

5.4 Cultural, Paleontological and Tribal Resources

5.4.1 Introduction

A Cultural and Paleontological Resources Assessment that evaluates the potential Project-related impacts associated with the East Lake Specific Plan Project was prepared by Duke CRM in February of 2017. The Cultural and Paleontological Assessment identifies and documents previously recorded and/or new or potential future cultural resources including prehistoric, historic archaeological, historic, and tribal cultural resources through intensive-level study of the Project site. Cultural resources and paleontological records searches, field surveys, and research were conducted as part of the analysis. Native American consultation was also completed pursuant to Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52), with letters being sent to tribes on November 14, 2016. The Cultural and Paleontological Assessment and Native American consultation (Appendix G) are summarized in this section.

5.4.1.1 Methodology

Records Searches

On November 4, 2016, a cultural resource records search was conducted at the Eastern Information Center (EIC), located at the University of California, Riverside. The EIC is part of the California Historical Resources Information System (CHRIS). The records search included a review of all recorded historic and prehistoric archaeological sites within one-half mile radius of the Project site, as well as a review of known cultural resource survey and excavation reports. In addition, the California State Historic Property Data File (HPDF), which includes the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI) was examined. The internal archives at Duke CRM were also inspected for relevant background information. On December 8, 2016, the Western Science Center in Hemet performed a records search for paleontological localities in the Project vicinity and within a radius of 1 mile. In addition, the University of California Museum of Paleontology online collections were searched for paleontological localities in Riverside County in deposits similar to those in the Project vicinity.

Field Surveys

A reconnaissance survey was conducted to confirm the locations of known cultural resources within the Project and update their physical condition in this report. No attempt was made to confirm the locations of isolated artifacts as they are not eligible for the California/National Registers and the majority of them had been collected in the course of various prior surveys. An intensive survey was completed for the Roadways (47 acres) and Berm (36 acres) study areas in support of the backbone infrastructure improvements within these Infrastructure Improvement Areas (IIAs). The goal of the intensive survey in these areas was to identify and record all historic built environment resources, and prehistoric/ historic period archaeological resources within the IIAs. Intensive survey transects were spaced 15 meters apart when terrain and vegetation cover allowed. This transect width was deemed appropriate based on previous survey results, ground visibility and the linear nature of the study areas. A Samsung Galaxy S5

with the GeoCam Pro app and field map was used to locate the study area boundaries and to record the UTM locations of identified cultural resources. Any newly discovered sites, isolates, and built-environment resources were documented on State of California Department of Parks and Recreation (DPR) 523 series forms with photographs taken on a Fuji Finepix digital camera.

The intensive survey areas were divided into segments as follows based on the Field Study Area map (see Appendix A of the Cultural and Paleontological Resources Assessment) to allow for more efficient recording. UTM coordinates are provided in the Assessment.

- **Segment 1** is the section of dirt road trending nearly due east-west from the paved end of Malaga Rd to the northwest corner of The Links at Summerly Golf Course fence.
- **Segment 2** is the section of dirt road that trends nearly due north-south following the western boundary of The Links at Summerly Golf Course.
- **Segment 3** follows the “zig-zag” earthen berm from the southwest corner of The Links at Summerly Golf Course trending south west to the shore of the lake.
- **Segment 4** follows the dirt Cereal Road extension that trends north-west from the intersection of Cereal Road and Corydon Avenue to the utility station at the far south-west corner of The Links at Summerly Golf Course.

5.4.2 Existing Conditions

Prehistorical Setting and Ethnography

The prehistory of western Riverside County can best be understood as the meeting ground of the coastal and desert subsistence patterns, or *schemas*, which are broad chronological frameworks for identifying and categorizing artifacts.

Early Holocene (11,600 – 7,600 BP)

Traditional models of the prehistory of California hypothesize that its first inhabitants were the big game hunting Paleoindians who lived at the close of the last ice-age (~11,000 years before present [BP]). As the environment warmed and dried, large Ice Age fauna died out, requiring adaption by groups to survive. The western Great Basin and deserts of southern California were characterized by large pluvial (rainfall-fed) lakes, streams, marshes, and grasslands. The human response to this environment is known as the Western Pluvial Lakes Tradition (WPLT). The WPLT is generally identified by an advanced flaked-stone industry of foliate knives/points, Silver Lake and Lake Mojave points, lanceolate bifaces, and long stemmed points. Other flaked-stone tools include crescents, scrapers, choppers, scraper-planes, hammer stones, cores, drills, and gravers. People of this period hunted diverse populations of smaller animals and collected a wide number of plants from diverse eco-zones. Importantly, this period lacks widespread evidence of milling stones, and, therefore, hard seed processing was likely not widely practiced. Sites are generally found along the shores of former pluvial lakes, marshes, and streams. The desert manifestation of the WPLT is the Lake Mojave Complex, while along the coast the WPLT is seen in the San Dieguito Complex. Along the coast, rising sea levels created bays and estuaries. Following initial settlement along the coast, groups adopted marine subsistence including fish and shellfish. These shell

middens contain flaked cobble tools, metates, manos, discoids, and flexed burials and allowed for a semi sedentary life style. Eventually, shellfish became the primary source of food, while plant gathering, hunting and fishing were less important.

The Paleocoastal Tradition (PCT) has many similarities to the WPLT but it reflects a coastal adaptation. PCT sites are located along bays and estuaries. Subsistence patterns indicate the eating of mollusks, sea mammals, sea birds, and fish in addition to land plants and animals. The argument for a PCT has gained momentum. This is based on a vast amount of recent research that has been conducted along the California coast and the Channel Islands.

Middle Holocene (7,600 – 3,650 BP)

The middle Holocene is a time of change and transition. As conditions continued to warm and dry, lakes and streams in the desert disappeared. This resulted in a shift in subsistence strategies, namely a shift to the gathering of plant seeds, grasses and shellfish along the coast as the primary dietary staple. Fishing and the hunting of smaller animals played a less important role in day to day activity. Large habitations are seen in the inland areas and considerable variability is seen along coastal occupation of southern California. Occupation revolved around seasonal and semi-sedentary movements in coastal Orange and San Diego counties. Trade networks are postulated by researchers that have dated Olivella grooved rectangle shell beads as far north as central Oregon dating to 4900-3500 BP. Characteristics of the middle Holocene sites include ground stone artifacts (manos and metates) used for processing plant material and shellfish, flexed burial beneath rock or milling stone cairns, flaked core or cobble tools, dart points, cogstones, discoids, and crescentics.

Late Holocene (3,650 – 233 BP)

During the late Holocene there was a migration of Takic speakers from the Great Basin into southern California. This intrusion is known as the “Takic Wedge.” Characteristics of the late Holocene include the introduction of the bow and arrow, mortar and pestle, use of ceramics, and a change in mortuary behavior from inhumations to cremations in southern California. This was also a period of climatic fluctuation. Paleoenvironmental data show that periods of drought alternated with cooler and moister periods. This resulted in dynamic regional cultural patterns with considerable local variation.

Local Prehistory

The prehistoric iterations of the Lake (Lake Elsinore) present a nearly unique opportunity to study the prehistoric archaeology of wetlands because within the inland deserts of southern California only a limited number these environments exist. As fresh water is a critical resource, lakes and wetlands have been notable locations of important prehistoric archaeological discoveries. One of these important lake resources is located ½ mile from the Project with prehistoric occupation at the Elsinore site (CA-RIV-2798/H) spanning from the Early to Late Holocene. Site CA-RIV-2798/H is, or is near, the ethnographically documented village or place called *Paiahche*. Central to occupation at the site is the stability of water resources present at the lake while climatic variability was a limiting factor to occupation at other sites which only had rain water. This assertion is based upon the synthesis of

environmental reconstruction data only available at wetlands, lakes or swamps and applied to the recovered archaeological data from the same or nearby location.

Further inland, the Diamond/Domenigoni Valley Study area presents a regional approach to examining questions of Native American settlement. Numerous sites were present within the study area and occupation spanned from the Middle Holocene (7,500 BP) to the Late Prehistoric period. The post Archaic period sites within this study area present a similar pattern of dependency upon water resource availability for settlement location while during previous periods water availability does not appear to be such a determinant factor in site location.

Lacustrine (lake shore) and other alluvial and fluvial environments typically offer rapid (geologically speaking) deposition of soils. As a result, these kinds of environments inhabited by humans in the past can result in deep cultural deposits. While the exact depth of these cultural deposits cannot be known in advance, it is known that there have been 8,500 years in which soil deposition and human habitation co-occurred. A recent DUKE CRM study in nearby Temescal Valley showed that rapid alluvial or fluvial deposition of soils created an environment of excellent preservation of cultural materials, which could potentially be found in the Lake deposits. The scientific and cultural importance of the Lake area is quite unique and presents a rare opportunity to study what is perhaps one of the earliest inhabited areas of inland California in the context of a lacustrine focused settlement pattern.

