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Project Title:	Soda Mountain Solar
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Document Title:	Section 3-18 Tribal Cultural Resources
Description:	This Section evaluates the direct, indirect and cumulative impacts the Project may have on Tribal Cultural Resources and identifies any required Applicant-Proposed Measures (APM) and any required Mitigation Measures.
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3.18 TRIBAL CULTURAL RESOURCES

This section evaluates impacts to tribal cultural resources (TCRs) that may result directly or indirectly from the project. The analysis in this section describes the applicable regulations, presents an overview of existing conditions, identifies the criteria used for determining the significance of environmental impacts, lists applicant-proposed measures (APMs) that would be incorporated into the project to avoid or substantially lessen potentially significant impacts to the extent feasible, and describes the potential tribal cultural impacts of the proposed project. The analysis is based on a review of existing resources, technical data, and applicable laws, regulations, plans, and policies, as well as the following technical reports prepared for the project:

- *Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report*, SWCA Environmental Consultants (2023) (Appendix F)

3.18.1 Regulatory Setting

3.18.1.1 Federal

BUREAU OF LAND MANAGEMENT DESERT RENEWABLE ENERGY CONSERVATION PLAN

The Desert Renewable Energy Conservation Plan (DRECP) is an interagency plan developed by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, California Energy Commission, and California Department of Fish and Wildlife (CDFW). This land use plan functions as an amendment put in place over the California Desert Conservation Area Plan, Bishop Resource Management Plan, and Bakersfield Resource Management Plan. This plan was developed to address the need for a landscape approach to renewable energy and conservation planning in the California desert.

NATIONAL HISTORIC PRESERVATION ACT

Enacted in 1966 and amended most recently in 2014, the National Historic Preservation Act (NHPA) (54 United States Code [USC] 300101 et seq.) instituted a multifaceted program, administered by the Secretary of the Interior, to encourage sound preservation policies of the nation's cultural resources at the federal, state, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of State Historic Preservation Officer, and provided for the designation of State Review Boards. The NHPA also set up a mechanism to certify local governments to carry out the goals of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106

Section 106 of the NHPA (54 USC 306108) states that federal agencies with direct or indirect jurisdiction over federally funded, assisted, or licensed undertakings must take into account the effect of the undertaking on any historic property that is in or eligible for the NRHP, and that the ACHP must be afforded an opportunity to comment, through a process outlined in the ACHP regulations in 36 Code of Federal Regulations (CFR) 800, on such undertakings. The Section 106 process involves identification of significant historic resources within an "area of potential effect [APE]; determination if the undertaking will cause an adverse effect on historic resources; and resolution of those adverse effects through execution of a Memorandum of Agreement." In addition to the ACHP, interested members of the public,

including individuals, organizations, and agencies (such as the California Office of Historic Preservation), are provided with opportunities to participate in the process.

The steps of the Section 106 process are accomplished through consultation with the State Historic Preservation Officer, federally recognized Indian tribes, local governments, and other interested parties. The goal of consultation is to identify potentially affected historic properties, assess effects to such properties, and seek ways to avoid, minimize, or mitigate any adverse effects on such properties. The agency also must provide an opportunity for public involvement (36 CFR 800.1(a)). Consultation with Indian tribes regarding issues related to Section 106 and other authorities (such as the National Environmental Policy Act [NEPA] and Executive Order No. 13007) must recognize the government-to-government relationship between the federal government and Indian tribes, as set forth in Executive Order 13175, 65 Federal Register (FR) 67249 (Nov. 9, 2000), and Presidential Memorandum of Nov. 5, 2009 (74 FR 57881).

3.18.1.2 State

CALIFORNIA STATE ASSEMBLY BILL 52

California Assembly Bill 52 (AB 52) (which amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code [PRC]) established a process and related requirements governing state and local agency consideration of California Native Americans as a part of required public review of proposed projects under the California Environmental Quality Act (CEQA). The goal of AB 52, among other things, is to promote the involvement of California Native American tribes in the decision-making process, especially to identify resources significant to tribes and feasible ways to avoid or substantially lessen significant or potentially significant impacts to those resources. To reach this goal, AB 52 established a formal role for tribes in the CEQA process and formally recognized the unique expertise California Native American tribes may provide as substantial evidence to identify the locations, types, and significance of TCRs within their traditionally and culturally affiliated geographic area (PRC Section 21080.3.1[a]). CEQA defines a California Native American tribe as a "Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission." This definition does not distinguish between federally recognized and non-federally recognized tribal groups and is therefore more inclusive than the federal definition of "Indian tribe" (PRC Section 21073).

