

## 3.14 TRIBAL CULTURAL RESOURCES

This section provides an assessment of potential impacts related to tribal cultural resources that could result from implementation of the Project.

### TRIBAL CULTURAL RESOURCE TERMINOLOGY

“Tribal cultural resources” are defined as sites, features, places, cultural landscapes, 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 Historical Resources (CRHR) or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

#### 3.14.1 ENVIRONMENTAL SETTING

The Project site is situated in an area previously occupied by the Native American Cahuilla peoples. The territory of the Cahuilla ranges from the area near the Salton Sea up into the San Bernardino Mountains and San Gorgonio Pass. The Cahuilla share a common tradition with Gabrielino, Serrano, and Luiseño, with whom they shared tribal boundaries to the west, north, and southwest respectively.

Please refer to **Section 3.4: Cultural Resources**, which presents the prehistoric and historical settings.

### ETHNOGRAPHY

The Project site is situated in an area occupied by the Cahuilla. The Cahuilla were seminomadic hunter-gatherers who spoke a Cupan variation of the Takic language subfamily. An ethnographic summary is provided below.

**Cahuilla.** Spanish missionaries first encountered the Cahuilla in the late 18<sup>th</sup> century. Early written accounts of the Cahuilla are attributed to mission fathers; later documentation was by Strong (1972), Bright (1998), and others. The territory of the Cahuilla ranges from the area near the Salton Sea up into the San Bernardino Mountains and San Gorgonio Pass. The Cahuilla are generally divided into three groups: Desert Cahuilla, Mountain Cahuilla, and Western (or Pass) Cahuilla. The term Western Cahuilla is preferred over Pass Cahuilla because this group is not confined to the San Gorgonio Pass area. The distinctions are believed to be primarily geographic, although linguistic and cultural differences may have existed to varying degrees. Cahuilla territory lies within the geographic center of southern California and the Cocopa-Maricopa Trail, a major prehistoric trade route, ran through it. The Cahuilla share a common tradition with Gabrielino, Serrano, and Luiseño, with whom they shared tribal boundaries to the west, north, and southwest respectively. The Cahuilla situated their villages in close proximity to reliable water sources. Subsistence was based on a combination of hunting, gathering, and a sort of proto-agriculture that produced corn, beans, squash, and melons. The diverse habitat of the Cahuilla allowed significant

yields of their most important staples, which included acorns from six varieties of oak, piñon nuts, screw bean mesquite, and various cacti.<sup>1</sup>

## **EXISTING TRIBAL CULTURAL RESOURCES**

### **Methods Used to Identify Known Cultural Resources**

#### ***Records Search Methodology***

A search was conducted of cultural resource records housed at the Eastern Information Center (EIC) located at the University of California, Riverside. This included a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from projects located within one mile of the Project Site. In addition, a review was conducted of the National Register of Historic Places (NRHP), the CRHR, and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks (CHL), California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures.

#### ***Field Survey Methodology***

An archaeological pedestrian field survey of the Project Site was conducted on April 11 and 12, 2019. The survey was conducted by walking parallel transects spaced 15 meters apart across 100 percent of portions of the Project Site that exhibited high (70+ percent) surface visibility. Soil exposures, including natural and artificial clearings were carefully inspected for evidence of cultural resources. In areas of low visibility, transect width was narrowed to 10 meters and vegetation was removed at regular intervals to inspect the ground surface.

#### ***Native American Consultation***

The Native American Heritage Commission (NAHC) was contacted to determine whether any sacred sites were listed in the Sacred Lands File (SLF) for the Project Site and general vicinity. In addition to the SLF search, a cultural resources records search and subsequent pedestrian field survey were conducted, and paleontological overview were conducted for the Project Site.

In addition, the NAHC also provided a contact list for tribal groups or individuals who may have knowledge of cultural resources within the area. Letters to comply with both Senate Bill (SB) 18 and Assembly Bill (AB) 52 were mailed to all parties including tribes and individuals that had previously requested notifications and the opportunity for consultation on applicable projects in the City. AB 52 letters were mailed to 13 parties including the Agua Caliente Band of Cahuilla Indians, Augustine Band of Cahuilla Mission Indians, Cabazon Band of Mission Indians, Cahuilla Band of Indians, Los Coyotes Band of Cahuilla and Cupeno Indians, Morongo Band of Mission Indians (letters mailed to two individuals), Ramona Band of Cahuilla (letters mailed to two individuals), Santa Rosa Band of Cahuilla Indians, Soboba Band of Mission Indians (letters mailed to two individuals), and Torres-Martinez Desert Cahuilla Indians on July 24, 2020.

