## 4.6.1 INTRODUCTION

The purpose of this section is to analyze potential Project-related impacts to paleontological, archaeological, and historic resources. Mitigation measures are recommended to minimize significant impacts that would occur as the result of Project implementation. Information and analysis in this section are based mainly on the *Cultural Resource Assessment and Historic Evaluations*, prepared by LSA Associates, Inc., April 12, 2006 and *Paleontological Resource Assessment*, prepared by LSA Associates, Inc., April 10, 2006. Additional investigations were completed by LSA Associates, Inc. for the proposed 21-acre addition to the Butterfield Ranch Specific Plan Area (*Cultural Resources Assessment – 21-acre Addition to the Butterfield Ranch Specific Plan*, December 19, 2007 and the *Paleontological Resources Assessment – 21-acre Addition to the Butterfield Specific Plan*, December 19, 2007), as well as for areas where off-site improvements will occur (*Cultural Resources Assessment – Butterfield Ranch Specific Plan Off-site Infrastructure*, December 11, 2007, and the *Paleontological Resources Assessment – Butterfield Ranch Specific Plan Off-site Infrastructure,* December 19, 2007). These documents are included in Appendix D, *Cultural Resources Assessment*. In addition, the Geotechnical Investigation and the Fault Rupture Hazard Investigation (2005) prepared by GeoCon, were referenced to establish the location of the Banning Fault relative to the Project site and grading plans and to determine the depth of Pleistocene deposits over the site. The GeoCon reports are included in Appendix E, *Geotechnical Reports*.

## 4.6.2 EXISTING CONDITIONS

### 4.6.2.1 ENVIRONMENTAL SETTING

**Paleontological Resources**

Paleontological resources are fossilized remnants of prehistoric plants or animals preserved in soil or rock layers over time. Fossils and trace fossils are typically preserved in sedimentary rock units, typically in fine-to-medium-grained marine lake and stream deposits such as limestone, sandstone, or shale, and in ancient soils (paleosols). Fossils are also typically found in coarse-grained sediments including coarse alluvium or conglomerates.

The Project site, lying between 2600 and 3400 feet elevation amsl (above mean sea level) falls into the Upper Sonoran Life Zone, which ranges from about sea level to an elevation of approximately 5,000 feet amsl. The parcel sits at the base of, and is separated from, the San Bernardino Mountains by the Banning Branch of the San Andreas Fault system (the "Banning Fault"), which traverses the northern portion of the Project site.[1]

[1] Geocon Inland Empire, Inc., *Fault Rupture Hazard Investigation, Deutsch Property Highland Springs Avenue and Wilson Street, Banning, California*, November 9, 2005, Site Vicinity Map.

The Banning area contains sediments of Plio-Pleistocene[2] age referred to as the San Timoteo Formation. This is overlain by flat-lying, deeply weathered alluvium referred to as Pleistocene Old Alluvium and as late Pleistocene alluvium. The sedimentary record at the Project site represents at least three depositional events. These start with the deposition of the San Timoteo Formation, which occurs at depth on the Project site. Pleistocene Old Alluvium was then deposited in the area north of the Banning Fault and subsequently eroded to create the flat surface that contains late Pleistocene terrace deposits overlain by soil.

The paleontological literature search conducted by LSA indicates that there is potential for significant, non-renewable resources to be encountered in the course of construction excavation on the Project site. The Paleontological Resources Sensitivity Map of Riverside County indicates that paleontological sensitivity for sediments north of the fault where it traverses the Project site is high. Further review of the available literature led LSA to conclude that *all* subsurface Pleistocene sediments in the Banning-Beaumont area have a high potential to contain significant, non-renewable paleontological resources. As noted, such sediments, represented by silty sandstone are present on the site at depths ranging from approximately 12 feet in the site's higher elevations (between 3,070 and 2,905 feet amsl) to between 20 to 60 feet below ground surface in the site's lower elevations (between 2,800 and 2,575 feet amsl).[3] Near-surface outcroppings of Pleistocene deposits were found north of the Banning Fault, at elevations 2,865 and 3,200+ feet amsl. Both the LSA literature review and its field survey support LSA's conclusion that there is potential for significant paleontological resources to occur in the late Pleistocene sediments on the Project site. This sensitivity encompasses older Pleistocene sediment north of the Banning Fault and younger Pleistocene deposits south of the Fault, although the depths at which these deposits are found would indicate that there is a greater likelihood of uncovering such fossil-bearing deposits in the site's higher elevations.