CEQA lead agencies are required to consult with tribes about potential TCRs in the project site, the potential significance of project impacts to those resources, the development of project alternatives, and the type of environmental document that should be prepared. AB 52 specifically states that a project that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment (PRC Section 21084.2).

CEQA Section 21074(a)(1), which incorporates by reference PRC Section 5024.1(c), defines TCRs to include either of the following:

1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    b. Included in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1(c).

> In applying the criteria set forth in 5024.1(c) for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets one or both of the two criteria highlighted above is also a TCR under CEQA Section 21074(b), where the landscape is geographically defined in terms of the size and scope of the landscape. Likewise, historical resources, unique archaeological resources, and “non-unique archaeological resources,” as defined by CEQA, that conform with one or both of the two criteria highlighted above are also TCRs under CEQA Section 21074(c). All of these resources, including cultural landscapes, can be significant and TCRs because of their sacred and/or cultural tribal value rather than being important for their scientific value, as determined by a CEQA lead agency, including the CDFW.

3.18.1.3 Local

The project is located on federally owned land managed by the BLM. While it is not subject to County of San Bernardino land use plans and ordinances, local plans were reviewed for informational purposes.

SAN BERNARDINO COUNTYWIDE PLAN

The following policies identified in the Cultural Resources element of the San Bernardino County General Plan are relevant to this analysis (San Bernardino County 2024).

Goal CR-1 Tribal Cultural Resources. Tribal cultural resources that are preserved and celebrated out of respect for Native American beliefs and traditions.

- **Policy CR-1.1 Tribal notification and coordination**. We notify and coordinate with tribal representatives in accordance with state and federal laws to strengthen our working relationship with area tribes, avoid inadvertent discoveries of Native American archaeological sites and burials, assist with the treatment and disposition of inadvertent discoveries, and explore options of avoidance of cultural resources early in the planning process.
- **Policy CR-1.2 Tribal planning**. We will collaborate with local tribes on countywide planning efforts and, as permitted or required, planning efforts initiated by local tribes.
- **Policy CR-1.3 Mitigation and avoidance**. We consult with local tribes to establish appropriate 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 coordination with and active participation by local tribes as monitors in surveys, testing, excavation, and grading phases of development projects with potential impacts on tribal resources.

3.18.2 Environmental Setting

3.18.2.1 Ethnographic Setting

The project site is in the northeastern extent of the traditional territory of the Mojave and Serrano and approaches the traditional territories of the Kawaiisu and the Southern Paiute/Chemehuevi. A brief discussion of the four groups is presented below.

MOJAVE

The Mojave were river agriculturalists who lived along the lower Colorado River and spoke a Yuman language of the Hokan linguistic stock; their traditional territory encompassed the river valley that now spans California, Nevada, and Arizona (Kroeber 1925; Moratto 2004). Hunting and collecting wild plant foods was practiced along with agricultural activities centered on the seasonal flooding of the Colorado River from May to June, and small settlements were established along the riverbank with adjacent agricultural fields. Dwellings consisted of semi-subterranean winter houses made of cottonwood log frames and arrow-weed wattling covered with earth, along with flat-topped ramadas that were used for shade in the summer months. The Mojave had a strong tribal identity with patrilineal clans, and thus residences were patrilocal (Kroeber 1925; Moratto 2004). Their material culture was more complex than that of some of their neighboring desert groups, and they had a significant influence on their neighbors in the California deserts, introducing new ideas and technologies (Moratto 2004). Farming implements consisted of a hard, heavy stick similar to the common California root-digging stick, though it was larger and flattened at the sharp end, along with a cultivator consisting of another stick with broad piece of wood where the square edge was pushed flat on the ground to cut weeds (Kroeber 1925). Large wooden pestles were used by the Mojave, and fish were caught with seines and scoops. Pottery was the primary type of container fashioned by the Mojave, who had myths associating pottery with agriculture, though coiled and twined basketry items were also crafted (Kroeber 1925).

Kroeber (1925:727) notes a primary difference between the Mojave and nearby California groups in that the Mojave placed primary importance on tribal identity with the tribe as a larger unit and their land as a country, perceiving "themselves as a national entity, the *Hamakhava*." The Mojave clan system most closely resembles that of other Yuman groups who inhabited the lower Colorado region, being composed of patrilinear, exogamous groups with totemic reference. The status of chief was inherited through the male line, though the exact role of the chief, compared with a war leader or shaman, is not well understood (Kroeber 1925). Dreaming is an integral component of Mojave culture as it is believed that dreams form the basis for everything in life and it is through dreams that special powers of healing and foresight are received (Butler 1994; Kroeber 1925).

