

3.8 Cultural Resources

The information in this section is based on the following technical reports:

- *Archaeological Survey Report* (LSA Associates, Inc. 2008)
- *Extended Phase I Survey Report* (LSA Associates, Inc. 2008)
- *Historic Resource Evaluation Report* (LSA Associates, Inc. 2008)
- *Preliminary Determinations of Eligibility and Findings of Effect* (LSA Associates, Inc., 2008)

3.8.1 Regulatory Setting

“Cultural resources” as used in this document refers to all historical and archaeological resources, regardless of significance. Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act of 1966, as amended, (NHPA) sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). On January 1, 2004, a Section 106 Programmatic Agreement (PA) between the Advisory Council, Federal Highways Administration (FHWA), SHPO, and Caltrans went into effect for Caltrans projects, both state and local, with FHWA involvement. The PA implements the Advisory Council’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans.

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties. See Appendix B for specific information regarding Section 4(f).

Historical resources are considered under the California Environmental Quality Act (CEQA), as well as California Public Resources Code (PRC) Section 5024.1, which established the California Register of Historical Resources. PRC Section 5024 requires state agencies to identify and protect state-owned resources that meet

National Register listing criteria. It further specifically requires the Department to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with SHPO before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

3.8.2 Affected Environment

A records search, pedestrian survey, test excavations, and Native American consultation were conducted to identify prehistoric and historical cultural resources that may be eligible for listing in the National Register and California Register of Historical Resources (California Register). All studies were completed in accordance with Section 106 of the NHPA and CEQA. As such, this project is designed to meet the requirements of reporting archaeological investigations as required under both CEQA and 36 CFR 800 of the NHPA.

The area of potential effects (APE) for the MCP project defines the geographic area within which the proposed project has the potential to directly or indirectly affect historic properties, if such properties exist. The APE boundary is the maximum extent of all direct and indirect project impacts. The APE was mapped based on the maximum disturbance limits anticipated for MCP Alternatives 4, 5, 6, 7, and 9 combined.

The direct APE is based on the horizontal and vertical extent of anticipated ground-disturbing activities and contains approximately 2,065 hectares (ha) (5,100 acres [ac]). The indirect APE refers to effects of the project on cultural resources in the surrounding environment. Indirect effects may extend beyond the project's footprint to encompass visual, audible, or atmospheric intrusions; shadow effects; vibrations from construction activities; or change in access or use.

Delineation of the APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects. Consistent with Caltrans policy, the APE for this project was established as the area of direct impact, within which all permanent and temporary project impacts would occur, as well as additional areas to account for potential indirect effects. The area of direct impact became the direct APE to be used for archaeological studies. The direct APE was expanded to include additional areas to account for potential indirect effects such as those listed above.

Therefore, the limits of the indirect APE vary according to the nature of the resource and indirect impact being considered.

If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to PRC Section 5097.98 and California Code of Regulations Section 15064.5 if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the District Environmental Branch Chief or the District Native American Coordinator (Gwyn Alcock, 909/383-4045) so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

3.8.2.1 Eligible Cultural Resources within the Area of Potential Effects

Pursuant to 36 CFR 800.4(b)(2) and 800.5(a)(3) and Section XII of the PA that allow for phasing the identification, evaluation, determination of eligibility (DOE) and FOE processes, FHWA applied the phased identification and evaluation of National Register resources. The “phased” approach can be applied to projects where alternatives consist of corridors or large land areas where access is limited. It allows agencies, with FHWA approval, to defer the evaluation of certain archaeological sites until after circulation of the Draft Environmental Document (DED), when the alternatives are refined or access is gained.

On May 23, 2007, FHWA, State Historic Preservation Office (SHPO), Caltrans, and RCTC met to discuss applying the “phased” approach to the MCP project. The approach was finalized between the agencies in letters from FHWA dated August 13, 2007, and SHPO dated June 27, 2008. This correspondence and other documentation regarding the “phased” approach that has been applied to the MCP project can be found in Appendix J. The information in this section is based on the *Preliminary Determinations of Eligibility and Findings of Effect* (Preliminary DOE/FOE) (LSA, 2008). The Preliminary DOE/FOE is a result of the May 23, 2007, meeting and is a streamlining tool that presents a preliminary, yet valid, DOE and FOE for all of the

cultural resources located in the proposed Alternative 9; it is also the basis for the findings presented in the Draft EIR/EIS. There is a commitment from the FHWA, Caltrans, and RCTC that further documentation fulfilling all requirements of both Section 106 of the NHPA and CEQA for Alternative 9 will be completed in order to meet the requirements for the Final EIR/EIS and Record of Decision. The Preliminary DOE/FOE was submitted by FHWA to the SHPO on August 1, 2008. The SHPO concurred on the Preliminary DOE/FOE on August 28, 2008 (See Appendix J for a copy of this letter).

For this Draft EIR/EIS, only those cultural resources affected by the Locally Preferred Alternative (Alternative 9 TWS DV) are being evaluated, with the exception of historic properties that qualify as Section 4(f) properties, which are being evaluated for all of the project alternatives. CEQA and PRC Section 5024 require state agencies to identify and preserve state-owned historical resources that are eligible for the National Register.

