

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	261600
Document Title:	Section 318 Tribal Cultural Resources – February 2025 – Revision 1
Description:	This document replaces in full TN 257917. Revisions made address CEC data requests CUL/TRI-1 through CUL/TRI-21. 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.
Filer:	Hannah Arkin
Organization:	Resolution Environmental
Submitter Role:	Applicant Consultant
Submission Date:	2/7/2025 1:12:13 PM
Docketed Date:	2/7/2025

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:

- *Addendum – Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report, San Bernardino County, California*, SWCA Environmental Consultants (2024) (Appendix F)

3.18.1 Regulatory Setting

3.18.1.1 Federal

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).

ARCHAEOLOGICAL RESOURCES PROTECTION ACT

If federal or Indian lands are involved, the Archaeological Resources Protection Act may impose additional requirements on an agency. The act (1) prohibits unauthorized excavation on federal and Indian lands, (2) establishes standards for permissible excavation, (3) prescribes civil and criminal penalties, (4) requires agencies to identify archeological sites, and (5) encourages cooperation between federal agencies and private individuals.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Requirements for responding to discoveries of Native American human remains and associated funerary objects on federal land are addressed under the Native American Graves Protection and Repatriation Act (NAGPRA) (Public Law 101-601, 25 USC §3001) and its implementing regulations found at 43 CFR Part 10. If a planned activity may result in the excavation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal or tribal lands, a federal agency must prepare a written Plan of Action (POA), in consultation with Indian tribes, which outlines the planned treatment, care, handling, and disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony (43 CFR 10.3(c)(2)). Should human remains, funerary objects, sacred objects, or objects of cultural patrimony be inadvertently discovered on federal lands, activity must immediately cease, and a reasonable effort be made to protect the discovery. The implementing regulations of NAGPRA (43 CFR 10.4) describe the procedures to be undertaken in such an event, which include notification of and consultation with Indian tribes, and proper disposition of the human remains or funerary objects, sacred objects, or objects of cultural patrimony.

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 CEC.

TREATMENT OF HUMAN REMAINS

The disposition of burials falls first under the general prohibition on disturbing or removing human remains under California Health and Safety Code 7050.5. More specifically, remains suspected to be Native American are treated under CEQA in CCR 15064.5, and PRC 5097.98 illustrates the process to be followed in the event that remains are discovered. If human remains are discovered during construction, no further disturbance to the site shall occur, and the County Coroner must be notified (CCR 15064.5 and PRC 5097.98).

PRC SECTION 5097.5

California PRC Section 5097.5 prohibits “knowing and willful” excavation or removal of any historic or prehistoric historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, or other historical features on public land without express permission from the public agency having jurisdiction over such lands. Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. If human remains determined to be Native American are recovered as a result of an action brought pursuant to this section, then the requirements of PRC Section 5097.9 will apply to those remains.

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 Cultural Setting

3.18.2.1 Prehistoric Context

A summary of the prehistory and ethnology of the region is provided in Section 3.5 Cultural Resources, Section 3.5.3.1 *Prehistoric Context* and Section 3.5.3.2 *Ethnographic Setting*, respectively, of the application.

3.18.3 California Historical Resources Information Records Search

SWCA completed confidential searches of the California Historical Resources Information System (CHRIS) records at the South Central Coastal Information Center (SCCIC) on the campus of California State University, Fullerton, which houses the records for San Bernardino County. Initial record searches were conducted by SWCA staff on January 11 and 17, 2023, with supplemental record searches undertaken on November 4 and 11, 2024, respectively. The records search also contained a buffer of 1.0 mile (1.6 km) around the project site and 0.25 mile (0.4 km) around the linear gen-tie line.

3.18.3.1 Results

The results of previously conducted records searches at the SCCIC indicate that 23 cultural resource studies have been conducted within the records search area, 14 of which intersect the project site (Table 3.18-1).