At the time of Spanish arrival in the region (sixteenth century), the Mojave had one of the largest Native populations in the area, estimated at 7,000 members (Butler 1994; Fort Mojave Indian Tribe 2021). Mojave guides were instrumental to travelers on their way to the Pacific Coast, leading them through the harsh mountain and desert terrain via springs located along the Mojave Trail (Butler 1994). In 1859, a U.S. military outpost was established on the banks of the Colorado River to provide safe passage for immigrants moving into the west (Fort Mojave Indian Tribe 2021). When the fort was closed in 1981, the buildings were used as a boarding school until 1930. Remains of Fort Mojave are situated on a bluff overlooking the Colorado River, south of Bullhead City (Fort Mojave Indian Tribe 2021).

The Fort Mojave are a federally recognized tribe. The Fort Mojave Reservation was established by the War Department General Order No. 19 in 1870, and by Executive Order in 1911 (Butler 1994).
The reservation is situated along the Colorado River and stretches across California, Arizona, and Nevada, making the Mojave one of the few tribes still residing on their traditional lands today, although they inhabit only a small fraction of their traditional territory. They call themselves Ahamakav, or Pipa Aha Macav, meaning "the people who live along the river," or "the people by the river" (Butler 1994; Fort Mojave Indian Tribe 2021). The tribe maintains its own police force and courts with jurisdiction over civil and some criminal cases. Housing is provided through the Fort Mojave Tribal Housing authority, and as of the mid-1990s, there were more than 180 homes on the reservation (Butler 1994). Agriculture remains a prominent tribal business, with agricultural lands comprising roughly 40 percent of reservation lands (Butler 1994).

SERRANO/VANYUME

The Serrano people once occupied the southwestern Mojave Desert and Inland Empire region of San Bernardino and Los Angeles Counties. The Serrano language is part of the Serran branch of the Takic family of the Uto-Aztecan linguistic stock (Mithun 2004). The two Serrano languages, Kitanemuk and Serrano, are closely related, with the traditional lands of the Kitanemuk located to the northwest of the Serrano. The term “Serrano” appears to have acquired an ethnic definition during the ethnohistoric period as pertaining to the Indigenous people who inhabited the San Bernardino Mountains, with the term “Serrano” meaning “mountaineers, or those of the Sierras” (Kroeber 1925:611). The traditional territory of the Serrano is believed to have encompassed much of the Mojave Desert and San Bernardino Mountains, including the base and north of the San Bernardino Mountains east of Cajon Pass near Victorville, east to Twentynine Palms, and south to the Yucaipa Valley, with the Vanyume territory extending northward along the Mojave River (Bean and Smith 1978; Bean and Vane 1994). The Serrano called themselves the Maara’yam, with multiple clans, including the Yuhaaviatam, or “People of the Pines” (San Manuel Band of Mission Indians 2021).

The Vanyume lived along the Mojave River and associated Mojave Desert areas and are also referred to as the Desert Serrano. Whether they spoke a dialect of Serrano or a separate Takic language is unclear from the few known words (Mithun 2004); however, Kroeber (1925) placed the Vanyume language closer to the Kitanemuk than to the Serrano of the San Bernardino Mountains. The traditional territory of the Vanyume was only vaguely known during the ethnohistoric period and no clear delineation was recorded, but it was suggested to begin several miles east of the Mojave River sink and continue to Daggett or Barstow (Kroeber 1925).

According to the records of Fr. Francisco Garcés, the first European to travel in this region in 1776, the name *Vanyume* is derived from the term for “them” (*Beñeme*) used by the Mojave (Coues 1900:240). Very little is known of the Vanyume-speaking people because their cultural traditions and lifeways were severely disrupted by Spanish missionaries beginning in the early 1820s. By the 1900s, reports indicated that very few Vanyume people remained in their traditional territory (Bean and Smith 1978:570; Kroeber 1925:614). Therefore, much of what we know about the Vanyume is derived from accounts of the larger Serrano group. Kroeber (1925:614–615), however, suggests there were political distinctions between the Serrano and Vanyume as the Vanyume were friendly with the Chemehuevi and Mohave to the east, whereas the Serrano maintained mutual animosity with these groups. The area of combined Serrano/Vanyume occupation—the San Bernardino Mountains, the southwestern portions of the Mojave Desert, and the Mojave River area—has become known as the Serrano area, though this distinction may be a result of early historical disruptions to the Vanyume as a distinct culture group and inherent biases of ethnographers and historians during the Historic period.

