

Summary Form: Attachment A

WWTP Recycled Water Reservoir CEQA Project

Potential discovery of cultural resources

MM CUL-1 The City shall retain the services of a Qualified Archaeologist, meeting the Secretary of the Interior Standards, or County requirements, whichever is the greater. The Qualified Archaeologist shall remain on-call throughout the Project. Upon approval or request by the City, a cultural resources mitigation plan (CRMP) outlining procedures for cultural resources monitoring, mitigation, treatment, and data recovery of any unanticipated discovery shall be prepared for the Project and submitted to the City for review and approval. The development and implementation of the CRMP shall include consultations with the City, as well as a requirement that the curation of any significant cultural resources recovered under any scenario shall be through an appropriate repository agreed upon by the City. If the City accepts ownership, the curation location may be revised.

If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the drafts of the CRMP shall be provided to YSMN for review and comment. The archaeologist shall monitor the remainder of the Project and implement the CRMP accordingly.

MM CUL-2 In the event of the discovery of previously unidentified and/or potential cultural Resources during Project activities, the City, and/or its Contractor, shall immediately cease all work activities within an area of not less than 60 feet of the discovery. The City or its Contractor shall immediately contact the City and the City-retained on-call Qualified Archaeologist, who must meet the Secretary of the Interior Standards. Except in the case of cultural items that fall within the scope of the California Health and Safety Code 7050.5, CEQA Section 15064.5, or California PRC Section 5097.98, the discovery of any cultural resource within the Project site shall not be grounds for a project-wide “stop work” notice or otherwise interfere with the Project’s continuation except as outlined in this mitigation measure.

In the event of an unanticipated discovery of cultural resources during construction, the City-retained Qualified Archaeologist, who must meet the Secretary of the Interior standards, shall be contacted to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If a CRMP is prepared for the Project, the protocols for the mitigation or treatment of cultural resources will be implemented. If the Qualified Archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the City shall implement an archaeological data recovery program.

Additionally, any consulting Native American Tribal groups that requested notification of any unanticipated discovery of cultural resources on the Project shall be notified and included in subsequent consultation appropriately.

Specifically, the YSMN shall be contacted regarding any pre-contact finds and provided information after the archaeologist makes his/her initial assessment of the nature of the find, to provide Tribal input with regards to significance and treatment.

- MM-CUL-3** If cultural resources are encountered during the Project, the Qualified Archaeologist shall prepare a report summarizing any and all prehistoric or historic archaeological finds as well as providing follow-up reports of any finds to the SCCIC, as required.

Potential discovery of paleontological resources.

- MM PAL-1:** Prior to issuance of a grading permit, the City shall be required to obtain the services of a Qualified Project Paleontologist to remain on call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved by the City. Upon approval or request by the City, a paleontological mitigation plan (PMP) outlining procedures for paleontological data recovery shall be prepared for the Project and submitted to the City for review and approval. The development and implementation of the PMP shall include consultations with the District's Engineering Geologist, as well as a requirement that the curation of all specimens recovered under any scenario shall be through an appropriate repository agreed upon by the City. If the District accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during Project-related ground-disturbing activities, as well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered.
- MM PAL-2:** At the completion of all ground-disturbing activities, the Project Paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any, as well as providing follow-up reports of any specific discovery, if necessary.

Potential discovery of tribal cultural resources

- MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

- MM TCR-2** Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.
- MM TCR-3** **Native American Treatment Agreement.** Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the Project. The Tribal Monitor(s) shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources and/or tribal cultural resources.
- MM TCR-4** **Cultural Resource Management Plan.** Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the Consulting Tribe[s] and at minimum, shall include the following: (1) the approved Mitigation Measures (MM)/Conditions of Approval (COA), (2) procedures for each MM/COA, (3) the contact information for all pertinent parties, (4) parties' responsibilities, and (5) an overview of the project schedule.
- MM TCR-5** **Pre-Grade Meeting.** The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.
- MM TCR-6** **Inadvertent Discovery of Cultural Resources.** In the event that previously unidentified cultural resources are discovered /unearthed during construction, the qualified archaeologist and the Tribal Monitor(s) shall have the authority to temporarily divert and/or temporarily halt ground-disturbance activities in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored ground-disturbing activity can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find(s), so that it/they can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and Consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the Consulting Tribe[s], and the Tribal monitor, shall determine the significance of the discovered resource. A

recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Tribal monitor[s] and be submitted to the Lead Agency for review and approval.

Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

A. Full avoidance.

B. If avoidance is not feasible, Preservation in place.

If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.

C. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (36 CFR 79).

Unless otherwise agreed upon by all parties, all removed items from the Project shall be temporarily curated on-site in a secure and locked location (i.e., Conex box, a lockable office or drawer with restricted access to it, etc.). A periodic inventory must be maintained and provided to Consulting Tribe[s].

MM TCR-7

Inadvertent Discovery of Human Remains. The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the Consulting Tribe[s].

A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected by the establishment of an ESA with a marked boundary. Project personnel/observers will be restricted from entry into the ESA. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.

B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

C. The NAHC shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access

to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

D. If the Morongo Band of Mission Indians has been named the MLD or Co-MLD, the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's MLD, the landowner, and the City Planning Department.

MM TCR-8

FINAL REPORT: The final report[s] created as a part of the project (CRMP/AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the appropriate Information Center (IC), and the Consulting Tribe[s].