Identification efforts were made for cultural resources on all MCP Build Alternatives. These efforts included, research, field survey, and consultation with Indian Tribes and historic groups. However, under the Section 106 “phased” approach, only archaeological resources within the Alternative 9 TWS DV underwent Phase II excavation to determine eligibility for listing in the National Register. Built environment properties were evaluated for all project alternatives. The level of effort accomplished for the Alternative 9 TWS DV and all other MCP Build Alternatives is adequate for the purposes of Section 106 and CEQA and ensures that no state-owned historical resources are located within the APE that are eligible for the National Register. CEQA does not require that alternatives to the project (the Locally Preferred Alternative) be analyzed at the same level of detail as the project itself; therefore, the phased approach for Section 106 compliance also satisfies the requirements of CEQA.

Six cultural resources within the MCP APE were identified as potentially eligible for inclusion in both the National and California Registers. Four of these are in Alternative 9 TWS DV. Three other sites were identified as being within the APE of Alternative 9 TWS DV but will be protected by designation as Environmentally Sensitive Areas (ESAs) to be fenced off, avoided, and monitored during construction. Two historic resources were determined to be eligible as historical resources for the purposes of CEQA only, but they are outside the APE of Alternative 9 TWS DV (please refer to Chapter 4 for further details on the CEQA Evaluation of these two

resources). Table 3.8.A lists 11 cultural resources within Alternative 9, as well as those resources not in Alternative 9 but that were evaluated for the purposes of Section 4(f). As previously noted, the built environment (nonprehistoric archaeological resources) was evaluated for all alternatives. A discussion of each resource follows.

Table 3.8.A Eligible Cultural Resources in the Area of Potential Effects

Resources Determined Significant	Section 4(f) Property	Significant under NEPA/CEQA	Alternatives
P-33-1512, Prehistoric Quarry Site	No	NEPA/CEQA	9
P-33-1649, Prehistoric Quarry, ESA	No	Assumed Eligible ¹ /Avoided	9
P-33-1650/33-16687, Prehistoric Quarry Site	No	NEPA/CEQA	9
P-33-4759/H, Cajalco Tin Mine District	Yes	NEPA/CEQA	1B, 6, and 7
P-33-7640, C.B. Bullock House	No	CEQA	4 and 6
P-33-12230, Prehistoric Habitation Site, ESA	No	Assumed Eligible ¹ /Avoided	9
P-33-13791, Prehistoric Village Site	Yes	NEPA/CEQA	4, 5, 6, and 7
P-33-16598, Multi-use Prehistoric Site	Yes	NEPA/CEQA	1B, 4, 5, 6, 7, and 9
P-33-16679, Multi-use Prehistoric Site	No	NEPA/CEQA	9
LSA-JCV531-S-207, ESA	No	Assumed Eligible ¹ /Avoided	9
CBJ (Burrows) Dairy	No	CEQA	1B, 4, 5, 6, 7, and 9

¹ Stipulation VIII.C.3 of the *Programmatic Agreement Among the Federal Highway Administration, and the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA) provides that archaeological sites protected by ESAs established and enforced in accordance with Attachment 5 of the PA may, for the purposes of this specific undertaking, be considered eligible under NEPA and CEQA without subsurface excavation and/or surface collection. Sites that are assumed eligible have the same status for the purposes of this document as the NEPA and/or CEQA eligible properties listed above.

CEQA = California Environmental Quality Act

ESA = Environmentally Sensitive Area

NEPA = National Environmental Policy Act

National Register/California Register Eligible Resources

P-33-1512

The site contains numerous fine-grained porphyritic monzogranite (igneous) quarry source outcrops with thousands of flaked stone artifacts and debitage. Well over half of this site is outside of the APE, and only the portion of the site located within the APE was tested in order to avoid unnecessary disturbance to other areas of the site. The area within the APE on average measures approximately 200 meters (m) (656

feet [ft]) from southwest to northeast by 100 m (328 ft) northwest to southeast. The site is disturbed by a four-wheel-drive dirt road that begins at the top of the hill in the northern portion of the site and runs roughly southwest through the site. The road has visibly displaced boulder outcrops and artifacts on the site. This road appears to have been recently used, and all-terrain vehicle traffic in the area is a consistent problem. The road connects with a major dirt road that runs roughly east to west near the southernmost portion of the site; this east-west road has been graded, and this activity has destroyed some of the site integrity in the southern portion of the site. Sparse modern trash is recorded on the surface of the site, including glass, plastic, and shotgun casings.

The site is a good example of prehistoric quarrying activities for the region. Although there are numerous quarry sites in western Riverside County, Site P-33-1512 stands out as unique from this group of quarry sites due to its differing source material and the presence of biface preforms, scraper planes, and utilized flakes that were all found on the site surface, suggesting that there was more than just raw material procurement occurring at the site. Research questions relating to site structure and function can be addressed for P-33-1512.

Based on the findings of the Preliminary DOE/FOE, the site has yielded data to help address specific research issues and still has the potential to yield further data; therefore, it was determined to be eligible for the National and California Registers under Criterion D/4 and is considered a historic property under the NHPA.