It is thought that lake level fluctuation would have played a large role in determining where archaeological sites should occur. The recorded sites in the Project vicinity range in elevation between 1240 and 1260 feet above mean sea level (AMSL) and have an average elevation of 1258 feet. For perspective, according to the Elsinore Valley Municipal Water District web site, the lake level in December 2016 was 1233 ft. AMSL, and the flood of 1980 reached 1262 ft. AMSL (2016). A 2006 study of lake bottom sediments was able to show that lake levels in the early Holocene were quite stable with no evidence of desiccation of the lake bed occurring until the late Holocene. This stability of the lake level would have been important in terms of where settlements and campsites would have been placed around the lakeshore. It can be generally characterized that sites that formed at elevations lower than 1240 ft. AMSL during desiccation periods of the lake were most likely formed no earlier than the late Holocene.

Ethnography

The Project is located within the ethnographic territory of the Luiseño. The Luiseño are Takic speakers and are descended from Late Prehistoric populations of the region. Takic is part of the larger Uto-Aztecan language stock which migrated west from the Great Basin. The Luiseño name for the Lake is *Paiaakhche*. The village of *Paiahche* is ethnographically documented immediately north of the lake; however, consultation with the Pechanga Tribe shows that the village was located northwest of the Lake and that the correct spelling is *Páayaxchi*. This name also refers to the Lake itself.

The Luiseño share many similar cultural traits to many other Southern California groups. The Luiseño lived in sedentary and independent village groups, each with specific subsistence territories encompassing hunting, food gathering, and fishing areas. Villages were usually located in valley basins,

along creeks and streams adjacent to mountain ranges where water was available and where the villages would be protected from environmental conditions and potential enemies. Most inland populations had access to fishing and food gathering sites on the coast.

Luiſeño economic and subsistence practices centered upon the seasonal gathering of acorns and seeds; the hunting of deer and small mammals such as rabbits, wood rats, ground squirrels, and birds. Coastal foods included sea mammals, fish and shellfish. Tool technologies were organized around food collection, storage, and preparation strategies, which was reflected in the type, size, and quantity of food items gathered. Stone (lithic) tools included two types: ground stone and flaked stone tools. Ground stone equipment included: mortars, pestles, manos and metate grinding slicks, made from granite, schist, and gneiss. Flaked tools included: bifaces, projectile points, scrapers, and graters, fabricated from siliceous rock such as chert and jasper, microcrystalline chalcedony, obsidian, fine grain igneous rocks such as basalt rhyolite, and andesite, and hard silica such as quartz and quartzite. Utilitarian tools were constructed from wood, animal bones, skins, and/or woven from plant materials depending on need. Hunting activities were conducted both on an individual basis and/or organized into group activities, depending on seasonal factors and the game hunted. Acorns encompassed as much 50 percent of the Luiſeño diet. Acorns provided a reliable and abundant food source that was high in calories and could be easily stored for future use. Acorn collection was a central tenant in the lives of the Luiſeños and dominated their economic and social structure.

Villages were organized around an inherited chief who exerted sole control over the economy, religious rituals, and territorial matters within the village. The chief at times would consult with a council of elders and shamans on matters of religious practices and on environmental conditions affecting village life. Large villages may have had a complex behavioral and political structure due to their territorial size and economic control, while the smaller villages' political complexity was limited by their territorial size.

For the Luiſeño the Lake is an important cosmological center. After becoming sick, *Wuyóot* was taken to the hot springs of Lake Elsinore for their healing qualities. The Luiſeño consider *Wuyóot* a deity in their creation story as he was the first human and a prophet to the *Káamalam*, the First People. The Luiſeño also believe that *Wuyóot* died at the hot springs of Lake Elsinore. The Lake is considered a Traditional Cultural Property to the Luiſeño.

Historical Setting

In California, the historic era is generally divided into three periods: the Spanish or Mission Period (1769 to 1821), the Mexican or Rancho Period (1821 to 1848), and the American Period (1848 to present). The Spanish Period (1769-1821) is represented by exploration of the region; establishment of the San Diego Presidio and missions at San Gabriel and San Luis Rey; and the introduction of livestock, agricultural goods, and European architecture and construction techniques. Early exploration of the Riverside County area began in 1772 when Lieutenant Pedro Fages (then Military Governor of San Diego) crossed through the San Jacinto Valley. Permanent settlement began about the turn of the century through the issuance of land grants and grazing permits, and Spanish influence continued to some extent after 1821 due to the continued implementation of the mission system.

The Mexican Period (1821-1848) began with Mexican independence from Spain and continued until the end of the Mexican-American War. The Secularization Act resulted in the transfer, through land grants (called *ranchos*) of large mission tracts to politically prominent individuals. Sixteen ranchos were granted in Riverside County, the first to Juan Bandini in 1838. The Project is located in what was the *Rancho La Laguna*, also known as *Laguna Grande* and *La Laguna de Temecula*. It was confirmed in 1844 in an official land grant to Julian Manriquez by the Mexican governor of California. The rancho consisted of three leagues that included the lake bed and the shoreline. At that time, cattle ranching was a more substantial business than agricultural activities, and trade in hides and tallow increased during the early portion of this period. Until the Gold Rush of 1849, livestock and horticulture dominated California's economy.

The American Period (1848-present) began with the Treaty of Guadalupe Hidalgo, and in 1850, California was accepted into the Union of the United States primarily due to the population increase created by the Gold Rush of 1849. The cattle industry reached its greatest prosperity during the first years of the American Period. Mexican Period land grants had created large pastoral estates in California, and demand for beef during the Gold Rush led to a cattle boom that lasted from 1849–1855. However, beginning about 1855, the demand for beef began to decline due to imports of sheep from New Mexico and cattle from the Mississippi and Missouri Valleys. When the beef market collapsed, many California ranchers lost their ranchos through foreclosure. A series of disastrous floods in 1861–1862, followed by two years of extreme drought, which continued to some extent until 1876, altered ranching forever in the southern California area.

City of Lake Elsinore

In 1883, Franklin Heald purchased Rancho La Laguna from Don Juan Machado (the son of Augustin Machado) and founded the town of Elsinore, which was named after the famed Danish castle/town from Shakespeare's *Hamlet*. Shortly after its inception and due to its rapid growth, the town of Elsinore became a city on April 9, 1888, located in what was then San Diego County. Riverside County was created in 1893 out of lands formerly part of San Diego and San Bernardino counties, with Elsinore as one of its largest inhabitations. It was not until 1972 that the City changed its name from Elsinore to Lake Elsinore by popular vote.

Previous Cultural Resources Studies

Twelve cultural resource studies have been conducted within ½ mile of the Project site. Five of these studies are within the Project site. Four of the studies are large areal studies conducted for previous iterations of the ELSP. Several small studies are adjacent to the Project site but are not within it. Approximately 95% of the land within the Project has been previously surveyed.

Previous Surveys within Project

Previous surveys of the Project have been conducted in a patchwork fashion dependent on the needs of the various projects as they occurred. The following section details these survey efforts as they relate to the Planning Areas of the proposed Project.

The earliest survey effort was in 1980 (**Report RI-00840**) and covered approximately one third of the project property for the Wastewater Treatment Facility Project. This study covered portions of PA's 1, 2, 3 and 5 of the proposed Project and recorded no cultural resources.

Report RI-01793 details a survey effort in 1984 of approximately 20% of the Project (est. 500 acres) for the Lake Elsinore Management Project in preparation of modifications made to the lake's inflow and outflow channels. This study found no cultural resources within the proposed Project and covered small portions of PA's 5 and 6 of the proposed Project. This study also documented the Lake (Lake Elsinore) (33-011009) as a cultural resource.

Report RI-03333 details a survey effort in 1991 that covered approximately 75% of the proposed Project and details sites 33-004042 and 33-004647 within the Project as well as the recording of several isolated artifacts within the Project. This study was conducted as part of the preparations for construction of the outflow channel.

Report RI-03545 details a survey effort in 1991 and 1992 that covered approximately 75% (2,062 acres) of the proposed Project. Portions of all Planning Areas were included in this survey. One site, 33-004648, is within the proposed Project. This study was conducted as part of the East Lake Specific Plan and also documents a number of isolates within the Project.

Report RI-07882 details a survey effort in 2005 that covered 303 acres of the 706-acre Summerly Project. The survey covered small portions of Planning Areas 1, 2 and 4 of the proposed Project. This study recorded no cultural resources within the proposed Project.

When combined, the entirety of the proposed Project has been surveyed at various times in the past for various Projects, the most recent survey to the proposed Project was conducted in 2005, approximately 12 years ago. Current methodology dictates that if a property has not been surveyed in five-ten years, that a new survey be conducted. This methodology has become standard due to changes in the environment (erosion, earth moving activity) that may expose cultural resources where none were previously recorded.

Cultural Resources Records Search Results

There are thirty cultural resources mapped within ½ mile of the Project. Of these thirty resources, twenty are prehistoric, nine are historic and one is a Traditional Cultural Property (TCP), Lake Elsinore (the Lake) itself. Twenty-two resources are within the Project. Of these twenty-two, there are two multicomponent sites (containing both historic and prehistoric components), one TCP, four historic sites, two prehistoric sites, and there are twelve prehistoric isolates and one historic isolate.