Most Serrano lived in small village-hamlets in the foothills, though some resided out on the desert floor near water sources (Bean and Smith 1978:571). Kroeber (1925:617–618) considered the organization of Serrano lineage sets similar to that of political groups. He defined a lineage set as occupying one village, representing at least two moieties, and coordinating its hunting and gathering activities according to the religious deliberations and scheduling determined by two leaders (one from each of the moieties), with one leader occupying the ceremonial house and the other possessing the ceremonial bundle. Often, a lineage set had the exclusive power to forge and maintain economic ties to other villages of neighboring Serrano, Cahuilla, Chemehuevi, Gabrielino, and Cupeño. Desert Serrano villages are mentioned in the 1776 account of the Spanish Franciscan missionary Fr. Francisco Garcés and in the records dating to the early 1800s by Fr. Joaquín Nuez. Fr. Garcés mentions villages along the Mojave River near today’s city of Barstow and the community of Daggett (Coues 1900:241–248). Beattie (1955) suggests the average village population was around 70 people and that these settlements were generally spaced at 10-mile (16-kilometer [km]) intervals along the river.

The fundamental economy of the Serrano was one of subsistence hunting and collecting plant goods, with occasional fishing (Bean and Smith 1978). Serrano territory was a trade nexus between inland tribes and coastal tribes, and trade and exchange were important aspects of the Serrano economy. Those living in the lower-elevation desert floor villages traded foodstuffs with people living in the foothill villages who had access to a different variety of edible resources due to the considerable topographic variation and resultant differences in bio-geographic zones in the vicinity. In addition to intervillage trade, ritualized communal food procurement events, such as rabbit and deer hunts and piñon, acorn, and mesquite nut-gathering events, integrated the economy and helped distribute resources that were locally available in different ecozones.

A variety of materials were used for hunting, gathering, and processing food, many of which were also used for shelter, clothing, and ceremonial items. Technological similarities have been noted between the Serrano and their neighbors, particularly the Cahuilla (Bean and Smith 1978). Shell, wood, bone, stone, and plant fibers were used to make a variety of implements, along with highly decorated baskets (Smith and Simpson 1964). The Serrano made pottery and used it daily to carry and store water or foodstuffs; and ceramics were also used as ceremonial objects. They also made bone awls, sinew-backed bows, arrows, arrow straighteners, throwing sticks (for hunting), traps, fire drills, stone pipes, musical instruments of various types (rattles, rasps, whistles, bull-roarers, and whistles), yucca fiber cordage (for snares, nets, and carrying bags), and clothing (Bean and Smith 1978; Bean and Vane 2002). A strong tradition of basket weaving incorporated the use of multiple materials, including juncus sedge, deergrass, and yucca fiber.

Mainly due to the inland territory that the Serrano occupied beyond Cajon Pass, contact between the Serrano and Euro-Americans was relatively minimal prior to the early 1800s, though European diseases began decimating Native populations in the Mojave Desert and Antelope Valley beginning in the late 1700s (San Manuel Band of Mission Indians 2021). As early as 1790, the Serrano began to be drawn into mission life and were involuntarily marched to the Asistencia in Redlands, an outpost of the San Gabriel Mission (Bean and Vane 2002; San Manuel Band of Mission Indians 2021). More Serrano were relocated to Mission San Gabriel Arcángel in 1811 after a failed Indigenous attack on that mission. In the 1860s, a smallpox epidemic decimated many Indigenous people from southern Californian, including the Serrano (Bean and Vane 2002). Oral accounts of a massacre in the 1860s at Twentynine Palms indicate that it may have been part of a larger American military campaign that lasted 32 days (Bean and Vane 2002:10).

Some of the surviving Serrano sought shelter at Morongo with their Cahuilla neighbors, which later became a formal reservation and is currently known as the Morongo Band of Mission Indians (Bean and Vane 2002). Other survivors followed the Serrano leader Santos Manuel down from the mountains and across the valley floors, eventually settling what later became the San Manuel Band of Mission Indians Reservation, which was established in 1891 (San Manuel Band of Mission Indians 2008). Although ethnographers considered the Vanyume to be a sparse and mostly unknown population during the early 1900s (Bean and Smith 1978; Kroeber 1925), recent genealogical research, combined with mitochondrial DNA analysis, indicates that three lineages from the Fort Tejon area were originally from the village of Topipabit downstream from Victorville (California Energy Commission 2008:4.3–4.11). These lineages are currently part of the San Fernando Band of Mission Indians, located in Newhall. This group, which includes Kitanemuk, Inland Chumash, Tataviam, and Vanyume, has applied for formal federal recognition (San Fernando Band of Mission Indians 2021).

