting or mitigating impacts to cultural places. Prior to adoption or amendment of a general plan or a specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and

have traditional lands within the city's or county's jurisdiction. Pursuant to California Government Code (CGC) § 65352.3, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe, from the date on which a California Native American tribe is contacted by a city or county pursuant to this subdivision.

SB 18 (Chapter 905 of the 2004 statutes) says, in pertinent parts:

> "§ 1(b): In recognition of California Native American tribal sovereignty and the unique relationship between California local governments and California tribal governments, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:

- Recognize that California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places are essential elements in tribal cultural traditions, heritages, and identities.
- Establish meaningful consultations between California Native American tribal governments and California local governments at the earliest possible point in the local government land use planning process so that these places can be identified and considered.
- Establish government-to-government consultations regarding potential means to preserve those places, determine the level of necessary confidentiality of their specific location, and develop proper treatment and management plans.
- Ensure that local and tribal governments have information available early in the land use planning process to avoid potential conflicts over the preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
- Enable California Native American tribes to manage and act as caretakers of California Native prehistoric, archaeological, cultural, spiritual, and ceremonial places.
- Encourage local governments to consider preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places in their land use planning processes by placing them in open space.
- Encourage local governments to consider the cultural aspects of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places early in land use planning processes."

CGC § 65352.3(a-b) states:

- "Prior to the adoption or any amendment of a city or county's general plan, proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the NAHC for the purpose of preserving or mitigating impacts to places, features, and objects described in PRC §§ 5097.9 and 5097.995 that are located within the city or county's jurisdiction.
- From the date on which a California Native American tribe is contacted by a city or county pursuant to this subdivision, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.
- Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to § 65040.2, the city or county shall protect the confidentiality of information

concerning the specific identity, location, character, and use of those places, features, and objects."

5.16.2.3 Local

County of San Bernardino Countywide Plan

The County adopted the Countywide Plan (CWP) in October 2020. The CWP Policy Plan addresses the physical, social, and economic issues facing the County's unincorporated portions. **Table 5.16-1: Countywide Plan Policy Plan – Relevant Tribal Cultural Resources Goals and Policies** includes the tribal cultural resources-related goals and policies relevant to the Project. For applicability of the CWP goals and policies to the proposed General Plan and BIG, see **Section 5.0: Environmental Analysis**.

Table 5.16-1: Countywide Plan Policy Plan – Relevant Tribal Cultural Resources Goals and Policies

Goal or Policy	
CULTURAL RESOURCES ELEMENT	
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 local tribes.
Policy CR-1.3	**Mitigation and avoidance.** We consult with local tribes to establish appropriate 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.
Goal CR-2	**Historic and Paleontological Prehistoric Resources.** Historic resources (buildings, structures, or archaeological resources) and paleontological resources that are protected and preserved for their cultural importance to local communities as well as their research and educational potential.
Policy CR-2.1	**National and state historic resources**. We encourage the preservation of archaeological sites and structures of state or national significance in accordance with the Secretary of Interior's standards.
Policy CR-2.2	**Local historic resources**. We encourage property owners to maintain the historic integrity of resources on their property by (listed in order of preference): preservation, adaptive reuse, or memorialization.
Policy CR-2.3	**Paleontological and archaeological resources.** We strive to protect paleontological and archaeological resources from loss or destruction by requiring that new development include appropriate mitigation to preserve the quality and integrity of these resources. We require new development to avoid paleontological and archeological resources whenever possible. If avoidance is not possible, we require the salvage and preservation of paleontological and archeological resources.

Table 5.16-1: Countywide Plan Policy Plan – Relevant Tribal Cultural Resources Goals and Policies	
Goal or Policy	
Policy CR-2.4	**Partnerships**. We encourage partnerships to champion and financially support the preservation and restoration of historic sites, structures, and districts.
Policy CR-2.5	**Public Awareness and Education**. We increase public awareness and conduct education efforts about the unique historic, natural, tribal, and cultural resources in San Bernardino County through the County Museum and in collaboration with other entities.
Source: County of San Bernardino. 2020. *Countywide Policy Plan*. https://countywideplan.sbcounty.gov/policy-plan/	

The CWP Policy Plan does not contain any Policy Maps that address tribal cultural resources.

See **Section 5.16.4: Environmental Setting** for further discussion concerning the above conditions and their potential presence in the Project area.

Codified Ordinances of the County of San Bernardino

The Codified Ordinances of the County of San Bernardino (County Code) regulations applicable to tribal cultural resources are provided below.

County Code Title 8: Development Code. County Code Title 8 implements the General Plan goals and policies by regulating land uses within the County's unincorporated areas. County Code Title 8 also establishes specific development standards for zoning districts and the procedures to follow to approve a particular use. County Code Title 8 includes requirements for factors including the identification and preservation of cultural resources, especially where the high sensitivity Cultural Resources Preservation (CP) Overlay is applied.

County Code § 82.01.020: Land Use Plan and Land Use Zoning Districts. This section establishes primary districts and overlays that implement the CWP. County Code Table 82-2 establishes the overlays which are shown on the Land Use Plan. The Cultural Resources Preservation (CP) Overlay is addressed in County Code Chapter 82.12: Cultural Resources Preservation (CP) Overlay.

The CP Overlay is intended to provide for the identification and preservation of important archaeological and historical resources (County Code § 82.12.10). This is necessary because:

- Many resources are unique and non-renewable; and
- The preservation of cultural resources provides a greater knowledge of County history, thus promoting County identity and conserving historic and scientific amenities for the benefit of future generations.