## Archaeological Resources

Archaeological resources are defined as the material remains of any area's pre-historic (aboriginal/Native American) or historic (European and Euro-American) human activity in addition to the traditional cultural resources associated with archaeological sites and historic buildings and structures.

The Butterfield Specific Plan Project site is located within an area that encompasses a wide range of environments, which have been exploited by different indigenous groups over

[2] Plio-Pleistocene sediments are from the last two geologic "Epochs" preceding the Holocene Epoch. The Pleistocene Epoch occurred approximately 1.8 million years ago to 11,500 years ago, generally during the last period of repeated glaciation. This Epoch was followed by the Holocene Epoch, then modern time (http://paleontology.wikia.com/wiki/Pleistocene).

[3] Geocon Inland Empire, Inc., *Geotechnical Investigation Deutsch Property, Highland Springs Avenue and Wilson Street, Banning, California, Appendix B – Boring and Trenching Logs*, June 29, 2005.

thousands of years. The most recently identifiable native culture to evolve in the Coachella Valley region is the Cahuilla.

The Cahuilla were a Takic-speaking, hunting and gathering people from the Great Basin region of Nevada, Utah and eastern California whose migration into southern California occurred sometime between 1000 BC and AD 500. The Cahuilla are generally divided into three groups by anthropologists: the Pass Cahuilla of the Banning-Beaumont area; the Mountain Cahuilla from the Santa Rosa and San Jacinto Mountains; and the Desert Cahuilla from the eastern Coachella Valley, as far east as today's Salton Sea. The Cahuilla lived in permanent villages, though they also occupied seasonal camps where they came to hunt to gather acorns. The Western Cahuilla had villages at Banning, among other locations in and around the San Gorgonio Pass area and the western Coachella Valley. An ethnographic habitation site was established to the southeast of the proposed Project area (CA-RIV-57). This site included slicks, bedrock mortars, a midden, pictographs, and a small rock shelter.

A record search conducted by LSA Associates identified 12 previously completed cultural resource studies within one mile of the Project site. These surveys recorded a total of 10 archaeological sites and nine built environment cultural resources; however, the records search did not identify previously recorded resources within the Project site. In addition to the records search, LSA Associates conducted an intensive field survey in the course of which three historic sites were identified; however, the field survey did not identify any prehistoric archaeological sites. LSA Associates also conducted a consultation with the Native American Heritage Commission (NAHC). The Native American groups that responded to the consultation did not identify any known resources. However, three of the Native American groups who did respond recommended Native American monitoring during site disturbance activities.

## Historic Resources

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. In general, resources greater than 50 years old have the potential to be considered a historic resource.

The "historic period" of California generally includes the Spanish, Rancho, and American Periods. The Spanish Period began with the establishment of Spanish Colonial military outposts. The Project site occupies land that, during the Spanish era, was administered by Mission San Gabriel Archangel. The Franciscan fathers who established the Mission set up outlying estancias (ranchos) to supply the Mission with food. Among these was the San Gorgonio Rancho, established in 1823 at the highest point in the Pass, along the foothills northwest of Banning. Because of its distance from the Mission, it was strictly used for grazing livestock.

The San Gorgonio estancia was abandoned following the passage of the Decree of Secularization in 1834. The years that followed were marked by a proliferation of cattle ranching throughout the region. Due to the natural flow of water from the various canyons, all of the ranchos in the Pass area were located on the north hills of the Pass. In 1845, Colonel Isaac William, Wallace Woodruff, and Paulino Weaver petitioned Governor Pio Pico for a grant to the land of the San Gorgonio Rancho. The Rancho consisted of approximately 11 leagues[4] of land, including the proposed Project site, and included territory now occupied by Banning and Beaumont.