Table 3.18-1. Prior Cultural Resource Studies within Records Search Area

Report Number	Other ID	Title	Author: Affiliation	Year	Proximity to Project Site
SB-00046	1060046	<i>Mohave Desert Pipeline Survey</i>	Grosscup, Gordon L., and Jack E. Smith: –	1960	Within
SB-00874	1060874	<i>An Archaeological Sampling of the Proposed Allen-Warner Valley Energy System, Western Transmission Line Corridors, Mojave Desert, Los Angeles and San Bernardino Counties, California and Clark County, Nevada</i>	Barker, James P., Carol H. Rector, and Philip J. Wilke: Archaeological Research Unit, UCR	1979	Within
SB-01080	1061080	<i>Archaeological Survey Report: Three Material Source Sites Along 115 in the Eastern Mojave Desert</i>	Hammond, Stephen R.: –	1981	Within
SB-01219	1061219	<i>An Archaeological Survey of the Proposed Southern California Edison Ivanpah Generating Station, Plant Site, and Related Rail, Coal Slurry, Water and Transmission Line Corridors, San Bernardino County, California, and Clark County, Nevada</i>	Hall, Matthew C., Philip J. Wilke, Doran L. Cart, and James D. Swenson: Archaeological Research Unit, UCR	1981	Within
SB-01220	1061220	<i>The Ivanpah Generating Station Project: Ethnographic (Native American) Resources</i>	Bean, Lowell John, Sylvia Brakke Vane, and Jackson Young: Cultural Systems Research, Inc.	1981	Within
SB-01381	1061381	<i>An Archaeological Survey of the Proposed Barstow to Las Vegas Race Course</i>	Musser, Ruth A., and Mark Q. Sutton: –	1983	Within
SB-01413	1061413	<i>Cultural Resource Assessment for MCI Telecommunications Proposed Soda Lake Area Microwave Tower Site and Access Road</i>	Smith, Gerard: –	1983	Outside
SB-01479	1061479	<i>Mead/Mccullough-Victorville/Adelanto Transmission Project Technical Report: Volume IV, Cultural Resources</i>	Dames & Moore: Dames & Moore	1985	Outside
SB-01551	1061551	<i>Class III Archaeological Survey of Pro-Peace Proposed Lunch and Camp Sites, San Bernardino County, California</i>	–: UC Riverside Archaeological Research Unit	1986	Within
SB-01734	1061734	<i>And Paleontological Resources Survey: Us Sprint Fiber Optic Cable Project, Rialto, California To Las Vegas, Nevada</i>	Shackley, M. Steven, Rebecca McCorkle Apple, Jan Wooley, and Robert E. Reynolds: Dames & Moore	1987	Within
SB-01825	1061825	<i>Cultural Resource Survey and Clearance for AT&T's Proposed Construction 29 Vault Locations Along Portions of the Socorro to Mojave "A" Cable Line from Needles, California to Kramer Junction, California</i>	–: Peak & Associates, Inc.	1988	Within
SB-01834	1061834	<i>Class II Archaeological Survey of the Razor Off-Highway Vehicle Area, San Bernardino County, California</i>	Bouey, Paul E., and M.C. Hall: Far Western Anthropological Research Group, Inc.	1988	Within
SB-02220	1062220	<i>Archaeological Sites of the California Desert Area (Owlshead, Amargosa Mojave Basin Planning Unit, Phase I-III): Archaeological Sample Unit Records</i>	–: Bureau of Land Management	1978	Outside