KAWAIISU

The Kawaiisu stem from the Chemehuevi, one of the Shoshonean Plateau divisions, who spoke numerous dialects of remarkable uniformity, considering the vastness of the territory they inhabited. The Chemehuevi were considered a branch of the Southern Paiutes by early ethnographers and the name

itself was believed to be more a geographically defined term rather than an ethnic designation (Kroeber 1925). The Kawaiisu appear to have become differentiated from the larger Chemehuevi family due to localized environmental differences affecting resource availability in the region they inhabited (Kroeber 1925). Their traditional territory encompassed the Tehachapi Mountains and associated watersheds along the timbered mountains and foothills, including Tehachapi Pass, Walker Basin, and some southern affluents of Kern River between the Mojave Desert and the San Joaquin Valley, as well as the lower part of Death Valley (Kroeber 1925; Grosscup 1977; Steward 1938). Kroeber (1925) describes multiple names for this group derived from many of the Indigenous neighboring groups and notes that their own name for themselves was Nuwu, Nuwuwu, or Newooah, meaning "people." He also notes that ethnohistorically, they were referred to as the Tehachapi or Caliente Indians.

The Kawaiisu were mobile hunter-gatherers who primarily resided in a core area in the southern Sierra Nevada and Tehachapi Mountains and made frequent forays into the Mojave Desert to exploit seasonal resources (Zigmond 1986). Linguistically, Kawaiisu has been identified as a part of the Southern Numic branch of the extensive Uto-Aztecan language family, which includes most languages of the Great Basin, extending south from southern Idaho into Mexico and east into Arizona (Mithun 2004; Zigmond 1994).

Although there is general agreement about the location of the Kawaiisu core area, the extent of their territory in the Mojave Desert is less clearly understood. Zigmond (1986) depicts an area of seasonal use that extends east of the Granite Mountains, in present-day Fort Irwin. Kroeber (1925) cites an account of a Kawaiisu group on the upper Mojave River and in the southern Panamint Range. Steward (1970:71, Figure 1) also places the Kawaiisu in the southern Panamint Valley, the Argus Range, the town of Trona, and an undetermined area to the south and west. He notes further that although the Shoshone occupied the northern Panamint Valley, the Kawaiisu and Shoshone were mixed in the southern part of the valley and perhaps near Trona.

Dietary staples for the Kawaiisu included piñon, juniper, yucca, chia, wild rice, sunflower, buckwheat, and screwbean. Deer were a major source of meat when the Kawaiisu were residing in the mountainous core area, supplemented by small game, and hunters also pursued pronghorn and bighorn sheep. Salt was an important component of the diet and was collected from Koehn Lake or from Proctor Lake in the Tehachapi Valley when water levels at Koehn Lake were high. Ethnobotanical studies indicate that at least 120 types of plant resources were used for food and to make beverages, while more than 100 types of plants were used for medicinal purposes, and at least 40 plants had ritualistic associations (Zigmond 1994). Acorns, a variety of seeds, and tobacco leaves were ground and pounded in the hundreds, if not thousands, of bedrock mortars and bedrock milling stations that continue to be encountered and documented across their traditional territory (Zigmond 1994). As repeated use enlarged a hole beyond the desired dimensions, such mortars were abandoned, and new holes were initiated in another part of the same boulder or on nearby bedrock boulders, resulting in the formation of milling stations composed of multiple grooves/holes along a single bedrock surface.

Pottery is rare in sites attributed to the Kawaiisu and was probably primarily acquired through trading. Basket making was a strong tradition among the Kawaiisu, who used numerous types of baskets for food collecting, processing, and storage, including seedbeaters, burden baskets, winnowers, trays, hoppers, and a variety of containers (Zigmond 1986). Lithic materials for tool making, such as cherts, were likely obtained from areas near Red Rock Canyon, whereas obsidian appears to have been acquired through trade with groups who inhabited the area in the vicinity of the Coso Volcanic Field (east of the Sierra Nevada). Long-distance exchange with coastal areas is also evidenced by the presence of marine shell artifacts in some sites attributed to the Kawaiisu.

During the winter months, the Kawaiisu lived in *tomo-kahni*, circular, aboveground structures with vertical and transverse poles bound together and covered with brush, bark, and tule mats (Zigmond 1986).

Other structures included open, flat-roofed shade houses (*havakahni*) used for summer habitation, sweathouses (*tivikahni*), circular brush enclosures, and small granaries.