P-33-1650/P-33-16687

Site P-33-1650/P-33-16687 is a quarry site with two loci containing flakes, cores, hammerstones, and quartzite source outcrops. Locus 33-1650 encompasses approximately 6,000 square meters (m²) and was originally recorded as an individual site previous to the MCP project (Desautels 1980). In 2005, during the MCP Phase I survey, Site P-33-16687 was identified approximately 40 m (130 ft) east of P-33-1650. It was found to be nearly identical in size to the previously recorded site. The two sites were combined into one site with two loci, thereby creating a very large quarry site.

While the physical integrity of Site P-33-1650/P-33-16687 has been compromised from erosional factors such as the exfoliation of source outcrops, which have erased some of the signatures of past quarrying activities, and the deflation of the soils within the site area, the site soils still contain a density of subsurface deposit, most of

which is found in the first 20 centimeters (cm) (8 inches [in]) of soils below the surface. Bioturbation from small animals is noted across the surface and subsurface of the site and impairs the site condition, although not enough to preclude the site from conveying important information regarding prehistoric quarrying behaviors. A representative sample of the site features and lithic reduction scatters from the site has been tested, and the data yielded from this work appear to contribute to an evaluation of site eligibility for the National and California Registers under Criterion D/4. A larger sample of lithic material from the site is required to ensure that the research topics, particularly on-site function, are properly addressed. Site P-33-1650/P-33-16687 was determined to be eligible for the National and California Registers and that it be considered a historic property under the NHPA.

P-33-4759/H (CA-RIV-4759/H), the Cajalco Tin Mine District

The Cajalco Tin Mine District is a historic mining district composed primarily of land on which the Temescal Tin Mine is located. The district consists of “an expansive square mile distribution of vertical and inclined shafts, adits, trenches, tailings piles, exploratory excavations, a network of roads, and historical trash deposits surrounding a [45-acre] main mining complex next to the prominent Cajalco Hill” (Selverston 1997). Although no standing structures remain, the mine still retains elements of operations dating from the Civil War era. At the height of activity, the Cajalco Tin Mine was dense with buildings and mining excavation.

The current survey relocated parts of the District as well as the main mining complex and mapped and photographed an additional two trenches not included in the original District boundary. These trenches were included within the boundary of the main mining complex. The District now encompasses an area of approximately 228 ha (563 ac), while the main mining complex encompasses an area of approximately 10 ha (26 ac). The Cajalco Tin Mine District is located within the current MCP APE, but is not located in the proposed right of way for Alternative 9 TWS DV.

The Cajalco Tin Mine District has been evaluated in previous studies and has been determined to be eligible for the National and California Registers under Criteria A/1, C/3, and D/4. It is a designated California Point of Historical Interest (1968) and is listed in the State Historic Resources Inventory with an Office of Historic Preservation status code of 7L, indicating that the designation needs to be re-evaluated using current standards. An undated State Historic Resources Inventory form assigned it an Office of Historic Preservation status code of 5S, indicating it is individually significant at the local level. Finally, this site was resurveyed in 1997 and

assigned a status code of 3S on the site record, indicating the Cajalco Tin Mine remains recommended as eligible for the National Register as an individual property through survey evaluation. This Office of Historic Preservation status code does not yet appear in the Directory of Historic Properties. The Cajalco Tin Mine was shown to be at least 100 years old, and the remaining features and deposits appear to retain sufficient integrity to provide important information (Selverston et al. 1997:25).

P-33-13791 (CA-RIV-7843)

This site is a complex village site and consists of numerous bedrock milling stations, a quartz quarry, possible rockshelters, lithic manufacture areas, and traditional cultural properties that include at least two cupule rocks. The current site boundary encompasses approximately 2 square kilometers (km²) (494 ac), contains a wide variety of activity areas, and has a total of 52 loci including 48 previously recorded sites.

Three of these previously recorded sites (P-33-816, P-33-817, and P-33-818) are now considered loci of this site and are located within the current MCP direct APE, but not in Locally Preferred Alternative 9 TWS DV. Specific descriptions of these loci are as follows:

- **Locus 33-816.** This locus is a habitation locus and a Traditional Cultural Property. The locus measures 173 × 119 m (570 × 390 ft) and contains 2 cupule rocks, as well as 19 other outcrops with 81 milling slicks and mortars. The cupule rocks contain 99 and 31 cupules, respectively. Additionally, the locus contains midden and surface artifacts, including two flake tools and a small scatter of flakes. Phase II testing was not conducted at this locus, as it is not in Locally Preferred Alternative 9 TWS DV.
- **Locus 33-817.** This locus is a habitation locus that contains 29 milling slicks on 15 granitic outcrops, and 1 milky quartz flake. Additionally, dark sediment exists in a small protected area amid several large granitic boulders, which are thought to make up a possible rock shelter. A historical component to this locus was also recorded. It consists of scattered refuse such as bottle glass fragments, two of which contain maker's marks dating 1920–1960, and three separate United States Geological Survey Benchmarks dating 1931, 1950, and 1960. Both aspects of the historical component are considered exempt from evaluation under the PA (Attachment 4, Properties Exempt from Evaluation). The benchmarks are considered exempt, as they are isolated historic monuments that fall under Property Type 1, minor, ubiquitous, or fragmentary infrastructure elements.