Report Number	Other ID	Title	Author: Affiliation	Year	Proximity to Project Site
SB-02315	1062315	<i>A Cultural Resource Assessment for Ten Proposed Pac Tel Microwave Tower Sites I-15/Barstow to Mountain Pass</i>	Cook, John, and Drew Pallette: Brian F. Mooney and Associates	1991	Outside
SB-02470	1062470	<i>A Cultural Resource Assessment for Thirteen Proposed Pac Tel Microwave Tower Sites I-15/Barstow to Mountain Pass</i>	Cook, John, and Drew Pallette: Brian F. Mooney and Associates	1991	Outside
SB-02597	1062597	<i>Kern River Cultural Resources Survey Report Cima Road and Rasor Road Stockpile Areas San Bernardino County, California</i>	—: Dames and Moore	1991	Within
SB-03163/ SB-03673	1063163/ 1063673	<i>A Cultural Resources Assessment of Three Proposed Air Touch Microwave Tower Sites at Rasor Road, San Bernardino County, and Corn Springs Road and Wiley's Well Road, Riverside County, California</i>	—: Brian F. Mooney and Associates	1996	Outside
SB-03668	1063668	<i>Class III Cultural Resources Inventory for LA Dept of Water & Power-Mead to Adelanto Transmission Line Project: Stateline & Baker Divisions. 218PP</i>	York, Andrew, W.G. Spaulding, D. Powers, L. Peterson, G. Davis, and T. Wahoff: Dames & Moore	1995	Outside
SB-06489	1066489	<i>Rasor Road, Rasor Road and I-15, Baker, San Bernardino County, California</i>	Wilkens, Roberts: IVI Due Diligence Services, Inc.	2009	Outside
SB-06730	1066730	<i>Seismic Retrofit of Three Bridges on Interstate 15 in San Bernardino County: Afton Canyon Road, Basin Road and Rasor Road</i>	Jones, Gary: CalTrans	2010	Outside
SB-06731	1066731	<i>Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California, BLM Report No. 680-09-24</i>	Duke, Daron, and Brandon Patterson: Far Western	2009	Within
SB-07573	1067573	<i>Cultural Resources Inventory of an Additional 335 Acres for the Soda Mountain Solar Project, San Bernardino County, California.</i>	McCabe, Allen: —	2013	Within
SB-07980	1067980	<i>Archaeological Survey Report for the Interstate 15 Median Regrade Project from East Yermo Crossing to the Nevada State Line, San Bernardino County, California EA 0C040</i>	Heidelberg, Kurt: CALTRANS	2005	Within

The CHRIS records search identified 17 previously documented prehistoric resources within the records search area, five of which are within the project site (Table 3.18-2). The previously documented prehistoric resources within the project site consist of a multicomponent site with a prehistoric and historic built environment component (P-36-007689), a single lithic reduction locus (P-36-024404), two isolated flaked stone tools (P-36-024398 and P-36-024417), and a piece of flaked stone debitage (P-36-024408).

3.18.4 Sacred Lands File Search

Acting as the CEQA lead agency, the CDFW initially contacted the Native American Heritage Commission (NAHC) on August 2, 2022, to obtain an AB 52 consultation list and conduct a review of the

Sacred Land File (SLF) to determine whether any NAHC-listed Native American sacred lands are located within or adjacent to the project area. On October 4, 2022, the CDFW received the results of an SLF search from the NAHC; the results were positive. The letter noted that the CDFW should contact the tribes listed on the Tribal Consultation List for more information on the presence of sensitive archaeological resources that may be present in the project site. On October 22, 2022, the CDFW sent letters to 35 individuals representing 29 tribal groups on the NAHC contact list. The CDFW received three responses that are summarized below.

- Nicole Raslich, Archaeological Technician at the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office, responded via email on November 7, 2022. N. Raslich stated that a records check of the Tribal Historic Preservation Office's cultural registry revealed that the project is not located within the Tribe's traditional use area. Therefore, the Agua Caliente Band of Cahuilla Indians defers to the other tribes in the area and concludes consultation with the CDFW.
- Jill McCormick, Historic Preservation Officer for the Fort Yuma Quechan Tribe, responded via email on November 28, 2022. J. McCormick noted that the Fort Yuma Quechan Tribe does not wish to comment on the project and defers to more local tribes and supports their determination on this matter.
- Deneen Pelton, Cultural Resources Department Coordinator for the Rincon Band of Luiseño Indians (Rincon Band), responded via email on November 29, 2022. D. Pelton stated that the project area is not within the Rincon Band's area of historic interest. At this time, the Rincon Band has no additional information to provide and recommended that tribes closer to the project area be contacted for pertinent information.

On January 4, 2023, SWCA contacted the NAHC for an updated review of the SLF. SWCA received the results of the updated SLF search from the NAHC on January 24, 2023. The results of the updated review were negative (see Appendix F).