The Kawaiisu practiced a distinctive style of polychromatic (multicolored) rock art that shares many attributes with that of the Chumash (Lee and Hyder 1991). Teddy Bear Cave (CA-KER-508) is the best studied Kawaiisu rock art site, located along the western edge of Sand Canyon, approximately 12 miles (19 km) northeast of Tehachapi. The site is in the Nettle Spring archaeological complex, which also includes a large habitation area (CA-KER-230), along with numerous other localities. CA-KER-230 is characterized by numerous rock rings, more than 400 bedrock mortars, and numerous panels of rock art. Nearby sites include small camps, additional rock art localities, and a cremation site, all of which are potentially related to the Nettle Spring complex. Teddy Bear Cave is important in the oral history of the Kawaiisu as the place where their people and the world were created (Sutton 2001).

Euro-Americans began flocking to the area in 1849 with the start of the California Gold Rush; and gold was actually "discovered" in Kawaiisu territory in the 1850s, resulting in a scatter of mining claims across their traditional lands (Zigmond 1994). Today, the Kawaiisu consist of approximately 250 members living in California's Sierra Nevada foothills. The Kawaiisu have never been consigned to a reservation and are not federally recognized, though they continue to seek federal recognition (Zigmond 1994). The remaining Kawaiisu speakers are predominantly elders who have been working to keep their culture alive with language and cultural revitalization programs. The Kawaiisu Language and Cultural Center was established as a 501(c)3 nonprofit organization in 2007. The center's mission is to have the Kawaiisu native language spoken in their Native communities once again (Kawaiisu Language and Cultural Center 2018). They currently refer to themselves as the Kawaiisu Tribe of the Tejon Indian Reservation, or the Kawaiisu Tribe of Tejon, although the Tejon Indian Tribe is a federally recognized tribe (Kawaiisu Tribe of Tejon 2021; Tejon Indian Tribe 2021). The Kawaiisu Tribe is also part of the Kern Valley Indian Community, along with the Tübatulabals of Kern Valley, and the Nuui Cunni Inter-Tribal Cultural Center, which includes tribal members from several local tribes, in addition to a number of other tribal associations and organizations (Audubon California, Kern River Preserve 1998; Nuui Cunni 2021; Tübatulabals of Kern 2021).

SOUTHERN PAIUTE/CHEMEHUEVI

Southern Paiute is a linguistic and cultural group who inhabited the northern Southwest and the southeastern Great Basin regions and are distinctly separate from the Northern Paiute, who speak a mutually unintelligible language (Bunte and Franklin 1994). The Southern Paiute also are related to the Shoshonean Plateau and belong to the Southern Numic branch of the Uto-Aztecan linguistic family, which includes 15 subgroups: Antarianunts, Kaiparaowits, San Juan, Kaibab, Shiwits, Uinkaret, Saint George, Gunlock, Cedar, Beaver, Panaco, Pahranagat, Moapa, Las Vegas (including Pahrump), and Chemehuevi (Kelly and Fowler 1986). Some ethnographers consider the Chemehuevi a separate group from the Southern Paiute, though the differences between them and other Southern Paiute groups are minimal and are generally attributed to cultural adaptations to localized environmental variation (Theodoratus et al. 1998). Additionally, Kroeber (1925:593, 595) considered the Chemehuevi to be "Southern Paiutes," suggesting close ties and cultural similarities between these groups; noting that the Chemehuevi and Southern Paiute called themselves Nüwü, meaning "people," and corresponding to the Mono and Northern Paiute term Nümü. The traditional territory of the Southern Paiute is vast, ranging from the Colorado Plateau to the Mojave Desert, including the Colorado River basin and multiple small mountain ranges, and encompasses a great deal of environmental variation (Kelly and Fowler 1986).

Southern Paiute subsistence was centered on gathering and hunting what was available in their local environments. The inherent environmental differences of the territories occupied by various Southern Paiute groups were reflected in the resources they exploited for subsistence as well as in the procurement

strategies they employed (Theodoratus et al. 1998). Primary dietary resources included mostly small-game animals, such as rabbits and tortoises, in addition to rodents, lizards, and possibly other reptiles, as well as fish and mountain sheep, along with a variety of seeds and mescal (Kelly and Fowler 1986; Kroeber 1925). The Southern Paiute exploited a variety of flora, including piñon nuts and agave, for food. Additionally, some groups practiced small-scale agriculture, growing maize, squash, and winter wheat among other things (Kelly and Fowler 1986; Kroeber 1925). By the time of European contact, the Southern Paiute had optimal irrigation systems and had been farming for centuries along the Colorado River (Stoffle and Zedeño 2001:234). The Southern Paiute were skilled basket weavers. They used baskets to carry a wide variety of resources, ranging from seeds to berries, and they carried water in finely woven baskets sealed with pine pitch (National Park Service 2018). The basic socioeconomic unit of the Southern Paiute was the family household. Centralized political hierarchy was not recorded for this group during the ethnohistoric period, though it was noted that households would cooperate during hunting and gathering activities. Immediately after marriage, matrilocal residence was common, though in the longer term most would permanently settle near the husband's relatives (Kelly and Fowler 1986).