Although these benchmarks are more than 50 years old, they are not potentially important and do not contribute to the significance of a larger historic property such as a district or landscape. The scattered refuse is also exempt from evaluation, as it is an isolated refuse scatter that lacks specific associations with a primary resource (Attachment 4, Properties Exempt from Evaluation).

Disturbance to the locus includes several dirt roads, disking, and modern trash. Observed sediment is decomposing granitic material. Surface artifact density is negligible since there are only 11 surface artifacts at this locus, which has an area of approximately 7,320 m². Phase II testing was not conducted at this locus, as it is not in the Locally Preferred Alternative 9 TWS DV.

- **Locus 33-818.** This locus is a prehistoric milling station with artifacts that measures 129 × 83 m (423 × 272 ft). The main concentration of the locus contains 26 milling slicks on 11 granitic boulders, a small lithic scatter consisting of 10 flakes of green metasedimentary (felsite) and milky quartz material, and a small artifact scatter that contains one battered cobble and four pieces of metavolcanic debitage. Artifacts were found in subsurface soils during MCP Extended Phase I Survey Report (XPI) excavations within locus boundaries. An additional two milling outcrops that contain a total of 3 milling slicks on 2 granitic boulders, and no surface artifacts, are located directly south of this locus. Construction of a private residence has removed several previously recorded milling features. The ground surface has been extensively graded, and modern debris associated with the production of clay fountains and garden statuary is scattered across the site. Site sediment is decomposing granitic material. Artifact density is a maximum of 3 items per square meter. Phase II testing was not conducted at this locus, as it is not in the Locally Preferred Alternative 9 TWS DV.

This site was determined to be eligible for the National and California Registers under Criterion D/4 and is considered a historic property under the NHPA. Additionally, several individual loci at this site have been recommended as Traditional Cultural Properties and include at least two cupule rocks.

P-33-16598 (CA-RIV-8712)

This is a large and deeply buried multi-use prehistoric site that measures approximately 336,000 m² (33.6 ha [83 ac]). The entire site is within the APE, but only a portion of the site is within the proposed right of way (direct APE), and this portion measures approximately 2.8 ha (7 ac) or 29,000 m². The site is situated on a land formation that has been deep-ripped and plowed for agriculture for many years.

Many surface artifacts, especially in the central and northern portions of the site, may be displaced from their original provenience by repeated agricultural plowing activities across the site in combination with extensive trenching activities that displaced soil and artifacts during work for the Inland Feeder Project (Susan Goldberg, personal communication, 2007). However, the site appears to be relatively intact below the plow zone. Trenching and excavation at the site has uncovered what appear to be several levels of occupation, with radiocarbon dates associated with intact features as deep as 4 m (13 ft) containing ceramics that date to approximately 8,000 years before present (BP). Trench excavations on the site revealed that a more dense deposit of artifacts is present on the southern and central portions of the site; northern trenches within and near the MCP direct APE, albeit limited, indicate a drastic drop-off in site density.

Rock art in the form of pictographs and cupules are present at the southern portion of the site, Locus A (RIV-393); the style of the pictographs suggests that they are of the San Luis Rey style (Rockman and Lerch 2005:5.12), which is associated with the San Luis Rey II Period, dating from AD 1750 to 1850. Mid-19th century ethnographic accounts by early settlers in the Lakeview area confirm the presence of Native Americans living in the region (Rockman and Lerch 2005).

The site has been previously recommended as eligible for the National Register (Rockman and Lerch 2005).

Based on this prior work as well as the survey work for the MCP project, this site as a whole was determined to be National Register-eligible under Criteria A, C, and D and also eligible for listing in the California Register under Criteria 3 and 4.

P-33-16679

This site is a prehistoric milling station site that was recorded during the Phase I survey as containing flaked stone artifacts and two internal loci that, overall, measured 135 × 148 m (443 x 486 ft). Disturbances recorded at the site included the natural weathering and exfoliation of the milling slicks and several motorcycle tracks that crossed the site with a deeply rutted turnaround just outside the site boundary. Additionally, there are several outcrops not containing cultural elements that are graded and broken, as well as a dump of what appears to be fire retardant adjacent to the northern edge of the site. The grading continues in a straight line along the northern edge of the site and looks to be a firebreak.

The results of the Preliminary DOE/FOE indicate that the wide variety of artifacts, including several materials that are imported to the region, as well as groundstone and bedrock milling features, found on the site suggests that the site should be reclassified from a milling station site with surface artifacts to a “habitation” site. The site currently has at least one item that suggests a relative date for the site. One projectile point appears to fit into the Elko series, which has a large date range from 1500 BC to approximately 700 AD. The presence of larger bifaces, while not period-specific, suggests an older technological tradition usually associated with the hunting of large game. It was found that the site appears to have been occupied through time roughly 254 BC to 559 AD (Intermediate Period). This site appears to be older than those sites that can be dated in the region; based on the temporal overlap of manufacture dates from artifacts found nearby, Sites P-33-16678 and P-33-16680 may date to roughly the Late Prehistoric Period (AD 500 to 1769).