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<sup>1</sup> BCR Consulting, Inc. 2019. *Cultural Resources Assessment*.

The letters requested any information they may have on Native American cultural resources within the Project area and invited the individuals and groups for consultation.

SB 18 letters were mailed to 23 parties including the Agua Caliente Band of Cahuilla Indians (letters mailed to two individuals), Augustine Band of Cahuilla Mission Indians, Cabazon Band of Mission Indians, Cahuilla Band of Indians, Campo Band of Diegueno Mission Indians, Ewiiapaayp Band of Kumeyaay Indians, Ewiiapaayp Band of Indians, La Posta Band of Diegueno Mission Indians (letters mailed to two individuals), Los Coyotes Band of Cahuilla and Cupeno Indians, Manzanita Band of Kumeyaay Nation, Mesa Grande Band of Diegueno Mission Indians, Morongo Band of Mission Indians, Pala Band of Mission Indians, Pechanga Band of Luiseno Indians, Quechan Tribe of the Fort Yuma Reservation, Ramona Band of Cahuilla, Rincon Band of Luiseno Indians (letters mailed to two individuals), San Manuel Band of Mission Indians, Santa Rosa Band of Cahuilla Indians, Serrano Nation of Mission Indians (letters mailed to two individuals), Soboba Band of Luiseno Indians, Sycuan Band of the Kumeyaay Nation, and Torres-Martinez Desert Cahuilla Indians on November 5, 2020.

## **Cultural Resources Results**

### ***Records Search Results***

The records search did not identify any cultural resources (including prehistoric or historic archaeological sites or historic-period buildings) within the Project Site. Furthermore, research results combined with surface conditions have failed to indicate sensitivity for buried cultural resources. Data from the EIC revealed that eight cultural resource studies have taken place resulting in the recording of 12 cultural resources within one-mile of the Project Site. Of the eight previous studies, none assessed the Project Site and no cultural resources have been previously recorded within its boundaries. See **Section 3.4: Cultural Resources**.

### ***Field Survey Results***

The field survey of the Project Site identified no cultural resources within the Project Site boundaries. Surface visibility was approximately 30 percent. Vegetation included seasonal grasses, non-native trees, and remnants of a coastal sage scrub vegetation community. Visible sediments included sandy silts mixed with granitic cobbles and gravels. No cultural resources (including prehistoric or historic-period archaeological sites or historic-period buildings) were identified during the field survey. The Project Site has been subject to severe disturbances related to excavation for road paving and utility installation, and for an interchange project.

## **3.14.2 REGULATORY SETTING**

### **FEDERAL**

#### **Native American Graves Protection and Repatriation Act of 1990**

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human

remains, associated funerary objects, and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

### **National Park Service – National Register Bulletin 38**

National Park Service has prepared guidelines to assist in the documentation of traditional cultural properties (TCPs) by public entities. The Bulletin is intended to be an aid in determining whether properties have traditional cultural significance and if they are eligible for inclusion in the NRHP. It is also intended to assist federal agencies, State Historic Preservation Officers (SHPOs), Certified Local Governments, tribes, and other historic preservation practitioners who need to evaluate such properties when considering their eligibility for the NRHP as part of the review process prescribed by the Advisory Council on Historic Preservation (ACHP).

TCPs are a broad group of places that can include:

- location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

## **STATE**

### **Native American Heritage Commission**

Public Resources Code (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. PRC § 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

### **California Public Records Act**

Sections 6254(r) and 6254.10 of the California Public Records Act (Government Code § 6250 et seq.) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places and records of Native American places, features, and

objects...maintained by, ..., the Native American Heritage Commission....”. Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the [NAHC], another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

### **Senate Bill 18**

SB 18 (California Government Code § 65352.3) requires local governments to consult with Native American tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to the adoption and amendment of general plans and specific plans. The consultation process requires (1) that local governments send the NAHC information on a proposed project and request contact information for local Native American tribes; (2) that local governments then send information on the project to the tribes that the NAHC has identified and notify them of the opportunity to consult; (3) that the tribes have 90 days to respond on whether they want to consult or not, and (4) that consultation begins, if requested, by a tribe and there is no statutory limit on the duration of the consultation. If issues arise and consensus on mitigation cannot be reached, SB 18 allows a finding to be made that the suggested mitigation is infeasible.