The CP Overlay may be applied to areas where archaeological and historic sites that warrant preservation are known or are likely to be present. Specific identification of known cultural resources is indicated by listing in one or more of the following inventories: California Archaeological Inventory; California Historic Resources Inventory; California Historical Landmarks; California Points of Historic Interest; and/or NRHP. However, at this time, the CP Overlay has only been prepared for the Oak Hills, Phelan, and Pinon Hills area, and does not include the region of the County within or near the study area.

For applicability of the above County Code standards to the proposed General Plan and BIG, see **Section 5.0: Environmental Analysis**.

City of Barstow 2015-2020 General Plan

The City adopted the City of Barstow 2015-2020 General Plan (2015 General Plan) in February 2015. The 2015 General Plan is the overarching guide for implementation of the Barstow Development Code, which defines development regulations and establishes zoning districts throughout the City. **Table 5.16-1: Countywide Plan Policy Plan – Relevant Tribal Cultural Resources Goals and Policies** includes the tribal cultural resources-related goals and policies relevant to the Project. For applicability of the 2015 General Plan goals and policies to the Project, see **Section 5.0: Environmental Analysis**.

Table 5.16-2: 2020 General Plan Relevant Goals and Policies

Goal or Policy[1]	
LAND USE ELEMENT	
Goal 5	**Land Use Goals, Policies and Strategies.** Expand the range of cultural, aesthetic and recreational opportunities available to city residents and prospective visitors.
Policy 5A	Encourage the establishment and expansion of museums, art galleries, and sites of historical interest at designated locations within the City.
Policy 5B	Work with entities such as the Bureau of Land Management, the National Parks Service, and the State Lands Commission to increase public awareness and utilization of sites of historic interest.
RESOURCE CONSERVATION AND OPEN SPACE ELEMENT	
Goal 4	Strive to preserve and protect important features and sites (historic, archaeological and paleontological), as defined under this Element's Cultural Resources Management Plan, from degradation or destruction.
Policy 4A	The City shall encourage efforts to collect and preserve available local historical resources.

Source: City of Barstow. 2015. *City of Barstow 2015-2020 General Plan.* https://www.barstowca.org/home/showpublisheddocument/5359/636607004808630000

Code of the City of Barstow

The Code of the City of Barstow (Barstow Code) regulations addressing tribal cultural resources are provided below (Barstow, 2025). For applicability of the Barstow Code standards to the Project, see **Section 5.0**.

Barstow Code Chapter 12.20: Street/Facility Naming and Property Numbering. This chapter describes requirements for street names to reflect historical, cultural, natural, and geological resources, local historical figures, and Native American tribes associated with the High Desert.

Barstow Code Chapter 19.08: Design Guidelines. This chapter note that commercial development projects in excess of five acres are encouraged to adopt themes consistent with the historical and cultural identity of the community, such as Main Street, the Old Spanish Trail, railroads, and the local desert environment.

Barstow Code Chapter 19.20: Open Space and Government Districts. This chapter adopt the CGC § 65560 related to Open Space, including designation of Open Space with outstanding historic and cultural value.

5.16.3 METHODOLOGY FOR EVALUATING IMPACTS

This section defines the study area (i.e., affected environment) and summarizes the methodology used to analyze the Project's potential impacts on tribal cultural resources.

5.16.3.1 Definition of Study Area

The study area is the geographic boundary in which the environmental investigations were conducted specific to each resource topic.

Proposed General Plan

The study area for the proposed General Plan is the City of Barstow and its SOI; see **Figure 3-1: Regional Vicinity Map** and **Figure 3-2: Local Vicinity Map** in **Section 3:0: Project Description**.

Barstow International Gateway

BIG's study area for direct impacts to tribal cultural resources is the BIG footprint, which totals approximately 5,000 acres; see **Section 3.0: Project Description** for additional details concerning the BIG footprint. BIG's study area for indirect impacts concerning tribal cultural resources, referred to in **Appendix 5.5 BIG-1** and in the following analysis as the 'records search area,' is the BIG footprint plus a one-half-mile radius.

5.16.3.2 Methodology

Proposed General Plan

The tribal consultation process described below was conducted for the Project, which as defined and analyzed in this EIR, is comprised of both the proposed General Plan and BIG. Therefore, one tribal consultation process was conducted for the Project, and not separate processes for the proposed General Plan and BIG.

On February 15, 2024, the City released the Notice of Preparation (NOP) of a Draft EIR for the Project. On March 11, 2024, the Morongo Band of Mission Indians (MBMI) responded to the NOP and requested that government-to-government consultation under AB 52 and SB 18 be initiated. Therefore, although the MBMI request for consultation was received in response to the NOP, it is addressed in this analysis pursuant to AB 52 requirements.

The City sent a NAHC Local Government Tribal Consultation Request form pursuant to requirements in SB 18 to the NAHC on February 15, 2024. On February 16, 2024, the NAHC responded, providing the list of seven Native American tribes who may have knowledge of tribal cultural resources in the study area. Requirements under AB 52 requires lead agencies to send project notifications to Native American tribes who have requested to be notified of projects within an agency's jurisdiction. As the list of tribes provided by the NAHC also included all tribes who have requested to be consulted on projects within the City of Barstow, the same list of 7 tribes was utilized for both SB 18 and AB 52 consultation.