3.18.5 Archaeological Inventory

Archaeological surveys of the project area were conducted by SWCA in 2023 and 2024. The surveys included the project site and gen-tie line linear facility, along with a 200-foot-wide buffer around the project site and substation and a 50-foot-wide buffer along the gen-tie alignment. A discussion of the survey methodology is provided in Section 3.5 Cultural Resources, Section 3.5.4.1 *Archaeological Resources* of the application and in *Addendum – Archaeological Resources Assessment* (Appendix F).

SWCA documented one previously recorded multi-component site and seven prehistoric isolated finds within the project site and buffer areas (Table 3.18-3). The previously recorded multicomponent site (Arrowhead Trail Highway/P-36-007689) was revisited and found to be in generally the same condition as reported by Duke and Patterson (2009) and McCabe (2013). No prehistoric archaeological materials were found in association with P-36-007689 within the survey area. The resource was previously determined eligible for the CRHR under Criteria 1 and 3 (BLM 2016). However, the segment of the resource that intersects the project site was found to lack sufficient integrity to convey its significance and is a non-contributing element.

The seven prehistoric isolated finds located within the survey area consist of two previously recorded resources and five newly identified resources. With the exception of four ceramic sherds that appear to derive from a single pottery vessel, all of the isolates are composed of flaked stone artifacts. The flaked stoned prehistoric isolates consist of a Rose Spring projectile point and small quantities of lithic debitage. None of the isolated artifacts are recommended eligible for the CRHR as significant or unique

archaeological resources due to their lack of association and limited data potential (see Chapter 3.5, Cultural Resources, Section 3.5.5.5 *Archaeological Resources Survey*).

3.18.6 Buried Site Sensitivity

As discussed in detail in Chapter 3.5, Section 3.5.5.4 *Buried Site Sensitivity*, the project site is characterized by a low to moderate sensitivity for buried prehistoric archaeological sites that may qualify as TCRs. The uppermost alluvial fan areas along the edges of the project site and gen-lie alignment have a low potential for containing buried prehistoric archaeological sites. These landforms are composed of late to middle Pleistocene alluvium which was likely deposited prior to human occupation of the area and therefore, has a very low sensitivity for buried prehistoric archaeological resources. Sediments farther

Table 3.18-2. Previously Recorded Prehistoric Resources within Records Search Area

SCCIC Primary No.	Trinomial	Resource Type	Description	Year Recorded (Recorder)	Proximity to Project Site
P-36-007689	CA-SBR-7689/H	Multicomponent (prehistoric and historic) Site	Arrowhead Trail Highway	1993 (A. York, Dames & Moore); 1997 (Neal Neuenschwander, Peak & Associates, Inc); 2001 (K. Swope, Caltrans Dist 8); 2009 (J. Berg, Far Western); 2010 (J. Howard, ECORP); 2011 (W. Jones, ECORP); 2011 (P. Stanton, SRI); 2012 (G. Cardenas, CH2M Hill); 2012 (A. McCabe, Far Western); 2012 (B. Bartram, Chambers Group, Inc); 2013; (-); 2014 (K. Lindgren, ECORP); 2016 (Daniel Ballester, CRM TECH); 2020 (None, Urbana)	Within
P-36-020718	CA-SBR-13346	Site	Trail or footpath and an associated cleared circle	2009 (-, Far Western)	Outside
P-36-020719	CA-SBR-13347	Site	Rock alignment of twelve stones	2009 (-, Far Western)	Outside
P-36-020721	CA-SBR-13349	Site	A cleared circle located on a desert pavement surface atop an ancient alluvial fan finger	2009 (-, Far Western)	Outside
P-36-023488		Isolate	Lithic flake	2009 (-, Far Western)	Outside
P-36-024398		Isolate	Chert unifacial flaked tool	2009 (-, Far Western)	Within
P-36-024400		Isolate	Core reduction flake	2009 (-, Far Western)	Outside
P-36-024403		Isolate	Lithic flake	2009 (-, Far Western)	Within
P-36-024404		Isolate	Single reduction locus of 13 white cryptocrystalline silicate reduction flakes	2009 (-, Far Western)	Within
P-36-024407		Isolate	Core reduction flake	2009 (-, Far Western)	Outside
P-36-024408		Isolate	Lithic flake	2009 (-, Far Western)	Outside
P-36-024417		Isolate	Projectile point	2009 (-, Far Western)	Within