One resource directly adjacent to the Project, 33-004042, is considered potentially eligible for the California and National Registers. In 1991 Greenwood and Associates recommended nomination of the Lake Elsinore region and specifically the eastern portion of the Lake and its surroundings, as an archaeological district based on the number and types of sites in the region; however, this nomination has not been undertaken and is beyond the scope of this Project. The thirteen isolated artifacts are not

eligible for the National or California Registers due to their limited data potential. See Table 5.4-1 for a summary of the cultural resources within ½ mile of the Project.

Table 5.4-1. Cultural Resources within 1/2 Mile of the Project Boundary

Primary No.	Brief Description	NRHP/CRHR Eligible	Proximity to Project Area
33-004042	Prehistoric Lithic gathering and reduction site	Potentially Eligible	Immediately adjacent to Project.
33-004646	Multicomponent site, Bedrock Milling Feature, Historic refuse scatter	No	Within Project
33-004647	Prehistoric sparse lithic scatter	No	Within Project
33-004648	Prehistoric lithic scatter	No-Partial	Within Project
33-007840H	Historic Concrete Footings with Refuse Scatter	No	Within Project
33-014803	Historic Skylark Airport	No	Within Project
33-008021	Multicomponent site with glass refuse and lithic artifacts	No	Within Project
33-008801	Historic Refuse Scatter	No	Within Project
33-008914	Prehistoric Isolate- Groundstone Fragment	No	Within Project
33-008915	Prehistoric Isolate- Two Lithic Flakes	No	Within Project
33-008916	Prehistoric Isolate- Two Lithic Flakes	No	Within Project
33-11009	Lake Elsinore	Yes	Within Project
33-014804	Historic Irrigation Weir/ Standpipe	No	Within Project
33-15064	Prehistoric Isolate- Lithic Flake	No	Within Project
33-015068	Prehistoric Isolate- Lithic Flake	No	Within Project
33-015069	Prehistoric Isolate- Lithic Flake	No	Within Project
33-015073	Prehistoric Isolate- Lithic Flake	No	Within Project
33-015943	Prehistoric Isolate- Lithic Flake	No	Within Project
33-015944	Prehistoric Isolate- Groundstone Fragment	No	Within Project
33-015945	Historic Isolate- Bottle Neck Fragment	No	Within Project

Primary No.	Brief Description	NRHP/CRHR Eligible	Proximity to Project Area
33-015946	Prehistoric Isolate- Chert Projectile Point	No	Within Project
33-015947	Prehistoric Isolate- 1 Lithic Flake, 1 Quartz Projectile Point	No	Within Project
33-016821	Prehistoric Isolate- Metate Fragment	No	Within Project
33-006148	Unknown	Unknown	.50 mile
33-005048	Prehistoric Large Diffuse Lithic Scatter	No	.125 mile
33-002765	Prehistoric Site with Bedrock Mortars, Milling Slicks and Cupules	Unknown	.25 mile
33-002798	Prehistoric Lithic Scatter/ possible village site	Eligible	.50 mile
33-008236	Unknown	Unknown	.125 mile
33-008917	Prehistoric Isolate- Mano Fragment	No	.50 mile
33-008918	Prehistoric Isolate- Biface Fragment	No	.50 mile
33-012320	Historic Concrete Walls and Refuse Scatter	Not Evaluated	.125 mile
33-006176	Historic Pump House Structure and Refuse Scatter	Not Evaluated	Adjacent

Cultural Resources within the Project

Site 33-004648

Originally recorded in 1991, site 33-004648 is described as a prehistoric lithic scatter with four areas of concentrated artifacts on the surface. Subsurface testing was performed on the northern portion of the site in 2007 in conjunction with the proposed Back Basin Project. The northern portion of the site was determined to be not eligible for the National or California Registers. The southern portion of the site was not tested as it was outside the 2007 Project area. A review of site maps and historic aerial images (Historicaerials.com 2016) indicates the southern portion of the site may still exist adjacent to the southern edge of the outflow channel. This site is within Planning Area 6 of the Project.

33-11009: Lake Elsinore

As the largest natural lake in Southern California, Lake Elsinore was called “Laguna Grande” during the Rancho Period. It was known as *Paiakhche* by the Native Americans and features heavily in their creation beliefs. The village of *Paiakhche* is ethnographically documented immediately north of the lake by Kroeber (1925), however consultation with the Pechanga Tribe shows that the village was located northwest of the Lake and that the correct spelling is *Páayaxchi*. This name also refers to the Lake itself. The lake and associated hot springs also figure heavily in the establishment of the City of Lake Elsinore

as a health resort area. Periodic flooding and drying of the lake has affected the way the lakeshore environment has been utilized culturally by people for millennia. The Lake is considered eligible for listing on the California and National Registers; it is a natural feature with historic significance as well as a TCP for the Luiseño people.

Nearby Sites of Importance

Site 33-002798/H

The Elsinore Site is a National Register eligible site on the north side of the lake outlet channel and may have a connection to the prehistoric resources within the Project area. While not within the Project, this site is linked with, and extremely important to the context of resources within the Project boundary. Site 33-002798/H was investigated beginning in 1984 and test excavations were performed in 1987. The historic component of the site was the site of the Hotel Lakeview, and was evaluated as not eligible for the National Register. Major excavations were undertaken in 1993 as part of the Army Corps of Engineers flood control Project that enlarged the outflow channel. Prehistoric cultural material was found to a depth of 2.6 meters. The cultural material excavated from the site included human remains along with artifacts that indicate a wide range of behaviors and activities at the site. In 1997 the doctoral thesis of Don Grenda explored the site in intimate detail. His excavation and analysis of the site reveals that the site was inhabited at least 8,500 years ago, and contained a nearly complete record of continuous occupation up to the late Holocene era in a stratified context.

Site 33-004042

This site was recorded in 1990 and is described as a lithic resource gathering and reduction site. The investigation suggested it is contemporaneous with site 33-002798/H. Over 100 artifacts were collected from the surface including 85 lithic flakes, hammerstones, cores, and groundstone fragments of food processing tools. The 1991 evaluation recommended subsurface testing prior to development of the property to gather the data necessary to properly evaluate the site (Greenwood and Associates 1991). The site was recommended potentially eligible for the National Register as part of an archaeological district comprising three other sites along the shores of Lake Elsinore (CA-RIV-4043, CA-RIV-4044/H, and CA-RIV-4045), pending a formal archaeological excavation to evaluate the site for National Register eligibility. This site is immediately adjacent to a mitigation/ conservation area of the Project and no impacts to this site are anticipated.

Lake Elsinore Downtown Historic District

The northwest corner of the Project boundary abuts the Lake Elsinore Downtown Historic District. This District is a local district and is considered a historical resource under CEQA; however, it is outside the Project area.

Paleontological Records Search Results

A review of the geologic map of the Project area shows that the geologic units underlying the Project area are composed of three general types (Figure 5.4-1 Paleontological Sensitivity Map). The lowlands that contain the majority of the area are very young lacustrine and wash deposits (Ql, Qw) of the Holocene Epoch (11,700 years ago to today), the hills in the northern edge of the Project are alluvial fan

and valley deposits (*Qyf*, *Qyv*) of the Pleistocene (2.5 million years to 11,700 years ago) and Holocene Epochs, and the hills in the southern edge are an unnamed member of the Pauba sandstone(*Qpfs*), which ranges from late Miocene (23 to 5.3 million years ago) to Pliocene (5.3 to 2.5 million years ago) in age. The records search by the Western Science Center did not reveal and fossil localities in the Project area or within a radius of 1 mile, but did document fossil localities in similarly aged alluvial fan and valley deposits, including the Diamond Valley Lake Local Fauna, and fossils recovered from the Harveston II Project. The Diamond Valley Lake Local Fauna has produced over 100,000 fossil specimens, representing over 105 taxa of mammals, reptiles, invertebrates, and plants. The search of the University of California Museum of Paleontology online collections also revealed multiple fossil localities of Pleistocene-age mammals in Riverside county, including horse, mammoth, sloth, deer, pronghorn, turtle, and rodent. The unnamed member of the Pauba Formation (*Qpfs*) in the southern edge of the Project is also fossiliferous, with at least three mammalian faunas having been documented within the formation. The Pauba Formation is only locally exposed within the Elsinore Valley, so fossil localities from this formation represent unique local faunas. The County of Riverside considers the Pleistocene-age alluvial fan and valley deposits in the north, and the unnamed sandstone member of the Pauba Formation in the south, to both be of high sensitivity at the surface, while the Holocene lacustrine and wash deposits are assigned a low sensitivity (Figure 5.4-1 Paleontological Sensitivity Map). However, deposits of low sensitivity can transition into older deposits of higher sensitivity at depth. The records search from the Western Science Center assigned a high paleontological sensitivity to the Holocene lacustrine and wash deposits as well, due to the potential for high sensitivity deposits at depth.

Field Survey Results

The field survey was conducted on December 19 and 20, 2016. Survey of Segments 1, 2, and 3 were conducted on December 19, 2016. Segment 4 was surveyed December 20, 2016. Topography along the dirt roads of segments 1, 2, and 4 was relatively flat and easily accessible. Segment 3, the berm, is characterized by a raised earthen berm flanked on either side by troughs or trenches from which the berm soils were removed.