Even with the moderate amount of disturbance, because of the high percentage of subsurface artifacts compared to other similar sites in the region as well as the presence of several temporally diagnostic artifacts found during Phase II work, and the possibility that more diagnostic artifacts may be recovered through additional excavations, the site retains future research value with regard to questions in the settlement pattern, subsistence base, chronology, and gendered behavior domains. Therefore, Site P-33-16679 was determined to be eligible for both the National Register and the California Register under Criterion D/4. This site is considered a historic property under the NHPA.

3.8.3 Environmental Consequences

3.8.3.1 Permanent Impacts

As the lead federal agency for the project, FHWA recommended a phased identification, evaluation, and FOE as allowed under Section XII of the PA (see letters dated August 13, 2007, and June 27, 2008, in Appendix J). Cultural resources studies were prepared as required by 36 CFR Part 800; the regulations implementing Section 106; and, specifically, 36 CFR Part 800 4.5, which discusses the identification of historic properties and assessment of adverse effects, and 36 CFR 800.4 (b)(2), which pertains to the phased identification approach.

In cooperation with the RCTC and Caltrans, FHWA has identified Alternative 9 TWS DV as the Locally Preferred Alternative. Therefore, this section addresses the effects of Alternative 9 TWS DV on cultural resources, as well as impacts to Section 4(f)

properties in all other alternatives. Four resources that are eligible for listing in the National Register and California Register are at least partially within the APE, and at least partially within the proposed MCP right of way for Alternative 9 TWS DV.

These are:

- P-33-1512 (partially within the proposed MCP right of way and partially within the APE);
- P-33-1650/P-33-16687 (partially within the proposed MCP right of way and completely within the APE);
- P-33-16598 (partially within the proposed MCP right of way and completely within the APE); and
- P-33-16679 (partially within the proposed MCP right of way and partially within the APE).

Three resources in Alternative 9 TWS DV are recommended for protection and avoidance through designation as ESAs: P-33-1649, P-33-12230, and LSA-JCV531-207. All three of these resources are located at least partially within the APE. The southeasternmost corner of Site P-33-1649 is located partially within the proposed MCP right of way, and only this southeastern portion of the site is located within the APE. Site P-33-12230 is located immediately adjacent and south of the proposed MCP right of way, and Locus B is within the APE. Approximately half of Site LSA-JCV531-S-207 is located partially within the proposed MCP right of way, and the entirety of the site is located within the APE. The project would have no Adverse Effect on properties that are protected by ESAs. These resources are addressed below in Section 3.8.4.1, Avoidance Measures.

National Register Eligible Resources

P-33-1512

Alternative 9 TWS DV would result in the physical destruction of the southern third of P-33-1512, with the exception of the southernmost tip. Therefore, there would be an adverse effect to this site (historic property) under NEPA.

P-33-1650/P-33-16687

Alternative 9 TWS DV would result in the physical destruction of roughly the eastern 60 percent of the site. Therefore, there would be an adverse effect to this site (historic property) under NEPA.

P-33-16598

Alternative 9 TWS DV would result in the physical destruction of the northeastern 7 percent of P-33-16598. The area that would be impacted is highly disturbed and does not contribute to the overall site eligibility for the National or California Registers. Therefore, the direct effect would not be adverse to the site (historic property) under NEPA.

P-33-16679

Alternative 9 TWS DV would result in the physical destruction of 95 percent of P-33-16679. Therefore, there would be an adverse effect to this site (historic property) under NEPA.

Section 4(f) Historic Sites

Three National Register eligible resources within the APE for the MCP project would also qualify for protection under Section 4(f): P-33-4759/H (Cajalco Tin Mine District), P-33-13791 (CA-RIV-7843), and P-33-16598 (CA-RIV-8712). Of these, only P-33-16598 would result in use of a Section 4(f) property because it is located in the Locally Preferred Alternative. Please refer to Appendix B, Section 4(f) Evaluation.

Consultation

FHWA initiated consultation with the SHPO in March 2007, including a meeting on May 23, 2007 that included RCTC and Caltrans (see meeting minutes in Appendix J). The consultation resulted in SHPO concurrence on applying a phased approach to the MCP project, including making preliminary DOEs and FOEs to facilitate early public review of the Draft EIR/EIS, and also identification of Alternative 9 TWS DV as the likely Locally Preferred Alternative.