### **Assembly Bill 52**

California PRC § 21080.3.1 (AB 52) establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (PRC § 21084.2). It further states that the lead agency shall avoid damaging effects to a tribal cultural resource, when feasible (PRC § 21084.3). PRC § 21074 (a)(1) and (2) defines tribal cultural resources as “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and meets either of the following criteria:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or
- b) 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 Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The code requires a formal consultation process for California tribes regarding tribal resources. The consultation process must be completed before a CEQA document can be released for public review (PRC § 21080.3.1(b)). AB 52 requires that lead agencies “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project” if requested (PRC § 21080.3.1(b)). Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

## LOCAL

### County of Riverside General Plan

#### *Multipurpose Open Space Element*

The Multipurpose Open Space Element addresses protecting and preserving natural resources, agriculture and open space areas, managing mineral resources, preserving and enhancing cultural resources, and providing recreational opportunities for the citizens of Riverside County. The applicable policies related to cultural resources are listed below:

Policy OS 19.1: Cultural resources (both prehistoric and historic) are a valued part of the history of the County of Riverside.

Policy OS 19.2: The County of Riverside shall establish a Cultural Resources Program in consultation with Tribes and the professional cultural resources consulting community that, at a minimum would address each of the following: application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation; application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation and the descendant community consultation requirements of local, State and Federal law.

Policy OS 19.3: Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.

Policy OS 19.4: To the extent feasible, designate as open space and allocate resources and/or tax credits to prioritize the protection of cultural resources preserved in place or left in an undisturbed state.

Policy OS 19.5: Exercise sensitivity and respect for human remains from both prehistoric and historic time periods and comply with all applicable laws concerning such remains.

### City of Beaumont General Plan

#### *Conservation and Open Space Element*

The Conservation and Open Space Element focuses on four key issue areas: cultural resources (historic and archaeological), ecological resources (plant and animal life), natural resources (air, water, and minerals), and open space (open space used for recreation or resource protection). This Element indicates the City's policies concerning the conservation and preservation of important natural and man-made resources and complies with the State requirements for a conservation element and an open space element. The goals and policies are listed below and Project consistency with them is discussed in **Table 3.10-3: Beaumont General Plan Consistency Analysis** of this EIR:

**Goal 8.11:** *A City where archaeological, cultural resources, tribal cultural resources, and historical places are identified, recognized, and preserved.*

Policy 8.11.1: Comply with notification of California Native American tribes and organizations of proposed projects that have the potential to adversely impact cultural resources, per the requirements of AB52 and SB18.

Policy 8.11.4: Require that any human remains discovered during implementation of public and private projects within the City be treated with respect and dignity and fully comply with the California Native American Graves Protection and Repatriation Act, California Public Resources Code Amended Statutes 1982 Chapter 1492, California Public Resources Code Statutes 2006, Chapter 863, Section 1, CA Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, Public Resources Code Section 5097.94, SB 447 (Chapter 404, Statutes of 1987) and other appropriate laws.

### 3.14.3 STANDARDS OF SIGNIFICANCE

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning tribal cultural resources. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- a) 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:
  - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or
  - ii. 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 Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### METHODOLOGY AND ASSUMPTIONS

The Project and associated Project design are evaluated against the aforementioned significance criteria, as the basis for determining the level of impacts related to tribal cultural resources. The analysis of the Project considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts. Where significant impacts remain, feasible mitigation measures are recommended, where warranted, to avoid or lessen the Project's significant adverse impacts.