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Figure 5: Paleontological Sensitivity Map
East Lake Specific Plan and EIR



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The survey began with the attempt to relocate sites 33-007840H, 33-008801 and 33-008021. After these site visits, pedestrian survey of Segment 1 followed. At the end of Segment 1, a site visit to 33-004648 was conducted. Pedestrian survey of Segment 2 followed. Segment 3 was surveyed next and the day's survey was concluded. December 20, 2016 began with the attempt to relocate site 33-004646 and moved to the starting point of Segment 4. In the course of surveying segment 4, site 33-007840H was visited as well. The site visit results follow:

- The location of **Site 33-004042** was confirmed. The site was evidenced on the surface by a quartzite discoidal, a unifacially flaked blade of unknown material, and at least three quartz crystal flakes which are the waste material from tool making. The site boundary could not be reassessed due to surficial ground disturbance from disking. The discoidal artifact is broadly temporally diagnostic. Wallace attributed discoidal artifacts to the Early Millingstone Horizon (8500-4000 BP) while others place it into the Middle Holocene (7600-3650 BP). That the site has a surface manifestation after being surface collected in 1991 is a strong indication that this site may contain subsurface deposits.
- **Site 33-004646** had no access. It could not be visited.
- **Site 33-004647** could not be visited due to lack of access to The Links at Summerly Golf Course property. This site was not located in 2005 during grading and has most likely been destroyed.
- **Site 33-004648** was either completely removed by the construction of the outflow channel or the southern portion of the site could not be re-identified due to thick vegetation or fill soils.
- **Site 33-007840H** could not be found, possibly due to grading performed on the river terrace.
- **Site 33-014803** the Skylark Airport, remains largely unchanged from the previous survey in 2005. The airport is still in use, occupied by Skydive Elsinore.
- **Site 33-008021** was not found. This site had been surface collected during previous Project testing. Subsurface component may remain despite site testing conducted in 2007 by Gallegos and Associates.
- **Site 33-008801** was found. Unfortunately, disking activity and modern refuse dumping have obscured the limits of the site.
- **Site 33-014804** could not be found, probably due to construction.

An intensive survey was conducted along Segments 1, 2, 3, and 4 of the IIAs described above in the Methodology section.

The *Segment 1 Pedestrian Survey* followed the dirt extension of Malaga road to the north-west corner of The Links at Summerly Golf Course property. Terrain was predominantly flat except where flood control Projects and other construction had altered the topography. Vegetation consisted mainly of scrub Juniper and non-native grasses. Ground visibility was excellent at 90%. Soils were sandy with 5% gravel inclusions and 1% bivalve shell fragments dispersed throughout, indicating the area had been part of the lake bottom in the past. Gravels were comprised of granites, basalts, quartzite and shales.

For this segment one transect was walked 15 meters north of the road, and one directly on the road. No cultural resources were discovered in this segment.

The *Segment 2 Pedestrian Survey* followed the dirt road trending north-west to south-east along the western boundary of The Links at Summerly Golf Course. Two transects were completed on this segment, one 15 meters west of the road, and one on the road itself. Terrain was flat except where flood control Projects and other construction had altered the topography. Vegetation differed from Segment 1 and consisted mainly of scrub Juniper and non-native grasses with the addition of scrub Willow trees. Ground visibility was excellent at 90%. Soils remained sandy with 5% gravel inclusions and 1% bivalve shell fragments dispersed throughout, indicating the area had been part of the lake bottom in the past. Soils in approximately 30% of the segment contained large amounts of gravels (50%) and an increase in bivalve shell frequency to approximately 5%. A quartz flake artifact was located during the first transect of the segment in one of the areas of increased gravels and shell. The artifact was flagged and transects for the remainder of the segment were finished before recording of the artifact began. Upon returning to the artifact location, intensive survey of the surrounding area took place in concentric rings around the artifact spaced 2 meters apart. This intensive survey located an additional 14 artifacts. The discovered assemblage consists of a granite groundstone (mano) fragment, one modified flake tool, and twelve lithic reduction flakes. Two artifacts, the mano fragment and the flake tool, may be functionally diagnostic. Two chert flakes appear not to be locally obtained. The rest of the lithic assemblage may be of geologically local materials. The site has been given the temporary designation C-0180-001 and is recorded on California DPR forms for filing at the Eastern Information Center, UC Riverside. This resource is located in Planning Area 6.

The *Segment 3 Pedestrian Survey* was conducted along the earthen berm that “zig-zags” through the Project area trending north-west to south-east through the Project. The berm is approximately six to twelve feet high on average for its entire length. It is flanked on both sides by troughs or trenches created by the moving of earth to create the berm. The soils of the berm are sandy and in some areas, show nodular rocks apparently imported as fill. Vegetation along the berm in general is considerably thicker than other locations in the study area. Particularly along the top of the berm, lengthy stands of scrub juniper and willow were impassible, making lengthy transects impossible. In other areas, the ground visibility was excellent (90%). Approximately 30% of the trough or trench areas have been recently worked on, evidenced by heavy equipment tracks, freshly disturbed earth, and lack of vegetation. 30% of the trough areas were impassible due to vegetation. No cultural resources were observed along this segment of the survey.

The *Segment 4 Pedestrian Survey* was conducted on December 20, 2016. This segment is the unpaved extension of Cereal Road that runs alongside the Skylark Airport and runway. Also included in this segment is a 1300 ft. by 250 ft. section of grassy area between the runway and the unpaved road. One section of survey measuring approximately 375 ft. NE-SW and 240 ft. NW-SE immediately west of the airport buildings was covered in sod and ground visibility was zero. The remainder of the segment had excellent ground visibility over 90% of the area. Vegetation remained the same as segments 1 and 2 of the survey. Soils in this segment were noticeably sandier and lacking the gravels of the previous segments. This segment also differed from the others in that it hosts two modern utility substations/buildings as well as subsurface drain pipes and other utilities. There are three locations that have small concrete pads and utility access pipes. There is an above ground water pipeline that starts at

UTM 470783mE/3722642mN and runs to UTM 470464mE/ 3722879mN where it goes subsurface quite near the utility station building at UTM 470430mE/3722913mN. None of these utility features appear to be historic in age. No cultural resources were observed during the survey of this segment.

C-0180-001

While the surface assemblage of C-0180-001 may be small, it contains at least two functionally diagnostic artifacts (the mano fragment and the flake tool) as well as two varieties of chert tool stone that are presumed to be of non-local origin. This could be an indicator that the site was more intensively used than the surface finds would suggest based on the activities represented by the artifacts. In other environments, this type of site might be characterized as a temporary camp or resource procurement site. As a part of the land use, settlement and subsistence patterns of a unique natural lakeshore environment, however, this site may present a critical link in the data concerning past inhabitants and their lifeways especially if chronologically diagnostic material or artifacts can be located in a primary subsurface context. Residing at 1258 ft. AMSL, the site location is within the same elevation zone as the rest of the sites ringing the lakeshore. The site is located in Planning Area 6 of the Project.

33-004648

The location of this site was visited on December 19, 2016. Open areas of ground adjacent to the berm to the north were investigated. This area appears to have been excavated to build the berm. The flat area south of this trench is mostly densely covered with scrub willow to the extent that ground visibility is only approximately 5%. The foot-paths and other open areas were investigated. No cultural resources were relocated.

As one of the only natural lakes in California still extant and with the demonstrated long history of human occupation, the Lake offers a unique opportunity to study prehistoric adaptations to a lacustrine environment. As such the isolated artifacts found around the lake shore are indicators of past shorelines of the Lake. The isolates represent an opportunity to examine human settlement, resource procurement, social organization and cultural adaptations to the environment on a time scale not seen in other regions of California.

5.4.3 Regulatory Context

5.4.3.1 Federal

The National Historic Preservation Act (NHPA) of 1966

The NHPA, as amended from time to time, is the primary set of Federal laws governing projects that may affect cultural resources. Section 106 of the National Historic Preservation Act requires that all Federal agencies review and evaluate how their actions or undertakings may affect historic properties. Historic properties may include those that are already listed in National Registers or that have not yet been reviewed and considered. The regulations implementing Section 106 are codified in the Code of Federal Regulations, Title 36, Chapter VIII, Part 800 (36 CFR Part 800).

To determine whether an undertaking may affect National Register of Historic Places (NRHP) - eligible properties, cultural resources (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP. The criteria applied to evaluate the significance of cultural resources are defined, as follows:

- The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 - That are associated with events that have made a significant contribution to the broad patterns of our history; or,
 - That are associated with the lives of persons significant in our past; or,
 - That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
 - That has yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for listing in the NRHP. However, such properties will be considered eligible if, as codified in 36 CFR Part 800.4(d)(2), there are historic properties that may be affected by a Federal undertaking. The agency official shall assess adverse effects, if any, in accordance with the *Criteria of Adverse Effect* (36 CFR 800.5 (a)(1)). In general, an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP. Adverse effects include, but are not limited to: 1) physical destruction, damage, alterations not consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68); 2) removal, neglect, or change of setting; or, 3) the introduction of visual, atmospheric; or, 4) audible elements that diminish the integrity of the property's significant historic features.