Refer to **Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan** for the list of Tribes contacted and the results of consultation.

Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan

Tribe Name[1]	Summary of Communication
Kern Valley Indian Community	• No response received
Morongo Band of Mission Indians (MBMI) Bernadette Ann Brierty, Tribal Historic Preservation Office (THPO)	• MBMI responded to the City's NOP on March 11, 2024, to note that study area is highly culturally sensitive, to request government-to-government consultation under SB 18 and AB 52, and to request BIG-related documents, including (but not limited to) current Project design documents, the results of cultural records searches, Geotechnical Report, and relevant Geographic Information Systems (GIS) shapefiles. • Formal consultation letters pursuant to SB 18 and AB 52 were sent on March 18, 2024. City communicated an acknowledgement of the MBMI's request for consultation and data request, and initiated consultation. • The City provided the requested documents on July 9, 2024, and noted the draft Cultural Resources Assessment (CRA) was currently being prepared. MBMI provided a response on July 23, 2024, acknowledging the receipt and status of documents from the City. • On July 15, 2025, the MBMI emailed the City of Barstow with questions about the BIG project, asking for updates on reburial site options, who would handle excavation, plans for community outreach, and whether other tribes planned to use the site for NAGPRA repatriations. Later that day, the City responded, explaining that while one Consulting Tribe had shared general input earlier in the year, no other feedback had been received. The City also noted that one tribe had suggested a public education component and recommended sharing the draft mitigation measures with all Consulting Tribes for input. • On August 21, 2024, MBMI contacted the City to schedule a consultation meeting to discuss the cultural significance of the study area within the next 3 business days. The City responded on August 26, 2024, acknowledging the requested meetings dates had passed, provided an update on the pending status of the CRA, and relayed the City would be available to meet at the MBMI's convenience. • On September 20, 2024, MBMI requested an update on the status of the CRA. On September 23, 2024, the City noted the draft CRA was submitted to the City on September 15, 2024, and that they would be sending the draft CRA. The draft CRA was submitted to MBMI on September 30, 2024. • On November 18, 2024, the City contacted MBMI to verify the CRA was received and to inquire about their status on the review of the report. On November 26, 2024, MBMI provided comments on the report, draft mitigation measures, and a request to schedule a consultation meeting. • On December 3, 2024, the City acknowledged the receipt of the CRA comments and draft language, and provided a list of considerations for review related to identification of a potential reburial for tangible TCRs identified within the BIG footprint. Consultation also included scheduling a meeting for December 19, 2024. • On December 19, 2024, the City and MBMI held a consultation meeting to discuss the overall sensitivity of the study area, the presence of TCRs, and requested mitigation measures, specifically those related to the preparation

Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan	
Tribe Name[1]	**Summary of Communication**
	of a Cultural Resources Monitoring Plan (CRMP) and the process for inadvertent discoveries during project implementation. • On June 26, 2025, an email was sent to MBMI to provide an update on the Cultural Resources Report originally distributed in September 2024. Minor edits were made to the report, specifically the removal of three resources, two prehistoric isolates and one historic built environmental resource, that were determined to be outside the project area. • On July 15, 2025, the MBMI emailed the City of Barstow with questions about the BIG project, asking for updates on reburial site options, who would handle excavation, plans for community outreach, and whether other tribes planned to use the site for NAGPRA repatriations. Later that day, the City responded, explaining that while one Consulting Tribe had shared general input earlier in the year, no other feedback had been received. The City also noted that one tribe had suggested a public education component and recommended sharing the draft mitigation measures with all Consulting Tribes for input. • On August 6, 2025, an invitation for a site visit to be held on September 3, 2025, was emailed to the Consulting Tribes. • On August 11, 2025, the City of Barstow emailed the MBMI with a copy of the draft mitigation measures for review. • On August 26, 2025, MBMI confirmed receipt of the draft mitigation measures and confirmed representatives would be present during the upcoming site visit. • On August 28, 2025, the City contacted MBMI to request a virtual meeting to take place after the site visit. No response was received. • On September 3, 2025, a site visit was held between the City, MBMI, YSMN, and representatives of the applicant. All parties reviewed potential locations for reburying cultural materials and any identified human remains, during which a time an isolated prehistoric artifact was identified. The Tribes provided feedback on the sufficiency of the reburial areas, as well as feedback to the cultural report. The City noted they would reach out to each Tribe to provide an updated cultural report, as well as to schedule a follow-up meeting to finalize mitigation measures. • On September 10, 2025, the City followed up with MBMI to request a virtual meeting to discuss mitigation measures. No response was received. • On September 10, 2025, the City followed up again with MBMI to request a virtual meeting to discuss mitigation measures. No response was received. • On September 24, 2025, the City provided a copy of the cultural report, which was updated based on comments made by the Tribes during the site visit. • On October 6, 2025, MBMI indicated they received the updated cultural report and would review and provide comments. • On October 9, 2025, the City indicated they would await feedback on the updated report and again requested dates/times for a virtual meeting. No response was received. • On October 14, 2025, the City followed up again with MBMI to request an update on the Tribe's review and requested dates/times for a virtual meeting. MBMI indicated that their review is ongoing.

Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan	
Tribe Name[1]	**Summary of Communication**
	• On October 16, 2025, the City followed up again with MBMI to request dates/times for a virtual meeting. • On October 20, 2025, MBMI responded with their availability for a consultation meeting and included questions about the updated cultural report. • On October 21, 2025, the City sent a virtual meeting invitation, responded to the Tribe's questions, and provided another copy of the updated cultural report. • On October 23, 2025, the City and MBMI held a virtual consultation meeting to discuss the mitigation measures. During the meeting, the City and MBMI agreed upon minor modifications to mitigation measures, as well as the inclusion of more details regarding a historic Native American community in the Cultural Resources section of the EIR. The City confirmed that communication with MBMI would continue after the finalization of the mitigation measures and conclusion of consultation, as MBMI is a consulting party for the implementation of the mitigation measures. At this time MBMI verbally agreed to the mitigation measures with the agreed upon revisions and to conclude consultation. • On October 24, 2025, MBMI provided specific historical information to include in the Cultural Resources section of the EIR. This information was added, and the City submitted a letter to MBMI concluding consultation.
Quechan Tribe of the Fort Yuma Reservation	• No response received
San Fernando Band of Mission Indians	• No response received
Yuhaaviatam of San Manuel Nation (YSMN; formerly the San Manuel Band of Mission Indians) Kristen Tuosto, Tribal Archaeologist	• YSMN responded to the City's initial consultation notice on March 27, 2024, requesting to initiate government-to-government consultation under SB 18 and AB 52. YSMN also requested additional information/documentation concerning the proposed zoning changes as well as a draft copy of the Proposed General Plan. Additionally, YSMN requested the Cultural Resources Assessment (CRA), Geotechnical Report, and project plans showing the depth of proposed disturbance, when available. • On April 1, 2024, the City provided information related to the Proposed General Plan and a status update on the requested documentation. • The City made a phone call to YSMN on April 24, 2024, to follow-up and it was noted that the e-mail was not received. As such, the City re-submitted the April 1 e-mail on April 24, 2024. • On April 24, 2024, the City of Barstow informed YSMN that the Proposed General Plan is ongoing, with limited materials currently available online, and that the BIG project remains in the pre-application stage. In a follow-up inquiry the same day, YSMN asked whether the Proposed General Plan might allow by-right, ground-disturbing development that could preclude CEQA/AB 52 consultation, and expressed concern for potential impacts on tribal cultural resources. • On May 2, 2024, the City responded stating that certain small-scale projects that fall under CEQA categorical exemptions would not require consultation. The City welcomed any mitigation recommendations YSMN wished to provide.

Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan	
Tribe Name[1]	**Summary of Communication**
	• On May 7, 2024, YSMN sent a draft of proposed conditions for City review that would be included for any projects that would be exempt from CEQA. • On May 24, 2024, YSMN requested an update on the status of the requested project documents. The City noted on June 4, 2024, that the documents and requested information were not yet available. • The City provided some of the requested documents on July 9, 2024. • On September 30, 2024, the draft CRA was submitted to YSMN for review. On October 9, 2024, YSMN noted an issue accessing the data, and a new download method was utilized on October 17, 2024. • On November 4, 2024, YSMN requested information related to reburial sites and asked to be present during ground disturbing activities. The City responded with an update to YSMN on December 2, 2024, and provided a list of considerations for review related to identification of a potential reburial for TCRs identified within the BIG footprint. • On December 27, 2024, YSMN requested a meeting to discuss TCRs within the BIG footprint and draft mitigation measures. A meeting took place on February 12, 2025, to discuss proposed mitigation measures and monitoring. Following the meeting, draft mitigation measures were provided to the City for review. The YSMN's Tribal Archaeologist sent a link on February 28, 2025, with examples of public outreach and educational materials discussed during the February 12 meeting. • On May 20, 2025, YSMN requested further exploration of reburial locations within the BIG project, outlining specific site requirements and expressing interest in Tribal stewardship or establishing a conservation easement near the dunes. • The City emailed YSMN on June 25, 2025, noting minor revisions to the Cultural Resources Assessment and requesting a file upload link to send updated GIS data and appendices. • On July 21, 2025, YSMN emailed with questions about access to potential burial sites and proposed scheduling a site visit in August. The City responded to YSMN on the same day, letting the tribe know that they have requested information from the contractor and offered to help coordinate the field visit. • On August 6, 2025, an invitation for a site visit to be held on September 3, 2025, was emailed to the Consulting Tribes. The YSMN responded on August 7, 2025, with their intent to participate. • On August 11, 2025, the City of Barstow emailed the YSMN with a copy of the draft mitigation measures for review. • On September 3, 2025, a site visit was held between the City, MBMI, YSMN, and representatives of the applicant. All parties reviewed potential locations for reburying cultural materials and any identified human remains, during which a time an isolated prehistoric artifact was identified. The Tribes provided feedback on the sufficiency of the reburial areas, as well as feedback to the cultural report. The City noted they would reach out to each Tribe to provide an updated cultural report, as well as to schedule a follow-up meeting to finalize mitigation measures. • On September 15 and 22, 2025, the City and YSMN held virtual meetings to discuss reburial areas and the mitigation measures. During the meeting on September 22, 2025, the City confirmed that communication with YSMN would continue after the finalization of the mitigation measures and