SCCIC Primary No.	Trinomial	Resource Type	Description	Year Recorded (Recorder)	Proximity to Project Site
P-36-024449		Isolate	Lithic flake	2009 (–, Far Western)	Outside
P-36-024450		Isolate	Obsidian biface	2009 (–, Far Western)	Outside
P-36-024452		Isolate	Cryptocrystalline biface	2009 (–, Far Western)	Outside
P-36-024453		Isolate	Unifacial ground stone	2009 (–, Far Western)	Outside
P-36-024456		Isolate	Single reduction locus of white cryptocrystalline lithics	2009 (–, Far Western)	Outside

Table 3.18-3. Prehistoric Archaeological Resources within the Study Area

Primary No.	Trinomial or Temp No.	Temporal Affiliation	Resource Description	CRHR Status
P-36-007689	CA-SBR-7689/H	Multicomponent (prehistoric and historic) Site	Arrowhead Trail Highway with associated features and refuse scatters that include prehistoric and historic-era artifacts	Determined eligible for the CRHR; portion of resource in project site is non-contributing
P-36-024404	-	Isolate	Single reduction locus of 19 chalcedony flakes	Not eligible for CRHR
P-36-024417	-	Isolate	Rose Spring projectile point	Not eligible for CRHR
-	SWCA-68347-ISO-0016	Isolate	One tertiary chalcedony flake	Not eligible for CRHR
-	SWCA-68347-ISO-0031	Isolate	One secondary chalcedony flake	Not eligible for CRHR
-	SWCA-68347-ISO-0053	Isolate	One chalcedony core and one primary flake	Not eligible for CRHR
-	SWCA-68347-ISO-0054	Isolate	One chalcedony primary flake	Not eligible for CRHR
-	SWCA-68347-ISO-0069	Isolate	Four buffware ceramic sherds (from same vessel)	Not eligible for CRHR

down on the alluvial fan are characterized by Holocene to late Pleistocene gravel- and cobble-rich fan deposits that was formed in high-energy depositional environments where site preservation is unlikely. As a result, these areas also have a relatively low sensitivity for containing intact, buried prehistoric sites.

The distal ends of the alluvial fans found at lower elevations within the project site are composed by finer-grained sediments that date to the late Holocene. These areas, along with Holocene to late Pleistocene eolian and dune deposits, were formed by lower energy depositional processes. Although these geomorphological conditions are more conducive to preserving buried prehistoric sites, the lack of a perennial water source in the immediate area suggests that the project site would not have been considered a highly attractive place for past human use and occupation. Rather, it is expected that prehistoric groups would have been drawn to the springs that were present along the margins of Soda Lake several miles to the east (Honke et al. 2019). In addition to providing a reliable water source, the springs would have fed wetland areas that could have supported diverse and concentrated plant and animal populations. Given these findings, the young alluvial fan deposits, as well as young eolian and dune deposits, are classified as having only a moderate potential to contain intact buried prehistoric archaeological sites that may qualify as TCRs.

3.18.7 Impact Assessment

3.18.7.1 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 3.18.8, Impact Assessment, below.

3.18.7.2 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.

3.18.7.3 Impact Analysis

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 the CEC as lead agency and the appropriate California Native

American tribes. To date, no TCRs have been identified within the project site. A recent SLF search resulted in negative findings. Additionally, results of the inventory identified no prehistoric archaeological resources in the project site or buffer areas that may qualify as TCRs either because 1) they are listed or eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1(k) or 2) they have been 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 available data suggests the project would not have a significant impact on known TCRs. However, the buried site sensitivity analysis indicates that the project site has low to moderate sensitivity for buried prehistoric archaeological resources. Thus, it is possible that construction activities could result in damaging or destroying unknown archeological resources that qualify as TCRs. As outlined in APM CUL-1, a qualified archaeologist would provide cultural resources sensitivity training for construction and operation personnel for awareness and procedures to be enacted in the event of an inadvertent discovery of TCRs. In addition, APM CUL-2 requires development of a Cultural Resources Discovery and Monitoring Plan (CRDMP), which would outline archaeological monitoring, procedures for construction cessation, and provisions for reporting of monitoring and any treatment of resources in a timely manner. In the event that previously unidentified resources are exposed during ground disturbance, the CEC would be contacted immediately, and work in the immediate vicinity of the find would stop until a qualified archaeologist can evaluate the significance of the find according to the CRHR. 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 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.