In 1853, a Dr. Isaac Smith acquired a portion of the San Gorgonio Rancho. Prior to Smith's arrival, routes through the San Gorgonio Pass were poorly maintained and dangerous. The construction of a new road through the Pass was authorized by the San Bernardino Board of Supervisors. The "Bradshaw Road" was constructed to pass through Dr. Smith's property. It crossed the proposed Project site in Section 36, Township 2 South, Range 1 West. By 1892, the lands of the original Smith Ranch were divided and sold off. A.H. Judson bought Sections 25 and 36, part of which comprise the northern half of the Project site. This property became known as Highland Acres and has since been used for cattle grazing.

A field survey of the Project site and adjacent off-site Project areas was conducted by LSA Associates on March 1-10, 2006. LSA was not able to identify any remains of the historic Bradshaw Road on the Project site. The field survey did, however, identify three previously undocumented historic sites and four isolated historic artifacts. LSA documented the resources and assigned temporary site numbers LSA-PDH0601-H1-1, H-2, H-3 for the historic sites, and LSA-PDH0601-I-1, I-2, I-3, and I-4 for the isolates.[5] These resources are described briefly below:

**LSA-PDH0601-H-1.** This resource is a channelized ditch widened out of the intermittent Smith Creek for water conveyance purposes. Within the Project area, the ditch runs approximately two miles from north to south and forms a confluence with an unnamed ditch from the northeast near the southern section boundary. The ditch continues south, and exits the Project area as a culvert under Wilson Street. The ditch appears to have been the central feature of a historic conveyance system used to drain the property and to provide water for livestock.

The presence of the ditch appears at least as early as 1943 (USGS 1943). The integrity of the ditch is considered fair and it is considered to be in good condition, as it still operates somewhat effectively. Its sole diagnostic feature (lap-riveted steel pipe) has been documented, and no other diagnostic features were observed. Since LSA was unable to find substantial evidence that would support a finding of significance for the Smith Creek ditch, LSA determined that the ditch did not meet the criteria of the National or California Register(s); the site's data potential is therefore considered exhausted.

[4] A "league" is a measure of length (and rarely area) approximating the distance a person can walk in an hour, or roughly two miles.

[5] Cultural Resource Assessment and Historic Evaluations, LSA Associates, 2006.

**LSA-PDH0601-H-2.** This resource is located on the edge of an on-site ravine and is a refuse deposit. Items identified within the deposit are of both modern and historic periods and included a rusted/corroded horse-drawn wagon leaf spring (ca. late 19th century) and a General Electric clothes washing machine, Model 1288 (ca. 1920s). The site is considered to be of poor integrity and condition, due to the character of historic and modern items found in the deposit; however, LSA determined that there remains a minimal data potential within the refuse scatter and has recommended mitigation measures.

**LSA-PDH0601-H-3.** This resource consists of a historic transmission corridor, including steel towers, transmission lines, and a dirt access road. The corridor is the southernmost of three adjacent transmission alignments. Review of aerial photographs suggests that the towers were constructed between 1943 and 1953 (USGS Beaumont 7.5 quadrangle). The alignment appears to be in operating condition, retains its original historic design and use, and appears to remain in its original position. The resource meets the age requirement sufficient for National and California Register consideration and exhibits good integrity, but because the resource only contains a small segment within the current Project, it is deemed not eligible for the National or California Registers.

**LSA-PDH0601-I-1.** Isolate 1 consists of a pile of rocks mortared together with concrete. The isolate is of unknown association, context, or age.

**LSA-PDH0601-I-2.** Isolate 2 is a small section of a rusted steel drum. The location, stage of decay, and lack of notable diagnostic features make it difficult to determine its age.

**LSA-PDH0601-I-3.** Isolate 3 is represented by a small section of corrugated steel pipe, the type of which was popular from the 1940s to present day. It is uncertain as to whether the pipe is of historic age; however, the pipe has no integrity as a resource.

**LSA-PDH0601-I-4.** Isolate 4 is represented by a small aqua piece of glass (approximately 1" x ½" x 1/16"). The glass appears to be historic, however, the sample is small and its context uncertain, and therefore, it has no integrity as a resource.