Table 5.16-3: Summary of Tribal Consultation – Proposed General Plan	
Tribe Name[1]	**Summary of Communication**
	conclusion of consultation, as YSMN is a consulting party for the implementation of the mitigation measures. At this time YSMN verbally agreed to the mitigation measures and to conclude consultation. • On September 24, 2025, the City provided a copy of the cultural report, which was updated based on comments made by the Tribes during the site visit. • On October 6, 2025, the City submitted a letter to YSMN concluding consultation.
Serrano Nation of Mission Indians	• No response received
Twenty-Nine Palms Band of Mission Indians	• On July 15, 2024, the tribe responded to the City stating that the study area is outside of the tribe's ancestral territory.
Note: This list is current only as of the date of this document and is based on the information available to the NAHC on the date it was produced (2/16/2024). Distribution of this list does not relieve any person of statutory responsibility as defined in § 7050.5 of the Health and Safety Code, PRC §§ 5097.94 and 5097.98. This list is applicable only for consultation with Native American tribes under CGC §§ 65352.3, 65352.4 et seq. and PRC §§ 21080.3.1 for the proposed General Plan and BIG.	

Refer to **Appendix 5.16 GP-1** and **Appendix 5.16 GP-2** for NAHC and tribe responses.

Barstow International Gateway

Government-to-Government Consultation

The tribal consultation process described above was conducted for the Project, which as defined and analyzed in this EIR, is comprised of both the proposed General Plan and BIG. Therefore, one tribal consultation process was conducted for the Project, and not separate processes for the proposed General Plan and BIG.

5.16.4 ENVIRONMENTAL SETTING

Proposed General Plan

See the environmental setting discussion in **Subsection 5.5.4: Environmental Setting** of **Section 5.5, Cultural Resources**, and the BIG discussion below concerning the Environmental Setting of the study area.

Barstow International Gateway

The approximately 5,000-acre BIG footprint is in the western part of the City and southwestern part of the County; see **Figure 3-1: Regional Vicinity Map**. The BIG Specific Plan footprint is generally bordered by the Mojave River on the north, Historic Main Street (also referred to as National Trails Highway or Route 66) on the south, Lenwood Road on the east, and Hinkley Road on the west. **Figure 3-2: Local Vicinity Map** depicts the location of the BIG Specific Plan area and the locations of BIG's other components (i.e., solar farm and off-site improvements).

Geomorphology of the BIG Footprint

BIG is in the western portion of the Mojave Desert. Specifically, it is at the southwestern margin of the Barstow Basin, which was formed during the Miocene epoch (23 to 5 million years ago). The region is characterized by alluvial basins or valleys and low-elevation mountain ranges. The BIG footprint mostly occupies younger alluvium (Qa) sediments that comprise recent alluvial silt, sand, gravel, and fanglomerate derived from sedimentary and volcanic rocks from adjacent higher ground. Pleistocene (2.5 million years ago-12,000 years ago) age alluvial deposits with an exposed depth of approximately 800 feet underlie recent sediments and are exposed in areas immediately outside the BIG footprint in the south. The Mojave River channel to the north is primarily composed of sedimentary and volcanic sand (Qrs).

Ethnographic Setting

The region was traditionally occupied by the Maara'yam, oftentimes referred to as "Serrano," which was the Spanish term for the clans that occupied the desert and mountain regions in the area. Like many neighboring culture groups, the Maara'yam are Takic (Uto-Aztecan language family) speakers. The Maara'yam occupied a vast territory of over 7.4 million acres, though the region was sparsely populated and utilized in a seasonal manner with clans occupying valley floors in cool seasons and higher elevations in the warm seasons. The Maara'yam also interacted with other cultural groups, such as the Cahuilla, Luiseno, Mojave, and Gabrieleno, for the purpose of trade and cultural practice. Across the region, Maara'yam were organized into clans affiliated with one of two moieties, or clan subgroups, Coyote or Wildcat. Villages were typically clan-based and the Maara'yam typically engaged in specific practices between clans/villages, such as marriage outside their clan. Subsistence strategies focused on hunting and gathering which were supplemented by fishing. Food preparation varied, ranging from baking in earth ovens to parching. Food processing tools included scrapers, bowls, baskets, mortars, and metates. Dwellings were usually circular domes that utilized willow and reeds. They also used ramadas, which consisted of a thatched roof supported by vertical poles in the ground that provided shade. Other structures in villages were used for community and ceremonial reason. A lineage leader, or kika', administered laws and ceremonies from a large ceremonial house centrally located in most villages. Studies often refer to the Maara'yam that occupied the desert regions as the "Vanyume," as this term was utilized by Alfred Kroeber, who mistranslated the term "Beñemé" that was first utilized for the desert communities by Father Francisco Garcés in 1776. Given many distinctions that can be made between the mountain and desert communities, researchers often now refer to the Maara'yam as the Mountain Serrano and the Desert Serrano. Evidence of long-term settlement in the immediate area is indicated by the presence of villages along the Mojave River, and that the Desert Serrano utilized the river as a trail between villages.

Traditional Maara'yam lifeways were permanently disrupted in the 1700s during the Mission Period (1769-1821). The first recorded European to pass through the region was Father Francisco Garces, a Spaniard who later became a guide to Juan Bautista de Anza, who had been commissioned to set up quarters at the Mission San Gabriel in 1771. At this time, an estimated thousands of Native Americans, including the Maara'yam desert clans of the Antelope Valley and potentially the Mojave River region, were either taken to the Mission, removed to work as forced agricultural labor at the estancia in Redlands that

served as outpost for the Mission, fled the region, or were killed. In 1821, Mexico overthrew Spanish rule, and the Missions began to decline. By 1833, the Mexican government passed the Secularization Act and the Missions, reorganized as parish churches, lost their vast land holdings, and released the indigenous people that remained. However, the remaining Maara'yam continued to face issues under Mexican rule and were eventually forced to provide labor for various industries, such as agriculture, lumber, etc. By the mid-1800s, little to no Maara'yam remained in the area, and it soon became a historic settlement that would eventually grow to the City of Barstow known in the present day.