### 3.14.4 PROJECT IMPACTS AND MITIGATION MEASURES

**Impact 3.14-1:** *Would the Project 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:*

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k) or*
- ii. 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 (PRC) § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

**Level of Significance:** *Less than Significant Impact with Mitigation Incorporated*

Tribal cultural resources as defined in PRC § 5020.1(k) have not been previously identified within the Project area and are considered unlikely to be present given the historical use of the site. On July 24, 2020, correspondence in accordance with AB 52 was completed. SB 18 letters were mailed November 5, 2020, which was required because the Project includes a General Plan Amendment. The letters were sent to individuals and organizations that had previously requested notification of projects and was based on City and NAHC records. This list is included in this EIR as Appendix C of the Cultural Resources Assessment (EIR **Appendix E**). As required, the letters briefly described the location and nature of the Project and requested the receiving party supply comment by August 23, 2020. A follow-up e-mail notifying the individuals that the formal hard copy letters were sent to all recipients of the AB 52 notification letters. Only one response to the AB 52 letters was received from the Morongo Band of Mission Indians, indicating the tribe had an interest in the Project at the time and wanted to be notified about the Project in the future. The AB 52 consultation period closed on August 23, 2020 prior to receipt of any additional requests. No subsequent requests were received since that time.

As previously stated, SB 18 letters were mailed to 23 parties on November 5, 2020. The letters briefly described the location and nature of the Project and requested the receiving party supply comment/request consultation by December 5, 2020. Three responses were received.

On November 16, 2020, the Augustine Band of Cahuilla Indians responded, thanking the City for the opportunity to provide input. The letter concluded by stating that at that time, the Tribe was unaware of specific cultural resources that may be affected by the Project. However, the Tribe requested that should discovery of any cultural resources occur, they be contacted for further evaluation of the discovery.

The Rincon Band of Luiseño Indians responded via letter on November 19, 2020. The letter stated that the location identified within Project documents is not within the Band's specific Area of Historic Interest. At



that time, they had no additional information to provide. The Tribe recommended that the City directly contact a tribe that is closer to the Project and may have pertinent information.

Lastly, the San Manuel Band of Mission Indians (SMBMI) replied via email on November 13, 2020. The Tribe expressed appreciation for the opportunity to review the Project documentation. The email went on to state that the Project is located within Serrano ancestral territory, and the area for the Project is of interest, but the Tribe sees no conflicts with the zoning changes at this time. Furthermore, the tribe added that when specific projects are planned and implemented, SMBMI might have comments and/or request formal consultation with the Lead Agency pursuant to CEQA (as amended, 2015) and California PRC § 21080.3.1. This communication concluded SMBMI's input on the Project, at that time, and no additional SB 18 consultation is required.

The above referenced AB 52 and SB 18 letters, and associated responses, can be found in **Appendix E** of this Draft EIR.

The Project Site has been partially disturbed from off road vehicle use, and development has occurred in the surrounding area. In addition, the Project Site does not contain any existing structures or extant historical tribal cultural resources with the potential for inclusion on the CRHR or a local register. However, it is possible that unknown buried tribal cultural resources could be present on the Project Site. Should buried or otherwise unknown tribal cultural resources be encountered and damaged during construction, a potentially significant impact would result. Implementation of Mitigation Measure (MM) TCR-1 would reduce this impact to less than significant.

### **Mitigation Measure**

**MM TCR-1:** If subsurface deposits believed to be cultural or human in origin, or tribal cultural resources, are discovered during construction, all work shall halt within a 100-foot radius of the discovery, and the Construction Manager shall immediately notify the City of Beaumont Development Services Director by phone. The Construction Manager shall also immediately coordinate with the monitoring archeologist or project archaeologist, or, in the absence of either, contact a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for archaeology and subject to approval by the City, to evaluate the significance of the find and develop appropriate management recommendations. All management recommendations shall be provided to the City in writing for the City's review and approval. If recommended by the qualified professional and approved by the City, this may include modification of the no-work radius.

The professional archaeologist must make a determination, based on professional judgement and supported by substantial evidence, within one business day of being notified, as to whether or not the find represents a cultural resource or has the potential to be a tribal cultural resource. The subsequent actions will be determined by the type of discovery, as described below. These include: 1) a work pause that, upon further investigation, is not actually a discovery and the work pause was simply needed in order to allow for closer examination of soil (a "false alarm"); 2) a work pause and subsequent

action for discoveries that are clearly not related to tribal resources, such as can and bottle dumps, artifacts of European origin, and remnants of built environment features; and 3) a work pause and subsequent action for discoveries that are likely related to tribal resources, such as midden soil, bedrock mortars, groundstone, or other similar expressions.