Native American Graves Protection and Repatriation Act (NAGPRA)

Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq. requires Federal agencies to consult with the appropriate Native American Tribes prior to the intentional excavation of human remains and funerary objects. The regulations establish a process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated.

Paleontological Resources Preservation Act of 2009 (PRPA)

The Paleontological Resources Preservation Act of 2009 (Public Law 111-11, Title VI, Subtitle D), that was enacted in March 2009 as part of the Omnibus Public Land Management Act of 2009, directs the Secretaries of the Interior and Agriculture to implement a comprehensive paleontological resource management program on Federal lands. The Paleontological Resources Preservation Act (PRPA) requires

the agencies to: 1) promulgate regulations as soon as practical; 2) develop plans for fossil inventories, monitoring, and scientific and educational use; 3) manage and protect paleontological resources on Federal land using scientific principles and expertise; 4) establish a program to increase public awareness about the significance of paleontological resources; 5) allow casual collection of common invertebrate and plant fossils on BLM, Forest Service and Bureau of Reclamation lands where consistent with the laws governing those lands; 6) manage fossil collection via specific permitting requirements; 7) curate collected fossils in accordance with the Act's requirements; 8) implement the Act's criminal and civil enforcement, penalty, reward and forfeiture provisions; and, 9) protect information about the nature and specific location of fossils where warranted. The Act authorizes appropriations necessary to carry out these requirements. Property that achieved significance within the past 50 years is of exceptional importance.

5.4.3.2 State

The California Register of Historic Resources (Public Resources Code Section 5020 et. seq.)

The California Register of Historical Resources (Public Resources Code Section 5024.1) is an authoritative guide to identifying the State's historical resources. It establishes a list of those properties that are to be protected from substantial adverse change. A historical resource may be listed in the California Register if it meets any of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or,
- It is associated with the lives of persons important in California's past; or,
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value; or,
- It has yielded or is likely to yield information important in prehistory or history. The Register includes properties that are listed or have been formally determined to be eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resources surveys conducted in accordance with State Historic Resources Commission and the Office of Historic Preservation procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.

California Public Resources Code, Sections 21083.2 and 21084.1

State law (California Public Resources Code, Sections 21083.2 and 21084.1) seeks to protect cultural resources through implementation of CEQA. Section 21083.2 directs the Lead Agency to determine whether the project may have a significant effect on unique archaeological resources. If the Lead Agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. This section also states that if it can be demonstrated that a project will cause damage to a unique archaeological resource, the Lead

Agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Mitigation is required if unique archaeological resources are not preserved in place or not left in an undisturbed state. Section 21084.1 directs the Lead Agency to determine whether the project may have a significant effect on historical resources, irrespective of the fact that these historical resources may not be listed or determined to be eligible for listing in the California Register of Historic Resources, a local register of historical resources, or they are not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1. Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Historical resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or otherwise deemed significant pursuant to California Public Resources Code Section 5020.1 are presumed to be historically or culturally significant; unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed or determined to be eligible for listing does not preclude a Lead Agency from determining whether the resource may be an historical resource for purposes of Section 21084.1.

California Health and Safety Code (HSC) Sections 7050.5, 7051, 5052 and 7054

These sections of the Health and Safety Code collectively address the illegality of interference with human burial remains, as well as the disposition of Native America burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

California Public Resources Code Section 5097.98 and Section 15064.5(e)

These sections of the Public Resources Code address the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. They require that excavation activities be stopped whenever human remains are uncovered and that the County coroner be called in to assess the remains. If the County coroner determines that the remains are those of Native Americans, the coroner must contact the Native American Heritage Commission within 24 hours. At that time, the NAHC shall identify the person or persons most likely to be descended (“most likely descendent”) from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of dealing with the human remains. This section also states that a Lead Agency should make provisions for historical or unique archaeological resources accidentally discovered during construction.

Senate Bill 18 (SB 18)

Senate Bill 18 (SB 18), that went into effect on January 1, 2005, 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. The purpose of involving tribes at these early planning stages

is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005. The following list briefly identifies the contact and notification responsibilities of local governments, in sequential order of their occurrence.

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code §65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code §65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local governments must send notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code §65092). Pursuant to the requirements of SB 18, a "Local Government Tribal Consultation List Request" was sent to the Native American Heritage Commission (NAHC) on October 4, 2016. A "Native American Tribal Consultation List" from the NAHC was received on November 10, 2016. Pursuant to the provisions of SB 18, on November 14, 2016 the City of Lake Elsinore mailed letters to the tribal contacts provided by the NAHC inviting the applicable tribes to participate in consultation regarding the proposed project in accordance with the requirements of SB 18. Those Tribes requesting SB 18 consultation by letter were the Soboba Band of Luiseño Indians and the Pechanga Band of Luiseño Indians. Consultation was initiated with both tribes, with the City of Lake Elsinore meeting with each tribe and providing each with copies of the Cultural and Paleontological Assessment and draft mitigation measures. After thoughtful consideration of all comments received from each Tribe, revised mitigation measures were prepared and provided to the Tribes for additional review and comment. Both tribes requested that the SB 18 consultation continue through the conclusion of the CEQA process.

Assembly Bill 52 (Public Resources Code § 21080.3.1)

AB 52 requires consultation with California Native American tribes before the release of any environmental document, including EIRs. The lead agency (City of Lake Elsinore) must consult with a tribe within the geographical area of the project if the tribe (1) requested the lead agency to inform it of proposed projects within its area, and (2) the tribe responds within 30 days of receiving notification and requests consultation. During consultation, the parties may discuss possible mitigation measures to avoid or lessen the impact on tribal cultural resources, if present. To protect the resource, any

information submitted by a tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed to the public. The consultation process concludes when the parties agree to mitigation measures or when one of the parties, acting in good faith, concludes that mutual agreement cannot be reached. When the consultation process has been concluded, the lead agency may then certify any environmental documents. In the absence of consultation, the lead agency may certify environmental documents if (1) the tribe was informed of the project but never requested consultation; or (2) the tribe requested but never engaged in consultation. Pursuant to the provisions of AB 52, on November 14, 2016 the City of Lake Elsinore mailed letters to the tribal contacts provided by the six tribes that requested such notification in accordance with the requirements of AB 52. Those Tribes requesting AB 52 consultation by letter were the Soboba Band of Luiseño Indians and the Pechanga Band of Luiseño Indians. Consultation was initiated with both tribes, with the City of Lake Elsinore meeting with each tribe and providing each with copies of the draft Cultural and Paleontological Assessment and draft mitigation measures. After thoughtful consideration of all comments received from each Tribe, revised mitigation measures were prepared and provided to the Tribes for additional review and comment. The City of Lake Elsinore concluded AB 52 consultation with the Tribes on April 11, 2017.

California Public Resources Code Section 5097.5 and Section 30244

Public Resources Code Section 5097.5 prohibits “knowing and willful” excavation upon, removal, destruction, injury, and defacement of any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site situated on public lands (lands under State, County, City, District, or public authority ownership or jurisdiction, or the ownership or jurisdiction of a public corporation), except where the agency with jurisdiction has granted express permission. Section 30244 requires reasonable mitigation for impacts on archaeological or paleontological resources that occur as a result of development on public lands.

California Code of Regulations, Title 14, Division 3, Chapter 1, Sections 4307–4309

The California Code of Regulations affords protection to geologic and paleontological features and objects of archaeological or historical interest or value, but allows the Department of Parks and Recreation to grant permits for specific activities that may result in damage to such resources. (California Code of Regulations Sections 4306–4309).

5.4.3.3 Local

Riverside County Historical Commission – County Historic Landmark Program

The power to identify and advise the County Board of Supervisors of Riverside County (Board) concerning historical matters is assigned to the Riverside County Historical Commission (Commission) by Resolution No. 2005-345. The Commission was established by Board Resolution on May 6, 1968. The resolution of 1968 was amended on March 15, 1971, May 4, 1982 (Resolution 82-131), and September 13, 2005 (Resolution 2005-345). The Commission operates under established Bylaws approved by the Board on September 13, 2005. Pursuant to the County resolution establishing the County Historical Commission, its purpose is to “advise the Board of Supervisors in historic matters of the County of

Riverside; to discover and identify persons, events and places of historical importance within Riverside County; to make recommendation relating to the preservation of historic sites and structures...” Pursuant to this charge, the Commission established criteria and procedures to identify and recognize Historic Landmarks in Riverside County. Such identification and recognition does not convey any regulatory authority to the Commission over properties assigned landmark status. The Commission has adopted Riverside County Historic Landmark criteria and procedures (2008) that outline the criteria for historic landmark designation and the procedures for application and review.

City of Lake Elsinore Municipal Code - Title 17, Chapter 17.40

Title 17, Chapter 17.40 of the Lake Elsinore Municipal Code establishes a Historic Downtown Elsinore Overlay District that is comprised of the majority of the historic core of the City of Lake Elsinore. The district encompasses approximately 486 acres and is generally bounded to the north by Interstate 15 Freeway and Collier Avenue, to the south by Lakeshore Drive, the east by Conklin Avenue and Rupard Street and to the west by Chaney Street. The purpose of the Historic Downtown Elsinore Overlay District is to establish standards to ensure that future development in the historic core of the City is compatible with the character of the existing historic downtown and to provide a framework for new construction and the renovation of buildings that already exist.