At the time of Euro-American contact, Southern Paiute territory stretched across Arizona, Utah, Nevada, and California, though the 10 modern Paiute groups retain only a small portion of their traditional territory, with tribal members living in many varied communities both on and off reservations (Bunte and Franklin 1994). Five Utah-based bands or groups united to form a larger tribal entity, the Paiute Tribe of Utah; the San Juan Paiute Tribe maintains communities in Arizona and Utah; the Kaibab Paiute Tribe has a reservation in Arizona, north of the Grand Canyon; and the Moapa, Las Vegas, and Pahrump Tribes reside in southern Nevada, with the Pahrump being the only non-federally recognized modern Southern Paiute group. In California, the Twenty-Nine Palms Band of Mission Indians are a federally recognized tribal entity, including many descendants of the Chemehuevi people (Twenty-Nine Palms Band of Mission Indians 2021).

The Chemehuevi culture was closely tied to the Shoshone of the Great Basin; however, Kroeber (1925) notes strong Yuman influence in material culture, and religious similarities with the Mohave. Chemehuevi were hunter-gatherers for the most part though some were river agriculturalists who moved into the Colorado River valley during the Early Historic period (Moratto 2004). Their social organization was generally flexible and based on the nuclear family with kinship ties uniting several families for annual rounds and seasonal gatherings to harvest particular resources, possibly forming small villages during winter. The economy was based on seasonal movements to harvest available plant and animal resources, often spanning large distances. The agriculturalists who settled along the lower Colorado baked pots; however, they are better known for making a variety of basketry items similar in coiling style to the people from the San Joaquin Valley as they used a similar type of woody willow fibers, rather than the reedy juncus used by the Cahuilla and Luiseño to the west (Kroeber 1925). Although no known specimens survive, accounts indicate the Chemehuevi fashioned a unique style of bow that was distinctly shorter than the Mohave self-bow with recurved ends, painted back, the middle wrapped, and a sinew-backing (Kroeber 1925).

At the turn of the twentieth century, the Chemehuevi lived on Cottonwood Island, around Beaver Lake, the Needles area, and Chemehuevi Valley (Bean and Vane 1994). Some tribal members were also living on the Colorado River Indian Tribes Reservation, the Twenty-Nine Palms Reservation, and in the Coachella Valley. The Special Committee on Chemehuevi Affairs was formed in the late 1960s. They proceeded to write a constitution that was approved in 1971 and had the Chemehuevi Indian Reservation located in Chemehuevi Valley set aside for the group. Initial enrollment included 312 Chemehuevi, and around 600 people living at the Colorado River Indian Tribes Reservation identified as being part Chemehuevi. Currently, the Chemehuevi occupy the Chemehuevi Reservation on the Colorado River and are also represented on the Morongo Indian Reservation, the Cabazon Indian Reservation, the Agua

Caliente Indian Reservation, and the Colorado River Indian Tribes Reservation. Additionally, many members live in various cities and towns across inland southern California (Bean and Vane 1994).

3.18.2.2 Sacred Lands File Search

The Native American Heritage Commission (NAHC) was contacted on January 4, 2023, for a review of the Sacred Lands File (SLF) to determine whether any NAHC-listed Native American sacred lands are located within or adjacent to the project site. The NAHC is charged with identifying, cataloging, and protecting Native American cultural resources, which include ancient places of special religious or social significance to Native Americans, and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC's inventory of these resources is known as the SLF. In addition, the NAHC maintains a list of tribal contacts affiliated with various geographic regions of California. The contents of the SLF are strictly confidential, and SLF search requests return positive or negative results in addition to a list of tribal contacts affiliated with the specified location.

The SLF search from the NAHC yielded negative results. The NAHC provided a list of 12 Native American contacts and suggested contacting them to provide information on sacred lands that may not be listed in the SLF.

The CDFW sent out tribal notifications on October 22, 2022. Three responses were received from tribes who did not wish to consult. No other requests for information or consultation have been received since the initial notification.

3.18.3 Impact Analysis

3.18.3.1 Thresholds of Significance

The determinations of significance of project impacts are based on applicable policies, regulations, goals, and guidelines defined by CEQA and the City. Specifically, the project would be considered to have a significant effect on TCRs if the effects exceed the significance criteria described below, which are based on Appendix G of the State CEQA Guidelines.

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place or 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 section 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 Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Each of these thresholds is discussed under Section 3.18.3.3, Impact Assessment, below.