Whenever there is question as to whether or not the discovery represents a tribal resource, culturally affiliated tribes shall be consulted in making the determination. The following processes shall apply, depending on the nature of the find, subject to the review and approval of the City:

- **Response to False Alarms:** If the professional archaeologist determines that the find is negative for any cultural indicators, then work may resume immediately upon notice to proceed from the City's representative. No further notifications or tribal consultation is necessary, because the discovery is not a cultural resource of any kind. The professional archaeologist shall provide written documentation of this finding to the City.
- **Response to Non-Tribal Discoveries:** If at the time of discovery a professional archaeologist determines that the find represents a non-tribal cultural resource from any time period or cultural affiliation, the City shall be notified immediately, to consult on a finding of eligibility and implementation of appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in § 15064.5(a) of the CEQA Guidelines. The professional archaeologist shall provide a photograph of the find and a written description to the City of Beaumont. The City of Beaumont will notify any [tribe(s)] who, in writing, requested notice of unanticipated discovery of non-tribal resources. Notice shall include the photograph and description of the find, and a tribal representative shall have the opportunity to determine whether or not the find represents a tribal cultural resource. If a response is not received within 24 hours of notification (none of which time period may fall on weekends or City holidays), the City will deem this portion of the measure completed in good faith as long as the notification was made and documented. If requested by a [tribe(s)], the City may extend this timeframe, which shall be documented in writing (electronic communication may be used to satisfy this measure). If a notified tribe responds within 24 hours to indicate that the find represents a tribal cultural resource, then the Response to Tribal Discoveries portion of this measure applies. If the tribe does not respond or concurs that the discovery is non-tribal, work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA, as defined in § 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to its satisfaction.
- **Response to Tribal Discoveries:** If the find represents a tribal or potentially tribal cultural resource that does not include human remains, the [tribe(s)] and City shall be

notified. The City will consult with the tribe(s) on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be either a Historical Resource under CEQA, as defined in § 15064.5(a) of the CEQA Guidelines, or a Tribal Cultural Resource, as defined in § 21074 of the Public Resources Code (PRC). Preservation in place is the preferred treatment, if feasible. Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA, as defined in § 15064.5(a) of the CEQA Guidelines; or 2) not a Tribal Cultural Resource, as defined in Section 21074 of the PRC; or 3) that the treatment measures have been completed to its satisfaction.

- **Response to Human Remains:** If the find includes human remains, or remains that are potentially human, the construction supervisor or on-site archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641) and shall notify the City and Riverside County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and Assembly Bill 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. PRC § 5097.94 provides structure for mediation through the NAHC if necessary. If no agreement is reached, the City shall rebury the remains in a respectful manner where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work shall not resume within the no-work radius until the City, through consultation as appropriate, determines that the treatment measures have been completed to its satisfaction.

### **3.14.5 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable tribal cultural resource impacts have been identified.

### **3.14.6 CUMULATIVE IMPACTS**

Cumulative projects that would have the potential to be considered in a cumulative context with the Project and resulting in an incremental contribution are used to evaluate potential cumulative impacts in this environmental analysis.

Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to, tribal cultural resources due to the continuing disturbance of undeveloped areas, which could

potentially contain significant, buried archaeological or tribal cultural resources, or transform an area related to tribal cultural history.

Because there is always a potential to encounter undiscovered tribal cultural resources during construction activities, no matter the location or sensitivity of a particular site, MM TCR-1 has been included to and would serve to protect, preserve, and maintain the integrity and significance of cultural or tribal cultural resources in the event of the unanticipated discovery of a resource.

The individual, Project-level impacts were found to be less than significant with incorporation of one mitigation measure, and the Project would be required by law to comply with all applicable Federal, State, and local requirements related to historical, archaeological and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA, and to implement all feasible mitigation measures should a significant project-related or cumulative impact be identified. Impacts would be less than significant in this regard and additional mitigation is not required.

### 3.14.7 REFERENCES

BCR Consulting, LLC. 2019. *Cultural Resources Assessment*.

City of Beaumont. 2020. *Draft Program Environmental Impact Report Beaumont General Plan SCH No. 2018031022*. <https://www.beaumontca.gov/DocumentCenter/View/36627/DEIR-090720>.