## Off-Site Paleontological Resources

The paleontological setting for the off-site improvements is generally the same as that described above for the Project site. Over 50 locations where paleontological resources have been identified exist to the south and southwest of the Project area, within the San Timoteo and the Mount Eden formations. Younger sediments of the Late Pleistocene age deposited in the Project area are expected to support fossils as well.

Portions of the areas where off-site infrastructure improvements are proposed have the potential to yield significant, non-renewable paleontological resources. The field survey and

literature review determined that there exists a high potential for significant paleontological resources to occur within the Pleistocene sediments along the northwest portions of the off-site infrastructure alignments. The potential for such resources to occur is highest within the Pleistocene alluvial deposits along Noble Street and High Street west of Jonathan Avenue and north of Brookside Avenue.

### Off-Site Archaeological Resources

The archaeological setting for the off-site improvements is the same as for the proposed Project. Literature review indicated that over 30 surveys for cultural resources have been conducted within one mile of the site. These surveys have resulted in the identification of 24 archaeological sites and 119 built environment resources. One recent survey (RI-7054, Hogan and Tang, 2007) was conducted in the northwest portion of the area where off-site improvements will occur along Noble Street, Cherry Avenue and Brookside Avenue. The study determined that no additional study for historic or archaeological resources in this area was required given the existing paved condition of the roadways.

A cultural resources record search and field (windshield) survey were conducted by LSA in October and November 2007, respectively, for the areas where off-site improvements are proposed. The majority of improvements will occur within paved roadways. As these areas have been previously disturbed they do not have a high potential to support significant resources.

### Off-Site Historical Resources

The historical setting for the off-site improvements is the same as for the proposed Project. The records search performed for the off-site improvements identified 39 historic structures that were located along the north and south sides of Lincoln Street between Sunset and San Gorgonio Avenues, where off-site improvements would be constructed. Visual inspection of the area, however, provided little evidence that these structures survive in proximity to the street right-of-way, which is being improved with new industrial, office, and residential development. Structures that may be of historic age can be viewed from at a distance from Lincoln Street, but are not accessible from Lincoln Street.

## 4.6.2.2 REGULATORY FRAMEWORK

### National Register of Historic Places

The National Historic Preservation Act (NHPA), originally adopted in 1966, provides the most comprehensive national policy with regards to historic preservation. The Act is designed to encourage the preservation and wise use of historic resources within the U.S and establishes the policy of the U.S. Government regarding historic preservation. The Act is intended to

"coordinate and support public and private efforts to identify, evaluate, and protect...historic and archaeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture."[6]

Eligibility for listing in the National Register is evaluated for a particular historic resource by applying four basic criteria. The criteria generally require that the resource be at least 50 years of age and of significance at the local, State, or national level, according to one or more of the following:

A. It is associated with events that have made a significant contribution to the broad patterns of local or regional history;

B. It is associated with the lives of persons significant in our past;

C. It embodies the distinctive characteristic of a type, period, region, or method or construction, or represents the work of an important creative individual, or possesses high artistic values, or that represent a significant and distinguishable entity whose components lack individual distinction; and/or,

D. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Eligibility for listing on the National Register requires that a resource possess integrity, or the ability of a property to convey its significance. Location, design, setting, materials, workmanship, feeling and association can influence a site's integrity. The particular National Register criterion under which the resource is considered eligible for listing are considered in determining which of these factors applies.

## California Register of Historic Resources

Criteria for eligibility listing on the California Register are based on the National Register criteria, with modifications made to apply to resources within the State of California. For a property to be eligible for inclusion on the California Register, one or more of the following criteria must be met[7]:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

[6] National Park Service – National Register of Historic Places. http://www.nps.gov/nr/about.htm Accessed January 2007.

[7] California State Parks - Office of Historic Preservation. http://ohp.parks.ca.gov/default.asp?page_id=21238 Accessed January 2007.

2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master, or possesses high artistic values; and/or,
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

## City of Banning General Plan and EIR – Goals, Policies and Programs

The City of Banning's General Plan contains the City's historical preservation goals and policies which include the documentation, maintenance, preservation, conservation, and enhancement of archaeological and historic sites, artifacts, traditions, and other elements of the City's cultural heritage.

**Policy 1**: The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities (see 17.24.070 of the City's Municipal Code).