Native American consultation was conducted for the MCP project as required by Section 106 of the NHPA. Consultation was initiated as part of the Phase I survey for the MCP project in February 2005 when 43 tribes/individuals, as recommended by the NAHC, were contacted by letter and telephone. Consultation was conducted again in anticipation of the XPI survey in May and November 2006. The XPI consultation in November 2006 included eight parties identified during the previous consultation processes as having a continued interest in the project. These parties included Mr. Alvino Siva, the Cahuilla Band of Indians (Cahuilla), the Cupa Cultural Center, the Gabrieleno/Tongva San Gabriel Band of Mission Indians (Gabrieleno/Tongva-San Gabriel), the Morongo Band of Mission Indians (Morongo), the Pechanga Band

of Luiseño Indians (Pechanga), the Ramona Band of Cahuilla Indians (Ramona), and the Soboba Band of Luiseño Indians (Soboba). As the Phase I survey effort neared completion and the XPI survey approached, all of these parties were contacted by telephone between the dates of November 27, 2006, and December 13, 2006. The phone calls were to inform the parties of the status of the project and determine what level of involvement they would prefer as the project progressed. Of the eight groups contacted, two declined further involvement for various reasons: the Cupa Cultural Center and Mr. Siva. The six remaining tribes participated in various aspects of the project and were consulted throughout. On November 21, 2007, Mr. Sam Dunlap, a Native American from the Gabrielino-Tongva Tribe (Gabrielino-Tongva), who was included in the initial 2005 consultation for the MCP project but originally declined further consultation, requested involvement in the monitoring of the current testing program. Mr. Dunlap became formally involved with the remaining consultation for the MCP project on November 21, 2007.

Senate Bill 18 ([SB18]: Burton) requires local planning agencies to consult with California Native American tribes during the preparation, updating, or amendment of General/Specific Plans. SB18 consultation for the MCP project will be undertaken by the County and the cities affected by the project as part of their future General Plan amendment actions to incorporate the adopted MCP alignment.

As part of the preparation of the *Historic Resource Evaluation Report* (LSA, 2008), consultation with other potentially interested parties was also conducted. The following were contacted via letter, electronic mail, or telephone call to identify known historic land uses and the locations of research materials pertinent to the project area:

- Norco Historical Society – letters sent June 14 and July 8, 2005, and May 25, 2006. No response to date.
- Hemet-San Jacinto Genealogical Society – letters sent June 14 and July 8, 2005. August 30, 2006, Mary Allred requested additional information. Information sent October 24, 2006. Follow-up letter sent November 5, 2006. No response to date.
- Perris Valley Historical Society – letters sent June 14 and July 8, 2005, and May 25, 2006. Additional information was requested in June 2006. Telephone message left with Society on October 24, 2006. Additional follow-up with Katie Keyes in December 2006.

- Pioneer Historical Society of Riverside – letters sent June 14 and July 8, 2005, and May 25, 2006. Erin Gettis requested additional information, which was e-mailed to her on June 28, 2005. No response to date.
- Riverside Genealogical Society – letters sent June 14 and July 8, 2005, and May 25, 2006. No response to date.
- Winchester Historical Society of Pleasant Valley – letters sent June 14 and July 8, 2005, and May 25, 2006. No response to date.
- Corona Historic Preservation Society – telephone message left January 17, 2007; letter sent January 18, 2007. No response to date.
- Joe Toth (possible relative of current owner) – letter sent on December 28, 2006. No response to date.

Interviews were conducted with the following persons:

- Katie Keyes, Perris Valley Historical & Museum Association, e-mail communications, December 11, 21, and 26, 2006.
- John Vrsalovich, Metropolitan Water District, telephone communication, November 7, 2006.
- Tim Skrove, Western Municipal Water District representative for the Lake Mathews region, e-mail and telephone conversations, November 6, 2006.
- Steve Lech, local historian and Riverside County Park Planner, e-mail and telephone communications, December 11, 2006, and February 2007.
- Kim Johnson, local historian and former Riverside County Department of Parks and Recreation employee, telephone communication, December 2006.
- Lori Norris, Riverside County Historical Commission, e-mail communication, October 24, 2006.
- Mary Allred, Hemet-San Jacinto Genealogical Society, e-mail communication, October 24, 2006.
- Kevin Hallaran, Riverside Municipal Museum, e-mail communication, December 5–7, 2006.
- Bill Bell, Banning Public Library, e-mail communication, December 5 and 6, 2006.

- Dave Reynolds, Mead Valley Community Center, personal communication, October 24, 2006.

Discussion of Impacts Relative to MSHCP Amendment

Cultural resources were determined not to be a topic of concern and therefore were not analyzed in the MSHCP EIR/EIS. An amendment to the MSHCP to provide coverage for Alternative 9 TWS DV would not change the conclusion of the MSHCP EIR/EIS as it relates to cultural resources.

3.8.3.2 Temporary Impacts

Build Alternatives

Impacts to cultural resources would result from construction of any of the MCP Build Alternatives, not from operation of the facility itself. Impacts to cultural resources are considered permanent, not temporary, as discussed above.

No Build Alternatives

As discussed above, impacts to cultural resources are considered permanent, not temporary. Although the MCP project would not be built under the No Build Alternatives, impacts to cultural resources identified in the MCP project cultural resource studies (P-33-13791, P-33-4759/H, and P-33-16598) could result from construction of the other transportation improvement projects included in the No Build Alternatives, specifically improvements to Cajalco Road, Ramona Expressway, and a future arterial north of Lake Mathews.