City of Lake Elsinore General Plan

The City of Lake Elsinore General Plan addresses Cultural Resources in Chapter 2.0 (Community Form, Section 2.3 - Land Use), Chapter 4.0 (Resource Protection and Preservation, Section 4.6 - Cultural and Paleontological Resources, Section 4.7 - Historic Preservation). The intent of the General Plan goals and policies pertaining to cultural resources is in part to ensure that development in the City and its Sphere of Influence (SOI) respects the integrity and public value of archaeological resources and important historical resources, as well as preventing removal or other significant impacts on paleontological resources. A detailed analysis of the proposed Project’s consistency with the General Plan related to Cultural Resources is provided in Section 5.4.6, below.

5.4.4 Thresholds of Significance

According to the 2017 CEQA Guidelines, Appendix G, a project may be deemed to have a significant effect on the environment if it is likely to:

Threshold CUL-A *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*

Applicable Thresholds:

National Register of Historic Places. Eligibility for inclusion in the National Register is determined by applying the criteria established by the National Park Service under the National Historic Preservation Act (NHPA; 36 CFR 60.4), as follows:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and

objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of significant persons in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded or may be likely to yield, information important in history or prehistory.

California Register of Historical Resources. The California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

Eligibility for inclusion in the CR is determined by applying the following criteria:

- a. it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or
- b. it is associated with the lives of persons important in California's past; or
- c. it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value; or
- d. it has yielded or is likely to yield information important in prehistory or history.

Threshold CUL-B *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.*

Threshold CUL-C *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Threshold CUL-D *Disturb any human remains, including those interred outside of formal cemeteries.*

Threshold CUL-E *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, cultural landscape that is geographically defined in terms of the size and scope of*

the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a. 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*
- 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 Section 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.*

5.4.5 Evaluation of Potential Impacts

5.4.5.1 Short-Term Construction Impacts

There would be no short-term construction impacts related to cultural and paleontological resources as proposed Project site alterations would result only in potential long-term impacts.

5.4.5.2 Long-Term Construction Impacts

Threshold CUL-A	<i>Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.</i>
Threshold CUL-B	<i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.</i>
Threshold CUL-D	<i>Disturb any human remains, including those interred outside of formal cemeteries.</i>
Threshold CUL-E	<p><i>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, 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></p> <ul style="list-style-type: none"> <i>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 section 5020.1(k), or</i> <i>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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1,</i>

the lead agency shall consider the significance of the resource to a California Native American tribe.

The quantity of known cultural resources and their mapped locations suggest intensive prehistoric occupation along past manifestations of the Lake shoreline. Given that the most recent field surveys within the project are approximately 12 years old it is likely that there are cultural resources that have not been identified due to changing environmental conditions. The intensive survey of the IIAs conducted in support of the proposed Project identified a newly discovered archaeological site. This underscores the need to do updated field surveys of the entire Project to better understand the number and types of cultural resources within the Project. Further, the Lake and its immediate surroundings are considered a Traditional Cultural Property to the Luiseños and is likely a TCR under CEQA. The following cultural resources are considered potentially eligible for the California Register and should be either avoided or subject to mitigation that would include formal evaluation/excavation for the California Register: 33-11009, 33-004648 (southern portion) and C-0180-001. If a site is determined eligible for the California Register, preservation in place is recommended. If preservation in place is not possible or practical, data recovery and/or additional mitigation may be necessary. Mitigation shall be determined in consultation with a qualified archaeologist and Native Americans. The entire Project is considered to have a cultural resource sensitivity of High.

The City recognizes that the location of the Project within a TCP/TCR would constitute a potentially significant impact; however, a minimum of 770 acres within the Project site will be set aside for biological resources preservation, consistent with the MSHCP. These areas would also preserve in perpetuity large portions of this TCP/TCR. In addition, mitigation measures **MM CUL-1** through **MM CUL-12** would provide for additional surveys, monitoring during construction activities and treatment of any found resources *to ensure that impacts are less than significant*.

Impact CUL-1 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a historical or archeological resource.*

Impact CUL-2 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a tribal cultural resource.*

Impact CUL-3 *A potentially significant impact would occur if future development within the Project site were to impact local native plant species of importance to the Pechanga Band of Luiseño Indians and/or the Soboba Band of Luiseño Indians.*

Impact CUL-4 *A potentially significant impact would occur if construction activities were to uncover human remains.*

Threshold CUL-C *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Both the Pleistocene-age alluvial fan and valley deposits in the north, and the unnamed sandstone member of the Pauba Formation in the south, have a high sensitivity for paleontological resources. The Holocene lacustrine and wash deposits have a low sensitivity at the surface, but may transition into deposits of higher sensitivity at depth. However, Planning Area 7 and Planning Area 8, and the very northeast corner of Planning Area 1, are located on alluvial fan and valley deposits with a high sensitivity for paleontological resources. Planning Area 3 and Planning Area 4, and the very southeast corner of Planning Area 5, is the Pauba Formation, which also has a high sensitivity for paleontological resources. Planning Areas 2, Planning Area 6, and the majority of Planning Area 1 and Planning Area 5 are on younger deposits with low paleontological sensitivity, but may transition into older, high sensitivity deposits at depth (Figure 5.4-1 Paleontological Sensitivity Map). Any fossil resources encountered in the project area would be potentially significant, as the Pleistocene-age alluvial fan and valley deposits and the Pauba Formation are only locally exposed within the Elsinore Valley, and would likely represent a unique local fauna. In fact, the majority of fossil resources recovered in the Pauba Formation in the Elsinore Valley have been recovered during paleontological mitigation and salvage. Fossil deposits encountered in the project area would qualify as a “unique paleontological resource or site” as defined by CEQA (Appendix G, Environmental Checklist Form, Section V, Cultural Resources). If unique or important fossil resources are encountered during excavation activities, this would result in a potentially significant impact under CEQA. Mitigation measure MM CUL-12, below, would **ensure that impacts are less than significant**.

Impact CUL-5 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a paleontological resource.*

5.4.6 General Plan Consistency Impacts

The following table analyzes the consistency of the Project with the goals and policies of the City’s General Plan as they apply to Cultural/Paleontological Resources and Historic Preservation.

Table 5.4-2. Cultural/Paleontological Resources and Historic Preservation Consistency Analysis

Goal/Policy #	Goal/Policy Text	Consistency Analysis
4.6.8	CULTURAL AND PALEONTOLOGICAL RESOURCES GOALS AND POLICIES	
Goal RP 6	Preserve, protect, and promote the cultural heritage of the City and surrounding region for the education and enjoyment of all City residents and visitors, as well as for the advancement of historical and archeological knowledge.	CONSISTENT. Development in the Project site is subject to the provisions of CEQA. The EIR for this Project includes a Cultural and Paleontological Resources Assessment prepared by Duke CRM, January 2017, which evaluated potential impacts to historical and cultural resources in the

Goal/Policy #	Goal/Policy Text	Consistency Analysis
		Project area. In accordance with the Assessment's findings, the City adopted mitigation measures that preserve, protect and promote the City's cultural heritage in an appropriate manner.
RP 6.1	Encourage the preservation of significant archaeological, historical, and other cultural resources located within the City.	CONSISTENT. See the Response to Goal RP-6.
RP 6.2	The City shall consult with the appropriate Native American tribes for projects identified under SB 18 (Traditional Tribal Cultural Places).	CONSISTENT. SB 18 applies to all specific plans and specific plan amendments. In accordance with the City's procedures, the City has notified Native American tribes as directed by SB 18, as well as in accordance with AB 52 requirements. The City has consulted with those tribes that have requested consultation.
RP 6.3	When significant cultural/archeological sites or artifacts are discovered on a site, coordination with professional archeologists, relevant state and, if applicable, federal agencies, and the appropriate Native American tribes regarding preservation of sites or professional retrieval and preservation of artifacts or by other means of protection, prior to development of the site shall be required. Because ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices, developers shall waive any and all claims to ownership and agree to return all Native American ceremonial items and items of cultural patrimony that may be found on a project site to the appropriate tribe for treatment. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California	CONSISTENT. Development projects within the Project site shall be conditioned to comply with this policy.