**Program 1.A**: All new development proposals, except single family dwelling on existing lots of record, shall submit a records search for historic and cultural resources as part of the planning process (see 17.24.070 of the City's Municipal Code).

**Program 1B:** Development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals (see 17.24.070 of the City's Municipal Code).

**Program 1.C:** The City shall implement the requirements of State law relating to cultural resources, including Government Code 65352.3, and any subsequent amendments or additions (see 17.24.070 of the City's Municipal Code).

**Policy 2**: The City shall expand and enhance its historic preservation efforts.

**Program 2.C**: Encourage property owners and residents to nominate qualified properties to the City's inventory system and/or any federal and State registers.

**Policy 3:** Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern

Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.

**Policy 4**: Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.

**Program 4.A:** Mapping and similar information, which identifies specific locations of sensitive cultural resources, shall be maintained in a confidential manner, and access to such information shall be provided only to those with appropriate professional or organizational ties.

**Policy 5:** Encourage public participation in and appreciation of the City's cultural heritage.

**Program 5.B:** Support the efforts of local cultural associations to acquire historical materials and artifacts, and to educate the public about the City's and region's cultural heritage.

**Policy 6:** Support the listing of eligible structures of sites as potential historic landmarks and their inclusion in the National Register of Historic Places.

## City of Banning General Plan EIR Mitigation Measures

**Cultural Resources Mitigation Measure A**

All development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources, shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals (Cultural Resources Mitigation Measure A).

**Cultural Resources Mitigation Measure B**

In the event that archaeological resources are unexpectedly discovered during construction, the City shall require that development cease, and a professional archaeologist shall be employed to examine and document the site to determine subsequent activities and appropriate mitigation measures (Cultural Resources Mitigation Measure G).

## City of Banning Code of Ordinances – Chapter 17.24.070

**Chapter 17.24.070 - Environmental resources/constraints**. All development proposals shall be reviewed for compliance with the California Environmental Quality Act (CEQA). If the proposal is determine to qualify as a 'project' under CEQA, the project proponent may be required to submit specialized studies to determine the effect on specific resources and hazards, including but not limited to biological resources, *cultural resources*, geotechnical hazards,

hydrology, noise, and traffic. No project shall be approved without first satisfying the requirements of CEQA.

## 4.6.3 SIGNIFICANCE THRESHOLD CRITERIA

The criteria given in the Initial Study checklist in Appendix G of the State CEQA Guidelines were used to evaluate potentially significant impacts on cultural resources that could occur as a result of Project implementation. The Project would result in significant impact related to cultural resources if it would:

a) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

b) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

d) Disturb any human remains, including those interred outside of formal cemeteries.

## 4.6.4 IMPACT ANALYSIS AND MITIGATION MEASURES

### ANALYTIC METHOD

The previously certified Deutsch Specific Plan EIR addressed development of the Project site with up to 5,400 dwelling units. Impacts discussed below are generally consistent with the impacts described in the 1985 Deutsch Specific Plan EIR and subsequent EIR Update in 1993. This analysis has been updated to reflect the currently proposed Butterfield Specific Plan, including the off-site infrastructure and 21-acre unincorporated parcel. The Project site will be mass graded in approximately four phases, beginning with the golf course, Smith Creek drainage improvements and fill placement in the southerly portion of the site. Concurrent with the initial phase of mass grading, applicable portions of off-site infrastructure and both on- and off-site drainage improvements will be constructed. The EIR analysis is based on review of available documents, including the proposed Specific Plan and associated tract maps, as well as Project-specific technical studies contained in Appendix D, *Cultural Resources Assessment*

### PROJECT DESIGN FEATURES AND EXISTING REGULATIONS, RULES, AND REQUIREMENTS

Existing local, State and federal regulations noted in Section 4.6.2.2, *Regulatory Framework* will avoid or mitigate potential cultural resource impacts. The following Project Design Features will also reduce, avoid or off-set potentially adverse cultural resource impacts:

1) The Project has been redesigned from the previously approved Deutsch Specific Plan, which proposed grading the entire Specific Plan property. As such, the preservation of the northeastern portion of the site in permanent open space will reduce the potential for disturbance of previously unidentified paleontological and archaeological resources.