3.8.4 Avoidance, Minimization and/or Mitigation Measures

3.8.4.1 Avoidance Measures

ESAs are locations of identified resources within a project APE that are to be protected by avoidance or restrictions on construction activities. These sites are typically flagged off or fenced and monitored during project construction. The use of ESAs to avoid impacts is proposed for three eligible sites partially within the MCP direct right of way and/or APE: P-33-1649, P-33-12230, and LSA-JCV531-S-207. These three sites have not been evaluated for either the National Register or California Register, but are assumed eligible for the purposes of this specific undertaking in accordance with the Section 106 PA. Concurrence for use of ESAs to avoid impacts to sites was received from the Native American Tribes consulted as part of the Section 106 process. Further archaeological excavations are not

recommended because the sites would be avoided through the use of an ESA, and excavations would result in unnecessary disturbance to the site.

In addition to the three sites discussed above whose eligibility for the National Register is assumed for the MCP project and that will be protected with the designation of an ESA, there are a total of three additional National Register eligible sites that will be partially protected through the use of ESAs for the portions of sites that can be avoided. Sites P-33-1512, P-33-1650/P-33-16687, and P-33-16598 are all located only partially within the proposed right of way of Alternative 9 TWS DV. In order to avoid unnecessary disturbances to the areas, the portions that are located outside of the area of direct construction-related impacts will be further protected with the use of an ESA. As previously discussed, no data recovery excavations are recommended in those protected areas to avoid unnecessary disturbance to the sites.

An ESA Action Plan will be attached to the *Historic Property Survey Report*.

Assumed Eligible ESA Sites

P-33-1649 (CA-RIV-1649)

This site is a prehistoric quarry site located at an elevation of 1,005 ft above mean sea level (amsl) and covers the entire north-facing edge of a brush-covered ridge. This site consists of several outcrops of gray quartzite source material that were originally recorded during the Phase I identification survey as black in color. The southern boundary of the site extends only a few meters into the APE of Alternative 9 TWS DV.

The construction plans in the area where the site extends into the APE show that the area is proposed to be bridged. The proposed westbound on-ramp bridge would have single piers aligned in the middle width of the bridge (each bent has only one pier), and there are no piers proposed to be located within the site boundaries. The closest piers are located approximately 50 ft away from the western edge of the site and approximately 100 ft away from the eastern boundary. As such, Site P-33-1649 has been designated as ESA and would be avoided by the project. The ESA boundary would be properly designated on all construction plans. The site area would be fenced or flagged off, and all ground disturbing activities would be monitored by a qualified archaeologist and Native American monitor.

P-33-12230 (CA-RIV-6989)

This habitation site comprises two distinct loci. Locus A, the southernmost locus is located approximately 61 m (200 ft) south of the APE of Alternative 9 TWS DV and

was not tested or evaluated as part of this project. Locus B measures 8 by 17 m (26 by 56 ft) and is situated in the northern portion of the site on a southeast-trending slope just above an intermittent drainage that separates the two loci. Locus B contains two milling slicks on two outcrops in a 100 m² area, and this locus is within the APE.

Based on the level of work conducted during the Phase II fieldwork, the northern site boundary of 33-12230 around Locus B has been refined due to the presence of shallow soils with no potential for subsurface deposits and negative Shovel Test Pits (STPs). This adjustment to the northern site boundary removes the site from the proposed right of way of Alternative 9 TWS DV.

The site boundary is approximately 6 m (20 ft) from the closest construction fill boundary line shown on the engineering plans, and the closest feature outcrop is just over 8 m (26 ft) from that same fill line. With this distance, the site has been designated an ESA and would be avoided by the project. The site is partially within the APE and it will be fully protected by an ESA, but it is not in the area of direct construction-related impacts. The ESA boundary would be properly designated on all construction plans. The site area would be fenced and all ground disturbing activities would be monitored by a qualified archaeologist and a Native American monitor.

LSA-JCV531-S-207

This site is located in a low-lying alluvial area near several large boulder outcrops and consists of three rock-ring features that, due to their location within the Pinacate Mining District, are considered historic in origin. Two of these circular features (Features 1 and 2) appear intact, measuring approximately 1.25–1.5 m in diameter, and the third ring (Feature 3) is partial with the rocks forming a semi-circle, indicating that it was originally circular in shape. This third partial ring measures approximately 1.25 m in diameter.

Because there is a 51 ft (15.5 m) buffer between the northern site boundary and the construction cut line, this site has been designated an ESA and would be avoided by the project. The ESA boundary would be properly designated on all construction plans. The site area would be fenced or flagged off, and all ground-disturbing activities in the vicinity of the ESA would be monitored by a qualified archaeologist.

Eligible Sites to be Protected by ESAs

P-33-1512 (CA-RIV-1512)

The portion of Site P-33-1512 that is adjacent and north of the proposed Alternative 9 TWS DV right of way is recommended for further protection with the designation of

an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The northern 66 percent of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area.

P-33-1650/P-33-16687 (CA-RIV-1650/CA-RIV-8739)

The portion of Site P-33-1650/P-33-16687 that is adjacent to the proposed Alternative 9 TWS DV right of way is recommended for further protection with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The western half of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area.