Cultural Resources Assessment

The Cultural Resources Assessment (CRA) prepared for BIG (see **Appendix 5.5 BIG-1**) identified a total of 67 prehistoric resources within the BIG footprint:

- 32 prehistoric archaeological sites
- 5 multi-component archaeological sites (sites with prehistoric and historic-period components)
- 30 prehistoric isolates

Table 5.16-4: Prehistoric Cultural Resources within BIG provides a detailed list of prehistoric archaeological resources, all of which have been identified as tribal cultural resources during consultation both due to the sensitive nature of some individual sites and the broader significance of the cultural landscape. While all prehistoric sites are considered tribal cultural resources under Threshold 5.16-2, the 19 prehistoric sites that are recommended eligible for listing in the CRHR/NRHP, as discussed in **Section 5.5: Cultural Resources** and noted in the table below, are also considered tribal cultural resources under Threshold 5.16.1.

Additional information related to prehistoric cultural resources can be found in **Section 5.5: Cultural Resources**.

Table 5.16-4: Prehistoric Cultural Resources within BIG		
Site Number	**Description**	**Evaluation Summary**
P-36-188[1]	**Prehistoric Lithic Scatter, Habitation, Human Remains**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-719	Prehistoric Lithic Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-1549[1]	**Prehistoric Lithic Scatter w/ Human Remains**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7118[1]	**Prehistoric Artifact Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7119	Prehistoric Artifact Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-7120	Prehistoric Artifact Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-7121	Prehistoric Artifact Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-7122[1]	**Prehistoric Lithic Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7123[1]	**Prehistoric Lithic Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7124[1]	**Prehistoric Lithic Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7125	Prehistoric Lithic Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-7126[1]	**Prehistoric Artifact Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-7856	Prehistoric Groundstone Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-7857[1]	**Prehistoric Artifact Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-78581[1]	**Prehistoric Artifact Scatter**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**

Table 5.16-4: Prehistoric Cultural Resources within BIG		
Site Number	**Description**	**Evaluation Summary**
P-36-10317	Prehistoric Lithics and Historic-Period Transmission Line	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-13398[1]	**Isolated Burned Bone Fragment, Possibly Human Skull**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-13403[1]	**Prehistoric Lithic Scatter, Prehistoric Lithic Scatter, Potential Human Long Bone**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-13405	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-23260[1]	**Historic-Period Refuse/ Prehistoric Lithic Quarry**	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
P-36-23263	Prehistoric Lithic Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KHA-BIG-2024-01	Prehistoric Lithic Scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KHA-BIG-2024-07	Historic-Period Refuse/ Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KHA-BIG-2024-09	Historic-Period Refuse/Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-MC-2	Prehistoric Artifact Scatter; Historic Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-10[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-11	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-12[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-14	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-15[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**

Table 5.16-4: Prehistoric Cultural Resources within BIG		
Site Number	**Description**	**Evaluation Summary**
KIM2202-P-16[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-17	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-19[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-29[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-33	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-34	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-36[1]	Prehistoric artifact scatter	**Recommended eligible for listing in CRHR/NRHP under Criterion 4/D, considered a historical resource and unique archaeological resource under CEQA**
KIM2202-P-37	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-P-200	Prehistoric artifact scatter	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61618	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61619	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61620	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61625	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61626	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61627	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA

Table 5.16-4: Prehistoric Cultural Resources within BIG		
Site Number	**Description**	**Evaluation Summary**
P-36-61628	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61629	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61630	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61631	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61632	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61633	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
P-36-61634	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-8	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-9	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-10	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-11	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-12	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-14	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-15	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-16	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA

Table 5.16-4: Prehistoric Cultural Resources within BIG		
Site Number	**Description**	**Evaluation Summary**
KIM2202-PI-17	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-18	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-19	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-100	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-101	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KIM2202-PI-102	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA
KHA-BIG-2025-01	Prehistoric Isolate	Not recommended eligible for listing in CRHR/NRHP, not a historical resource or unique archaeological resource under CEQA

Note:
"**Text**" denotes resource listed, or recommended eligible for listing, in CRHR/NRHP.

5.16.1 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

State CEQA Guidelines **Appendix G: Environmental Checklist Form**, includes questions concerning tribal cultural resources. The issues presented in the Environmental Checklist Form have been used to formulate thresholds of significance in this section. Accordingly, the Project would have a significant effect concerning tribal cultural resources if it would:

- **Impact 5.16-1:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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 or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- **Impact 5.16-2:** Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

5.16.2 PROJECT IMPACTS AND MITIGATION MEASURES

Applicable Proposed General Plan Policies

The proposed General Plan goals and policies relevant to tribal cultural resources are listed below.

Open Space and Conservation Element

- **Policy OSC-7.7 Paleontological and archaeological resources**. Protect paleontological and archaeological resources from loss or destruction by requiring that new development includes appropriate mitigation to preserve the quality and integrity of these resources. Require new development to avoid paleontological and archeological resources whenever feasible. If avoidance is not feasible, require the appropriate treatment of paleontological and archeological resources.
- **Policy OSC-7.8 Cultural resources protocol.** Require appropriate treatment/preservation of cultural resources, in accordance with state and federal standards, and in consultation with interested Native American tribes that have traditional cultural affiliation with proposed project areas and/or resources affected by proposed projects.