## IMPACT ANALYSIS AND MITIGATION MEASURES

### *Impact 4.6-1: Paleontological Resources*

***Threshold:*** *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

***Determination: Less than Significant with Mitigation Incorporated***

### On-Site Construction and Operation

As much of the Project site is underlain by sediments that have the potential to support significant, non-renewable paleontological resources, site development activities, especially those associated with site grading and trenching for underground infrastructure in those portions of the site at elevations in excess of 2,600 feet amsl, have the potential to result in significant impacts to such resources. To reduce the potential for adverse impacts on paleontological resources as a result of on and off-site grading and excavation activities, Mitigation Measure CUL-1 is proposed. This mitigation measure would require preparation of a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phases of the Project, in order to reduce potential impacts to unknown paleontological resources to a less than significant level. The PRIMP would require monitoring of excavation activities by a qualified paleontologist when the activity takes place within areas of known Pleistocene sediments. The PRIMP would include monitoring, salvage, processing, and collection of discovered resources (at a minimum and as appropriate), with findings of the evaluation submitted to the City of Banning.

### Off-Site Infrastructure

The initial phase of Project development (Phase IA) and subsequent phases will include trenching and installation of off-site infrastructure improvements consisting primarily of drainage improvements and underground pipeline. These off-site improvements may occur in areas underlain by Pleistocene sediments having potential to support paleontological resources similar to those that could be unearthed on-site. This impact would be significant without mitigation; however, implementation of Mitigation Measure CUL-1 would reduce this impact to a less than significant level, as discussed above.

*Mitigation Measures*

The following mitigation measure will reduce potentially significant impacts to non-renewable paleontological resources to a less than significant level. Potential adverse Project effects are also "mitigated" through the various existing regulations and ordinances noted above. In addition, the Project has reduced, avoided or offset potentially adverse impacts to cultural resources through Project Design Features noted above (all of which are summarized in Section 3.8, *Project Design Features*):

**CUL - 1:** The Project Applicant shall prepare a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, including both on- and off-site activities. The PRIMP shall be submitted for review and approval prior to issuance of any grading permit, and shall conform to the guidelines of the County of Riverside and the Society of Vertebrate Paleontology; including the following:

- A trained paleontological monitor shall be present during initial mass grading or deep trenching activities within the Project in sediment areas determined likely to contain paleontological resources. If paleontological resources are located within excavation, the monitoring program will change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.

- Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques.

- All fossils collected during the Project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.

- A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared. All fossils collected during this work, along with the itemized inventory of these specimens,

shall be deposited in a museum repository for permanent curation and storage.

- All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.

With implementation of Mitigation Measure CUL-1, impacts on paleontological resources would be reduced to a less than significant level.

***Impact 4.6-2: Archaeological Resources***

***Threshold:*** *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5*?

***Determination: Less than Significant with Mitigation Incorporated***

**On-Site Construction and Operation**

Archaeological sites are locations that support significant resources associated with former human activities, and may support such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains. Construction activities associated with implementation of the proposed Project may result in adverse effects on known or currently unknown archaeological sites. According to the City of Banning General Plan Archaeological Resources Sensitivity Map, the Project is located in an area considered to have low sensitivity for archaeological resources.[8] While no previously recorded cultural sites exist within the Project boundaries, 10 archaeological sites and nine built environment cultural resources have been identified within one mile of the Project area. Based upon the findings of the field survey and record searches, potentially significant impacts to undiscovered cultural resources could occur as site improvement activities such as grading and excavation take place.

Most of the Project site will be disturbed by grading activities required for implementation of the Specific Plan. Accordingly, Mitigation Measures CUL-2 and CUL-3 will be required. These mitigation measures require the presence of a qualified archaeological monitor on-site during the initial mass grading phases of the Project, as well as during deep trench excavations, to assess the significance of resources, including human remains that may be discovered during such activities.

[8] City of General Plan EIR, 2005.