P-33-16598 (CA-RIV-8712)

The portion of Site P-33-16598 that is adjacent to the proposed Alternative 9 TWS DV right of way is recommended for further protection with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor during all ground disturbing activities in the area of Site P-33-16598.

3.8.4.2 Mitigation Measures

The ability and nature of avoidance and minimization of adverse effects to Sites P-33-1512, P-33-1650/P-33-16687, and Site P-33-16679 are not fully known at this time; therefore, mitigation measures are proposed based on current Alternative 9 TWS DV plans. Mitigation for site P-33-16598 is proposed based on direct effects to the portion of the site that is in Alternative 9 TWS DV.

AR-1 During final design the Riverside County Transportation Commission (RCTC), in consultation with California Department of Transportation (Caltrans), State Historic Preservation Officer (SHPO), and interested Native American tribes shall prepare an Archaeological Monitoring Plan (AMP). The AMP shall establish procedures for archaeological resource surveillance, and procedures for temporarily halting or

redirecting work to permit identification, sampling, and evaluation of archaeological resources. At a minimum, the AMP shall:

- Require an archaeologist to be present during construction activities in native soils;
- Require a Native American representative to be present during construction activities in native soils;
- Require the archaeologist and tribal representative to be present at the pre-grading conference to explain the established procedures in the AMP;
- Establish a protocol for the discovery of new archaeological resources;
- Requires that the protocol for the unanticipated discovery of human remains is followed. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to PRC Section 5097.98 and California Code of Regulations Section 15064.5, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the District Environmental Branch Chief or the District Native American Coordinator (Gwyn Alcock, 909/383-4045) so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable;
- Require monthly archaeological monitoring status reports;
- Require a final archaeological monitoring report;
- Establish a curation facility for collected archaeological material; and
- Maintain Environmentally Sensitive Areas (ESAs) during construction near three sites (P-33-1649, P-33-12230, and LSA-JCV531-S-207) as detailed in the ESA Action Plan.

P-33-1512. The ability and nature of avoidance and minimization of adverse effects to Site P-33-1512 are not known at this time; therefore,

mitigation measures are proposed based on current Alternative 9 Temescal Wash Area Design Variation (TWS DV) plans.

- Prior to the start of construction at this location, data recovery shall be conducted at this site for all portions of the site within the area of potential effects (APE). Although the southern tip of the site is south of, and not within, the right of way, data recovery shall be conducted here because of the loss of physical and legal continuity between the northern (66 percent of the total site area) and southern (10 percent of the total site area) portions of the site. The data recovery shall attempt to exhaust all research potential that Site P-33-1512 has to offer. Methods shall include, but not be limited to, 1-square-meter units, surface collection grids, extensive research into site function, settlement patterns, etc. Nondestructive, noncollection, and nonexcavation mapping and analysis shall be conducted in the northern 66 percent of the site in order to adequately characterize the entire site in data recovery. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts.
- The portion of the site that is adjacent and north of the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The northern 66 percent of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area.

P-33-1650/P-33-16687. The ability and nature of avoidance and minimization of adverse effects to Site P-33-1650/P-33-16687 are not known at this time. Therefore, mitigation measures are proposed based on current Alternative 9 TWS DV plans.

- Prior to the start of construction at this location, data recovery shall be conducted at this site for all portions of the site within the right of way (the eastern 60 percent of the total site area). The data

recovery shall attempt to exhaust all research potential that Site P-33-1650/P-33-16687 has to offer. Methods shall include, but not be limited to, 1-square-meter units, surface collection grids, extensive research into site function, settlement patterns, etc. Nondestructive, noncollection, and nonexcavation mapping and analysis shall be conducted in the western 40 percent of the site in order to adequately characterize the entire site in data recovery. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts.

- The portion of the site that is adjacent to the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The western half of the site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor. No collection or excavation shall be conducted here unless plans change to include disturbance of this area.

P-33-16598. The following mitigation is proposed for Site P-33-16598 based on direct effects to the portion of the site that is in Alternative 9 TWS DV.

- The portion of the site that is adjacent to the proposed Alternative 9 right of way shall be further protected with the designation of an ESA in accordance with the Caltrans Section 106 Programmatic Agreement. The site shall be protected from any possible project impacts via the use of fencing during project construction and the presence of an archaeological monitor and a Native American monitor during all ground disturbing activities in the area of Site P-33-16598.

P-33-16679. The ability and nature of avoidance and minimization of adverse effects to Site P-33-16679 are not known at this time. Therefore, mitigation measures are proposed based on current Alternative 9 plans.

- Prior to the start of construction at this location, data recovery shall be conducted for all portions of this site, including the small portion of the southern tip of Locus A, which is outside of the right of way. Although the southern tip of the site is south of and not within the right of way, data recovery shall be conducted here because of the loss of association with the larger portion of the site. The data recovery shall attempt to exhaust all research potential that Site P-33-16679 has to offer. Methods shall include, but not be limited to, 1-square-meter units, trench-and-block excavation, and extensive research into site function, settlement patterns, etc. Native American tribes shall be consulted throughout the data recovery process. Disposition arrangements shall be agreed to prior to initiating any data recovery efforts.

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