Operation of the project would not require substantial ground-disturbing activities, such as grading or excavation; thus, it is not anticipated that project operation would encounter any unknown archaeological resources. Therefore, no additional direct or indirect impacts to TCRs following the completion of construction activities.

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

3.18.8 Mitigation Measures

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

3.18.9 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.

3.18.10 Laws, Ordinances, Regulations, and Standards

A summary of applicable federal, state, and local laws, ordinances, regulations, and standards (LORS) is provided in Table 3.18-1.

Table 3.18-1. Laws, Ordinances, Regulations, and Standards

LORS	Requirements/Applicability	Administering Agency	Section Explaining Conformance
Federal			
Section 106 of the NHPA	Issuance of a ROW grant from the BLM.	California Office of Historic Preservation Bureau of Land Management (BLM)	Section 3.18.1.1

LORS	Requirements/Applicability	Administering Agency	Section Explaining Conformance
Archaeological Resources Protection Act	Protects archaeological resources from vandalism and unauthorized collecting on federal land	BLM	Section 3.18.1.1
Native American Graves Protection and Repatriation Act	Assigns ownership of human remains, funerary objects, sacred objects, and items of cultural patrimony on federal land to Native American descendants or culturally affiliated organizations.	BLM	Section 3.18.1.1
State			
Assembly Bill 52	Project construction may encounter tribal cultural resources.	CEC	Section 3.18.1.2
Health and Safety Code Section 7050.5	Construction may encounter Native American graves; coroner calls the Native American Heritage Commission (NAHC).	State of California	Section 3.18.1.2
PRC Section 5097.98	Construction may encounter Native American graves; NAHC assigns Most Likely Descendant.	State of California	Section 3.18.1.2
PRC Section 5097.5/5097.9	Applies to portion of project located on state land (California Department of Transportation [Caltrans] ROW).	State of California	Section 3.18.1.2
Local			
Cultural Resources Element of the San Bernardino County General Plan	Sets policies to protect and preserve tribal cultural resources and historically and archaeologically significant resources.	San Bernardino County	Section 3.18.1.3

3.18.11 References Cited

Bureau of Land Management (BLM)

- 2016 *Soda Mountain Solar Project Proposed Resource Management Plan Amendment (Barstow Field Office)/ Final Environmental Impact Statement. California Desert Conservation Area Plan.* Written for the Barstow Field Office, March 2016. Available at: https://www.blm.gov/sites/default/files/Soda_Mountain_Solar_RMPA_%28California%29_%28March_28%2C_2016%29.pdf. Accessed on December 2, 2024.

Duke, Daron, and Brandon Patterson

- 2009 *Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California.* Far Western Anthropological Research Group, Inc., Desert Branch, Las Vegas, Nevada.

Honke, J. S., J. S. Pigati, J. Wilson, J. Bright, H. L. Goldstein, G. L. Skipp, M. C. Reheis, and J. C. Havens

- 2019 Late Quaternary Paleohydrology of Desert Wetlands and Pluvial Lakes in the Soda Lake Basin, Central Mojave Desert, California. *Quaternary Science Reviews*, Volume 216:89–106.

McCabe, Allen

- 2013 *Cultural Resources Inventory of an Additional 335 Acres for the Soda Mountain Solar Project, San Bernardino County, California.* (Addendum to Duke, Daron C., and Brandon Patterson [2009] *Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California.*) Far Western Anthropological Research Group, Inc., Desert Branch, Las Vegas, Nevada.

San Bernardino County

- 2024 *Countywide Plan, County Policy Plan*, September 2024. Available at https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy

SWCA Environmental Consultants

- 2024 *Addendum – Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report, San Bernardino County, California*, SWCA Environmental Consultants.