Goal/Policy #	Goal/Policy Text	Consistency Analysis
	Public Records Act.	
RP 6.4	If archeological excavations are recommended on a project site, the City shall require that all such investigations include Native American consultation, which shall occur prior to project approval.	CONSISTENT. Development projects within the Project site shall be conditioned to comply with this policy.
Goal RP 7	Support state-of-the-art research designs and analytical approaches to archeological and cultural resource investigations while also acknowledging the traditional knowledge and experience of the Native American tribes regarding Native American culture.	CONSISTENT. The Cultural and Paleontological Resources Assessment completed for the Project site by Duke CRM, January 2017, used the latest investigation and analysis techniques consistent with City policies.
RP 7.1	Consult with California Native American tribes prior to decision-making processes for the purpose of preserving cultural places located on land within the City's jurisdiction that may be affected by the proposed plan. In accordance with State or Federal requirements.	CONSISTENT. The City consulted with the applicable California Native American tribes who requested consultation consistent with Senate Bill 18 and Assembly Bill 52. These consultations occurred prior to approval of ELSPA No. 11.
RP 7.2	Continue to identify, document, evaluate, designate, and preserve the cultural resources in the City.	CONSISTENT. See response to Goal RP 6.
RP 7.4	Support the permanent curation of archaeological artifact collections by universities or museums or appropriate tribal facilities.	CONSISTENT. Development projects within the Project site shall be conditioned to comply with this policy.
Goal RP 8	Preserve paleontological resources occurring within the City.	CONSISTENT. Potential impacts to paleontological resources are evaluated in the Project's EIR. A cultural and paleontological report has been prepared, which does not identify paleontological localities in the Project area or within a radius of one mile. Nevertheless, mitigation measures incorporated in the EIR would be applied to the Project to protect

Goal/Policy #	Goal/Policy Text	Consistency Analysis
		paleontological resources should they be found during construction.
RP 8.1	For development in areas delineated as “High” or “Undetermined” potential sensitivity for paleontological resources, require the project applicant to hire a certified paleontologist, who must perform a literature search and/or survey and apply the relevant treatment for the site as recommended by the Society for Vertebrate Paleontology.	CONSISTENT. Potential impacts to paleontological resources are examined in the Project’s EIR and cultural and paleontological report. A cultural and paleontological report has been prepared by a certified archaeologist, who has performed a literature search and survey. Appropriate mitigation measures have been set forth in the EIR.
4.7.3	HISTORICAL PRESERVATION GOALS AND POLICIES	
RP 9.1	Require the developer to obtain a professional, qualified historian to conduct a literature search and/or survey for any project that entails demolition or modification of an existing structure that may be of historical value in relation to the City’s cultural heritage.	CONSISTENT. Potential impacts to archeological, historical, and other cultural resources are examined in the Project’s EIR and cultural and paleontological report.

Based on the analysis provided in Table 5.4-2, ***the Project is consistent with the General Plan and no additional mitigation is required.***

5.4.7 Cumulative Impacts

Cumulative impacts related to cultural resources are addressed in the General Plan EIR which is incorporated by reference into this EIR, and summarized as follows:

The General Plan EIR concluded that with implementation of the General Plan’s goals, policies and implementation programs, compliance with regulatory requirements, and implementation of mitigation measures as described therein, any potential cumulative impacts related to historical, cultural and paleontological resources would be mitigated to a less-than-significant level.

As discussed in the General Plan EIR, of the large areas of undeveloped land within the General Plan boundary and the surrounding region, the archaeological database is relatively incomplete. Therefore, resources discovered in the area are likely to have a fair amount of information potential and are often deemed significant and subject to mitigation that would lead to the preservation of the sites themselves and their related information potential. The potential of cumulative loss of information related to

regionally occurring archaeological resources would be a significant impact; however, federal regulations such as the National Historic Preservation Act and State regulations such as CEQA and Senate Bill 18 provide substantial guidance for identifying significant cultural and historical resources. If a cultural resource is considered significant under CEQA, mitigation is required to address any impacts on the resource. These existing state and federal regulations in place that require identification of significant resources and mitigation for impacts on those resources that must be complied with for all future development projects. Compliance of future development projects with these regulations would minimize cumulative impacts on those resources. The General Plan includes policies under Cultural Resources Goal 5 affirming the City's intent to prevent the loss of cultural resources. This policy ensures the proper identification and treatment of cultural resources, thereby avoiding contribution to any cumulative impact on archaeological resources.

Areas of paleontological sensitivity throughout the County have been delineated by the Riverside County General Plan, including areas within the General Plan boundary as well as the Project site. Areas identified as "high" or "undetermined" may contain important paleontological resources; therefore, technical analysis by a qualified paleontologist is required in these areas, ensuring the proper identification and treatment of resources. The City's GPU policies under Cultural Resources Goal 7 reflect the City's participation in this program, which would ensure any contribution to the cumulative loss of paleontological resources is less than significant.

Since all local jurisdictions, including the City of Lake Elsinore, are subject to the regulatory requirements described in Section 3.2 of the General Plan EIR, including CEQA, the National Historic Preservation Act of 1966 and Senate Bill 18, potential cumulative impacts to cultural and paleontological resources should not occur.

Cumulative development associated with the proposed Project may result in increased cumulative impacts upon cultural resources, in combination with other anticipated future development within the City of Lake Elsinore and SOI. These potential impacts can be mitigated on a project-by-project basis by requiring site-specific archaeological surveys, and appropriate mitigation when determined necessary, of known cultural, paleontological and tribal resources, and on sites where the potential for occurrence of such resources is high.

Compliance of future developments projects, with existing State and Federal regulations and mitigation measures **MM CUL-1** through **MM CUL-12**, would minimize cumulative impacts on those resources not yet found. Also, the City's GP Policy under Cultural Resources affirm the City's intent in preventing loss of cultural resources and would ensure proper identification, treatment, and preservation of such resources. The County and City identify areas as 'High' or 'undetermined' in the delineation and programs that ensure any contribution to the cumulative loss of paleontological resources is less than significant.

With the local jurisdictions, including the City of Lake Elsinore and the County of Riverside, compliance with CEQA, the National Historic Preservation Act (NHPA) of 1966 and Assembly Bill 52, potential cumulative impacts to cultural and paleontological resources should not occur. Therefore, with the City's

goals, policies and implementation programs and compliance with regulatory requirements, any potential cumulative impacts related to historical, cultural and paleontological resources **would be mitigated to a less than significant level and no additional mitigation is required.**

5.4.8 Impacts and Mitigation Measures

Impact CUL-1 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a historical or archeological resource.*

MM CUL-1 Prior to implementation of each implementing development project that shall occur in undisturbed native soils, an archaeological survey shall be conducted by a qualified archaeologist to document site conditions and any identified cultural resources. A survey shall not be required where ground disturbance is limited to invasive plant species removal or planting of native plant species, without the use of heavy equipment (e.g. scrapers or excavators), for enhancement or preservation of those sites or where documentation shows that prior disturbance greater than nine (9) feet in depth has occurred. Examples of adequate documentation include “As-Built”, geotechnical reports, or similar documents reviewed by the Project’s archeologist and provided to the City with the grading permit application. Previous archeological surveys may be utilized provided they are no more than five years old at the time of submitting the grading permit application (survey age requirement based on period of time where site conditions and/or survey methodologies may have substantially changed; thus, warranting a new survey).

If any site is confirmed to meet the eligibility criteria in Section 15064.5(a) (3) (A–D) in the State CEQA guidelines, consultation between the City of Lake Elsinore, the developer, the project archeologist, and the Pechanga Band of Luiseño Indians (Pechanga Band) and Soboba Band of Luiseño Indians (Soboba Band) will be initiated in order to determine specific disposition in compliance with Section 15126.4(b)(3) of the State CEQA Guidelines.

MM CUL-2 Cultural sites CA-RIV- 4648 and C-0180-001 located within Planning Area 6 are considered eligible for California Register of Historic Resources and should be avoided and preserved in place. If an implementing development project proposes to impact these resources, consultation between the City of Lake Elsinore, the developer, the project archeologist, and the Pechanga Band and Soboba Band will be initiated in order to determine whether in-place preservation, re-location and/or re-burial may be necessary. As well as to determine appropriate mitigation in compliance with Section 15126.4(b)(3) of the State CEQA Guidelines.

MM CUL-3 Prior to issuance of grading permits for an implementing development project, a qualified archaeologist shall be retained to monitor all ground-disturbing activities.

Previously disturbed soils or those areas where ground disturbance is limited to invasive plant species removal or planting of native plant species for enhancement or preservation of those sites, per MM CUL-1, shall not require archaeological monitoring.

Impact CUL-2 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a tribal cultural resource.*

MM CUL-4 Prior to the issuance of grading permit(s) and any earthmoving activities in those areas of the East Lake Specific Plan including off site project improvement areas, that require monitoring as described in MM CUL-3, the implementing development Project applicant shall retain a qualified professional archaeologist and qualified Luiseño Native American monitors from the Pechanga Band and the Soboba Band to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.

MM CUL-5 At least 30 days prior to issuance of a grading permit for an implementing development project proposing work within undisturbed native soils, the Project Applicant shall contact both the Pechanga Band and the Soboba Band to notify each Tribe of grading; to provide a pre-grade report; and to coordinate with each Tribe to develop a Cultural Resources Treatment and Monitoring Agreement (Agreement). The Agreement shall address the treatment of known and discovered cultural resources, the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and other ground disturbing activities within undisturbed native soils; project grading and development scheduling; terms of compensation for the monitors; and, treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The Agreement shall incorporate the provisions set forth in MM CUL-7 and MM CUL-11. Ground disturbing activities within previously disturbed soils as described under measure MM CUL-1 may not require notification, monitoring or an Agreement, subject to verification by a qualified archaeologist, the Tribe(s), and the City.