3.18.3.2 Applicant-Proposed Measures

The applicant has identified and committed to implement the APMs listed under Chapter 3.5, Cultural Resources, as part of the proposed projects to avoid or substantially lessen potentially significant impacts

to TCRs, to the extent feasible. The APMs, where applicable, are discussed in Chapter 3.5, Cultural Resources.

3.18.3.3 Impact Assessment

Impact TCR-1: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place or 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 section 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 Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? (Less than Significant with Mitigation)***

Per CEQA requirements, TCRs are primarily identified through outreach to the NAHC and government-to-government consultation between CDFW as lead agency and the appropriate California Native American tribes. In compliance with CEQA and AB 52, the CDFW distributed notification letters on October 22, 2022, to applicable tribes who had previously requested to be notified of future projects proposed by the County, notifying each tribe of the opportunity to consult with the County regarding the proposed project. In addition, the NAHC was contacted on January 4, 2023, for a review of the SLF to determine whether any NAHC-listed Native American sacred lands are located within or adjacent to the project site. Three responses were received from tribes who did not wish to consult. Responses were received from the Fort Yuma Quechan Tribe on November 28, 2022, Aqua Caliente Band of Cahuilla Indians on November 7, 2022, and Rincon Band of Luiseño Indians on November 29, 2022. As of the date of publication of the Draft EIR, no further consultation has been requested.

Based on the SLF, fieldwork, and that no tribes responded to consultation requests, the project would not have a significant impact on known TCRs. However, as outlined in Chapter 3.5, Cultural Resources, prior to construction, the project would implement APM-CR-2. There is always a possibility that unknown resources could be identified during ground-disturbing activities. In the event that previously unidentified resources are exposed during ground disturbance, BLM is to be contacted immediately, and work in the immediate vicinity of the find must stop until a qualified archaeologist can evaluate the significance of the find according to the California Register of Historic Resources (CRHR) and NRHP, per APM-CUL-2. Ground-disturbing activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5(f); PRC 21082) and cannot be avoided by the project, additional work, such as archaeological and Native American monitoring, archaeological testing, or data recovery excavation, may be warranted. Should any prehistoric or historic-era Native American artifacts be encountered, additional consultation with NAHC-listed Native American tribal groups should be conducted immediately.

Although unlikely, the discovery of human remains is always a possibility during ground-disturbing activities; State of California Health and Safety Code Section 7050.5 addresses these findings. This code section states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the County Coroner will notify

the NAHC, which will determine and notify a Most Likely Descendant (MLD), per APM-CUL-3. The MLD shall complete the inspection of the site within 24 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Implementation of APM-CUL-1 through APM-CUL-3 would ensure impacts to TCRs are **less than significant.**

3.18.4 Mitigation Measures

See Chapter 3.5, Cultural Resources, for project-specific mitigations related to TCRs.

3.18.5 Cumulative Impacts

Impact C-TCR-1: Would the impacts of the proposed project, in combination with other past, present, and reasonably foreseeable future projects, contribute to a cumulative impact related to tribal cultural resources? (Less than Significant with Mitigation)

The geographic area of analysis for cultural resources includes the site, adjacent properties, and the Mojave Valley. This geographic scope of analysis is appropriate because the archaeological, historical, tribal cultural, and paleontological resources within this area are expected to be similar to those that occur on the project site. Their proximity and similarity in environments, landforms, habitation patterns, and hydrology would result in similar land use, and thus, site types. Similar geology within this vicinity would likely yield fossils of similar sensitivity and quantity.

In addition, the defined area of analysis is a large enough to encompass any effects of the project on cultural and paleontological resources that may combine with similar effects caused by other projects and provides a reasonable context wherein cumulative actions could affect TCRs. The project could cause impacts to TCRs during the grading and construction period or as a result of operation and maintenance, or closure and decommissioning activities.

Ongoing development and growth in the broader project area may result in a cumulatively significant impact to TCRs due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried TCRs. Because there is always a potential to encounter unrecorded TCRs during construction activities, no matter the location or sensitivity of a particular site, APM-CUL-1 through APM-CUL-3 are required to protect, preserve, and maintain the integrity and significance of TCRs in the event of the unanticipated discovery of a significant resource.

As discussed above, the individual, project-level impacts were found to be less than significant with incorporation of mitigation measures, and the proposed project would be required by law to comply with all applicable federal, state, and local requirements related to TCRs. 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 mitigation measures should a significant project-related or cumulative impact be identified. With implementation of applicable regulatory requirements and APM-CUL-1 through APM-CUL-3, the proposed project **would not have a cumulatively considerable contribution to impact** to TCRs from decommissioning activities.

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