Impact 5.16-1	***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 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 PRC § 5020.1(k), or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?***

Proposed General Plan

Impacts to tribal cultural resources as a result of development consistent with the proposed General Plan were assessed through consultation with Native American tribes, with support provided via the Cultural Resources Assessment discussed in **Section 5.5: Cultural Resources**. As indicated in **Impact 5.5-1** of **Section 5.5: Cultural Resources***,* future development under the proposed General Plan could adversely impact some cultural resources, including those that also qualify as tribal cultural and historic resources. Consultation conducted for the proposed General Plan and BIG resulted in the identification of tribal cultural resources that would be impacted. Specifically, all of the 67 prehistoric archaeological sites identified within BIG are considered tribal cultural resources. Of these 67 prehistoric archaeological sites, 19 prehistoric archaeological sites are recommended eligible for listing in the CRHR/NRHP and, as such, are considered tribal cultural resources under Threshold 5.16-1.

Tribal cultural resources may be vulnerable to development activities accompanying infill, redevelopment, or revitalization that would be accommodated by the proposed General Plan. For instance, infill projects that have otherwise never been subject to ground-disturbing activities may impact tribal cultural and historic resources that are archaeological in nature. Additionally, the placement of new buildings adjacent to a resource may result in indirect impacts to access, visibility, vibration, and visual context, while renovations or modifications to a historic building that is a tribal cultural resource may change or possibly destroy character-defining features that contribute to the significance and eligibility of a historical resource.

Future development may also impact tribal cultural and historic resources that are not archaeological resources, such as natural resources of historic value. Furthermore, much of the land in the City was developed prior to requirements for cultural resource assessments, and any archaeological resources that are of tribal cultural and historical value may have been adversely affected or destroyed as part of this development. Additionally, much of the land is private and, without a development proposal, cannot be surveyed to determine whether resources are present. Furthermore, the magnitude of the General Plan area and lack of development proposals for most of the area make detailed surveys for cultural resources, including tribal cultural and historic resources, impractical and premature at the General Plan level.

Before development or redevelopment activities occur in the General Plan area, all such activities are required to be analyzed for conformance with the General Plan, zoning requirements, and other

applicable local, State, and federal requirements; to comply with the requirements of CEQA as applicable; and to obtain all necessary clearances and permits. On a project-by-project basis, CEQA requires the evaluation and disclosure of significant effects on tribal cultural resources via consultation with tribes who have requested to be consulted on projects within the City's jurisdiction, for projects subject to CEQA.

Given that the Proposed General Plan contemplates development in undisturbed parts of the City and that the BIG Project entails significant development in undisturbed portions of the project site, impacts to tribal cultural resources would be significant and unavoidable.

Impact 5.16-1: General Plan: Level of Significance Before Mitigation: Potentially Significant Impact.

Impact 5.16-1: General Plan: Mitigation Measures: See **MM GP CUL-1** and **MM GP CUL-3** in **Section 5.5: Cultural Resources**.

Impact 5.16-1: General Plan: Level of Significance After Mitigation: Significant and Unavoidable.

Barstow International Gateway

Construction

Impacts to tribal cultural resources as a result of BIG were assessed through consultation with Native American tribes, with support provided via the Cultural Resources Assessment discussed in **Section 5.5 Cultural Resources.** As previously noted, **Table 5.16-4** includes a list of 67 prehistoric cultural resources identified within the BIG footprint, which include 19 resources that are recommended eligible for listing the CRHR/NRHP. The results of consultation indicate that all 19 eligible resources, which will be impacted by the project, are tribal cultural resources under **Impact 5.16-1**. As such, BIG would incorporate **MM BIG CUL-1** through **MM BIG CUL-7** in **Section 5.5: Cultural Resources** which would require the following: that the 19 eligible sites be subject to Phase III archaeological data recovery (i.e. excavation); that a Cultural Resources Monitoring Plan (CRMP), which would outline requirements for pre-construction sensitivity training, archaeological construction monitoring, and the process for inadvertent discoveries, be prepared prior to ground-disturbing activities; that a pre-construction training take place for all on-site personnel with regard to requirements related to addressing cultural resources during construction; that archaeological and Native American monitors be on site throughout ground-disturbing activities to address inadvertent discoveries; that resources collected via the pre-construction stage data recovery and construction-stage archaeological monitoring be reburied in an area that would not be impacted by future development to be determined prior to construction; and that a public education program for the Barstow area be prepared after BIG is concluded that provides information related to the Serrano (Maara'yam) people indigenous to the area. Construction activities for off-site improvements that would remain within unincorporated County jurisdiction would also be subject to the above mitigation measures regarding monitoring, which would comply with County Policy CR-1.4.

In addition, California Health and Safety Code Section 7050.5, State CEQA Guidelines § 15064.5, and PRC § 5097.98, along with **MM BIG CUL-8**, identify process for discovery and treatment for human remains, including those that would be tribal cultural resources, that have been removed from their original discovery location. These mitigation measures were developed in conjunction with the consulting Tribes.