MM CUL-6 Prior to issuance of any grading permit, the implementing development Project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation. A pre-grading report shall not be required in previously disturbed soils or those areas where ground disturbance is limited to invasive plant species removal or planting of native plant species for enhancement or preservation of those sites, per MM CUL-1. If a pre-grading report is required, report methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Agreement required in MM CUL-5, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the designated tribal monitor(s) assigned to the project by the Luiseño Tribe(s) in order to evaluate the significance of any archaeological resources discovered on the property. Tribal monitors

shall be allowed to monitor all grading, excavation and ground breaking activities, and shall have the authority to stop and redirect grading activities in the immediate area of the find in order to evaluate the find and determine the appropriate next steps. Such evaluation shall include culturally appropriate temporary and permanent treatment pursuant to the Agreement, which may include avoidance of cultural resources, in-place preservation and/or reburial on the project property in an area that will not be subject to future disturbances for preservation in perpetuity. The reburial of any cultural resources shall occur at a location to be determined between the landowner and the Pechanga band and Soboba Band, the details of which will be addressed in the Agreement(s).

MM CUL-7 All artifacts discovered at the development site shall be inventoried and analyzed by the professional archaeologist and the Native American monitor(s) per the policies and procedures set forth in the Agreement required in MM CUL-5 for the implementing development project. In the event that archaeological resources and/or tribal cultural resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area and will be monitored by additional monitors if needed. The significance of tribal cultural resources shall be evaluated in accordance with the provisions of CEQA and shall consider the tribal values, religious beliefs, customs, and practices of the Luiseño tribes. All items found in association with Native American human remains shall be considered grave goods or sacred in origin and subject to special handling.

The landowner shall relinquish ownership of all cultural resources, including all archaeological artifacts and non-human remains that cannot be avoided or relocated at the Project site. Native American artifacts that cannot be avoided or relocated at the Project site shall be prepared in a manner for curation. These cultural resources shall be prepared in a manner for curation and the archaeological consultant shall deliver the materials to a qualified repository in Riverside County that meets federal standards per 36 CFR Part 79, and which shall be made available to all qualified researchers and tribal representatives. The collections and associated records shall be transferred, including title, to said curation facility to be accompanied by any payment of fees necessary for permanent curation. If more than one Native American Tribe or Band is involved with the project and cannot come to an agreement as to the disposition of Native American cultural resources, the resources shall be curated at the Western Science Center by default.

MM CUL-8 All sacred sites, should they be encountered within the Project site, shall be avoided and preserved as the mitigation, if feasible.

MM CUL-9 If inadvertent discoveries of subsurface archaeological/tribal cultural resources are discovered during grading, the Developer, the Project archaeologist, and the Pechanga Band and the Soboba Band (Tribes) shall consult regarding the nature and significance of such discovered resources. The qualified archeologist, with assistance from the Tribes, shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources. In accordance with Section 15064.5 of the CEQA Guidelines, such measures may include but are not limited to avoidance, excavation of the finds, collection, evaluation of the materials, additional testing, relocation, and curation. Potentially significant prehistoric archaeological and Tribal Cultural Resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area must be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria, in consultation with the Tribes. If the Developer and the Tribes cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Community Development Director (CDD) for decision. The CDD shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribes. Notwithstanding any other rights available under the law, the decision of the CDD shall be final.

Impact CUL-3 *A potentially significant impact would occur if future development within the Project site were to impact local native plant species of importance to the Pechanga Band of Luiseño Indians and/or the Soboba Band of Luiseño Indians.*

MM CUL-10 Implementing development projects that are required to plant vegetation in onsite or offsite biological mitigation areas within the East Lake Specific Plan boundary by their CEQA or regulatory approvals shall incorporate local native plant species of importance to the Pechanga Band and Soboba Band within the planting palette of the preservation area, including but not limited to California sagebrush (*Artemisia californica*), white sage (*Salvia apiana*), laurel sumac (*Malosma laurina*), California buckwheat (*Eriogonum fasciculatum*), and/or coast prickly pear (*Opuntia littoralis*). Specific plant species and coverage shall be determined by the project biologist, landscape contractor or other qualified person approved by the City on a case-by case basis based on field conditions, soil types and hydrology to ensure plant survival.

Impact CUL-4 *A potentially significant impact would occur if construction activities were to uncover human remains.*

MM CUL-11 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Subsequently, the Native American Heritage Commission shall identify the person or persons it believes to be the “most likely descendant.” The most likely descendant may then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

Impact CUL-5 *A potentially significant impact would occur if construction activities, specifically earthmoving activities such as grading and excavation, uncover a paleontological resource.*

MM CUL-12 Prior to the issuance of grading permits for each implementing development project that shall result in any ground disturbance within undisturbed native soils in highly sensitive paleontological areas (shown on 5.4-1 Paleontological Sensitivity Map of the Cultural and Paleontological Assessment as Ha) in Planning Area 7, Planning Area 8, and the very northeast corner of Planning Area 1, Planning Area 3, Planning Area 4, and the very southeast corner of Planning Area 5, a qualified paleontologist shall be retained to prepare a Paleontological Resources Survey of the Project site to determine the site-specific potential of finding paleontological resources within the Project site. If the approved Paleontological Resources Survey determines that it is unlikely that paleontological resources will be uncovered by earth-moving activities, grading and construction activities may proceed, subject to compliance with MM CUL-1 through MM CUL-11. However, if the approved Paleontological Resources Survey determines that it is likely that paleontological resources will be uncovered during earth-moving activities, a qualified paleontologist shall be retained to develop a Paleontological Resources Monitoring and Treatment Plan (PRMTP) for approval by the Community Development Director. Following Community Development Director approval of the PRMTP, grading and construction activities may proceed in compliance with the provisions of the approved PRMTP.

The PRMTP shall include the following measures:

- a. Identification of those locations within the Project site where paleontological resources are likely to be uncovered during grading.
- b. A monitoring program specifying the procedures for the monitoring of grading activities by a qualified paleontologist.
- c. Deep ground disturbance (8 feet b.g.s. or deeper) within undisturbed native soils in low to highly sensitive paleontological areas at-depth (shown on Figure

5.4-1 Paleontological Sensitivity Map as L or Hb) in Planning Area 2, Planning Area 6, or the remaining areas of Planning Area 1 and Planning Area 5 should be monitored part-time. Monitoring shall not be required where ground disturbance is limited to invasive plant species removal or planting of native plant species, without the use of heavy equipment (e.g. scrapers or excavators), for preservation of those sites or where documentation shows that prior disturbance greater than nine (9) feet in depth has occurred. Examples of adequate documentation include “As-Built”, geotechnical reports, or similar documents reviewed by the Project’s paleontologist and provided to the City with the grading permit application. Due to the small size of many of the fossil resources documented from nearby localities, any paleontological monitoring shall include regular collection and screening of sediment samples. The monitor shall work under the direct supervision of a qualified paleontologist (B.S. /B.A. in geology and/or paleontology with demonstrated competence in research, fieldwork, reporting, and curation).

- d. If fossil remains large enough to be seen are uncovered by earth-moving activities, a qualified paleontologist or qualified designee shall temporarily divert earth-moving activities around the fossil site until the remains have been evaluated for significance and, if appropriate, have been recovered; and, the paleontologist or qualified designee allows earth-moving activities to proceed through the site. If potentially significant resources are encountered, a letter of notification shall be provided in a timely manner to the Community Development Director, in addition to the report (described below) that is filed at completion of grading.
- e. If a qualified paleontologist or qualified designee is not present when fossil remains are uncovered by earth-moving activities, these activities shall be stopped and a qualified paleontologist or qualified designee shall be called to the site immediately to evaluate the significance of the fossil remains.
- f. At a qualified paleontologist’s or qualified designee’s discretion and to reduce any construction delay, a construction worker shall assist in removing fossiliferous rock samples to an adjacent location for temporary stockpiling pending eventual transport to a laboratory facility for processing.
- g. A qualified paleontologist or qualified designee shall collect all significant identifiable fossil remains. All fossil sites shall be plotted on a topographic map of the Project site.
- h. If the qualified paleontologist or qualified designee determines that insufficient fossil remains have been found after fifty percent of earthmoving activities have been completed, monitoring can be reduced or discontinued.
- i. Any significant fossil remains recovered in the field as a result of monitoring or by processing rock samples shall be prepared, identified, catalogued, curated, and accessioned into the fossil collections of the San Bernardino County Museum, or another museum repository complying with the Society of

- Vertebrate Paleontology standard guidelines. Accompanying specimen and site data, notes, maps, and photographs also shall be archived at the repository.
- j. Within 6 months following completion of the above tasks or prior to the issuance of occupancy permits, whichever comes first, a qualified paleontologist or qualified designee shall prepare a final report summarizing the results of the mitigation program and presenting an inventory and describing the scientific significance of any fossil remains accessioned into the museum repository. The report shall be submitted to the Community Development Department – Planning Division and the museum repository. The report shall comply with the Society of Vertebrate Paleontology standard guidelines for assessing and mitigating impacts on paleontological resources.

5.4.9 Level of Significance after Mitigation

With implementation of mitigation measures **MM CUL-1** through **MM CUL-12**, potential impacts to cultural resources (historical, archeological, paleontological, and tribal cultural) resulting from excavation and grading activities at the Project site would be reduced to less than significant levels.