Compliance with existing law would ensure that human remains would be treated appropriately and that there would be no significant impacts to human remains discovered during project construction. Therefore, following compliance with the regulatory requirements noted above, BIG's potential construction impacts concerning disturbance to human remains would be less than significant. However, despite compliance with the established regulatory framework and implementation of mitigation, such measures may not be sufficient to reduce construction impacts to archaeological resources to a less than significant level. As such, BIG construction activities would result in significant and unavoidable impacts concerning potential adverse changes in the significance of known and unknown tribal cultural resources that are eligible for listing under **Impact 5.16-1.**

Operations

Following completion of BIG construction, a rail yard with intermodal facility, block swap yard, and transload warehouse center would operate within the BIG Specific Plan area. Additionally, BIG would involve off-site operations, including the lead track extensions and other infrastructure. However, proposed treatment outlined in **MM BIG CUL-5** for archaeological resources, as well as treatment of human remains outlined in California Health and Safety Code Section 7050.5, State CEQA Guidelines § 15064.5, PRC § 5097.98, and **MM BIG CUL-8**, is to rebury tribal cultural resources within BIG or its vicinity in an area that would not be impacted by future earth-moving activities. Additionally, reburial areas have been identified ahead of time in consultation with the Tribes that will not be impacted as a result of the project or its operations. As such, BIG operations would result in a less than significant impact concerning adverse changes in the significance of tribal cultural resources.

Impact 5.16-1: BIG: Level of Significance Before Mitigation: Potentially Significant Impact.

Impact 5.16-1: BIG Mitigation Measures: See **MM BIG CUL-1** through **MM BIG CUL-8** in **Section 5.5: Cultural Resources**.

Impact 5.16-1: BIG Level of Significance After Mitigation: Significant and Unavoidable.

Impact 5.16-2	***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 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 a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

Proposed General Plan

See analysis in **Impact 5.16-1**.

Impact 5.16-2: General Plan: Level of Significance Before Mitigation: Potentially Significant Impact.

Impact 5.16-2: General Plan: Mitigation Measures: See **MM GP CUL-1** and **MM GP CUL-3** in **Section 5.5: Cultural Resources**.

Impact 5.16-2: General Plan: Level of Significance After Mitigation: Significant and Unavoidable.

Barstow International Gateway

See analysis in **Impact 5.16-1**.

Impact 5.16-2: BIG: Level of Significance Before Mitigation: Potentially Significant Impact.

Impact 5.16-2: BIG Mitigation Measures: See **MM BIG CUL-1** through **MM BIG CUL-8** in **Section 5.5: Cultural Resources**.

Impact 5.16-2: BIG Level of Significance After Mitigation: Significant and Unavoidable.

5.16.3 SIGNIFICANT UNAVOIDABLE IMPACTS

Proposed General Plan

The proposed General Plan would result in a significant unavoidable impact concerning tribal cultural resources.

Applicable law, policies included in the proposed General Plan, and **MM GP CUL-1** and **GP CUL-3** in **Section 5.5 Cultural Resources** would require the identification and consideration of tribal cultural resources for future projects prior to project implementation that are subject to CEQA. While regulations provide a process for recognizing tribal cultural resources and consideration of appropriate treatment for projects subject to CEQA, they do not require total preservation of such resources and, as such, impacts to tribal cultural resources may occur for projects that are exempt under CEQA. As such, impacts to tribal cultural resources as a result of implementation of the proposed General Plan would be significant and unavoidable.

Barstow International Gateway

Based on the analyses, BIG would result in a significant and unavoidable impact concerning tribal cultural resources during construction.

MMs BIG CUL-1 through **BIG CUL-8** in **Section 5.5: Cultural Resources** would reduce potential impacts associated with tribal cultural resources. These measures, such as reburial of identified resources and the identification of a reburial area that will not be subject to future disturbance, is sufficient to reduce operation impacts to less than significant. However, such measures may not be sufficient to reduce

construction impacts to these resources to a less than significant level. Due to the high likelihood of previously unidentified tribal cultural resources that are archaeological resources to be impacted by ground-disturbing activities, and given physical impacts may cause adverse effects to said resources even with process in place to address inadvertent discoveries, construction impacts to these resources would be significant and unavoidable. Therefore, impacts to tribal cultural resources as a result of the Project would be significant and unavoidable.

5.16.4 REFERENCES

Appendix 5.16-1 GP-1: Native American Heritage Commission (NAHC) Response

Appendix 5.16-2 GP-2: Tribal Correspondence Matrix

Advisory Council on Historic Preservation (ACHP). 1999. Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites. Electronic Document: https://www.achp.gov/digital-library-section-106-landing/recommended-approach-consultation-recovery-significant.

Barstow, City of. 2015. *2020 Barstow General Plan 2015-2020 Update.* https://www.barstowca.org/departments/community-development-department/planning/general-plan-and-master-environmental-impact-report.

Kimley-Horn and Associates, Inc. (Kimley-Horn) 2025 (July). Cultural Resources Assessment, Barstow International Gateway Project. On file with Kimley-Horn and Associates, Inc., Riverside, CA.

National Park Service. 1997. *National Register Bulletin.* https://www.resolutionmineeis.us/sites/default/files/references/nps-1997.pdf

San Bernardino, County of. 2020. *Countywide Plan*. https://countywideplan.com/.

U.S. General Services Administration (GSA). 2025. *Section 106: National Historic Preservation Act of 1966*. https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools/legislation-policy-and-reports/section-106-of-the-national-historic-preservation-act.