*Mitigation Measures*

The following mitigation measure will reduce potentially significant impacts to archaeological resources to a less than significant level. Potential adverse Project effects are also reduced through compliance with the various existing regulations and ordinances noted above. In addition, the Project has reduced, avoided or offset potentially adverse impacts to cultural resources through Project Design Features noted above, all of which are summarized in Section 3.8, *Project Design Feature*:

**CUL-2**: Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist shall be retained to attend pre-grading meetings and to monitor earth moving activities, including clearing, grubbing, cutting, and trenching at the site. The archaeologist shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.

**CUL-3**: All earthmoving activity occurring within 30 meters of the on-site refuse scatter (LSA-PDH0601-H-2) shall be monitored by a qualified archaeologist. If archaeological remnants are discovered during monitoring, the archaeologist shall have the authority to divert construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.

With implementation of Mitigation Measures CUL-2 and CUL-3, potential impacts to archaeological resources as the result of Project implementation would be reduced to a less than significant level.

**Off-Site Infrastructure**

No known archaeological resources exist within the area impacted by off-site improvements. Mitigation Measures CUL-2 and CUL-3 requires the presence of a qualified archaeological monitor during any excavation activity to assess the significance of any unknown cultural resources that may be uncovered. With implementation of Mitigation Measures CUL-2 and CUL-3, impacts to archaeological resources as the result of off-site infrastructure improvements will be reduced to a less than significant level.

*Impact 4.6-3: Historical Resources*

***Threshold:*** *Would the project cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?*

***Determination: Less than Significant with Mitigation Incorporated***

**On-Site Construction and Operation**

Historic resources are typically places or structures of historic importance, and are non-renewable resources that are protected by federal, State or local laws, ordinances, or guidelines if they meet specific criteria. Damage to, or demolition of, such resources is typically considered to be a significant impact pursuant to Section 15064.5 of the CEQA *Guidelines*. Impacts to historic resources can be direct, as when a resource is destroyed or moved as a result of a Project, or indirect, as a result of a Project-induced change in the setting of a historic resource.

The Project site is located approximately a quarter of a mile from the historic Highland Springs Resort. Other potential historic resources that have been identified on historic maps for the area include an electrical transmission corridor improved with transmission towers and an access road, as well as a buried pipeline, no longer in use (USGS 1953). A portion of the historic Bradshaw Road traversed the northern portion of the site; however, no trace of the road was uncovered in the course of a field survey of the site by LSA (2005). A search of the National, State and Local Registers of Historic Resources found no historical resources listed within the Project site or improvement areas per PRC § 21084.1.

According to a review of the available literature, 12 cultural resources surveys have been conducted within one mile of the Project area, resulting in the recordation of nine built environment cultural resources. During the field survey of the Project site, LSA archaeologists identified and documented three historic-era sites and four isolated historic era artifacts. Three of these previously undocumented resources were evaluated for eligibility for National and California Register listing. These sites include a historic-era water conveyance system and associated features, a historic-era refuse deposit, and a segment of a historic-era transmission corridor. As indicated below, the analysis determined that none of the resources meet the required criteria for listing in either the National Register or the California Register. Accordingly, none is considered a historical resource pursuant to CEQA or the NHPA.

LSA determined that the refuse scatter (LSA-PDH0601-H-2) had at least minimal data potential. Land disturbance activities required for implementation of the Specific Plan will disturb the site and could result in significant impacts to any potential resource not yet identified. Accordingly, Mitigation Measure CUL-3 requires that all earthmoving activities occurring within 30 meters of this potential resource shall be monitored by a qualified archaeologist. If historic remnants are discovered during ground disturbing activities, the archaeologist shall have the authority to

halt or divert grading to allow for the assessment of the discovered resource. Implementation of Mitigation Measure CUL-3 will reduce potential impacts to this potentially historic resource to a less than significant level.

**Off-Site Infrastructure**

The records search performed for the proposed off-site improvements identified 39 historic structures that were located along north and south sides of Lincoln Street, between Sunset and San Gorgonio Avenues, having frontage on the public right-of-way within which off-site improvements are proposed to be constructed. However, a field investigation found little evidence of potentially historic resources in proximity to the right-of-way where new construction of offices, industrial buildings and residential subdivisions now occupy significant stretches of the road, or where land has been cleared for potential new construction. One hundred nineteen (119) historic buildings have been identified within a one-mile radius of the Project site by previous surveys; however, these previously identified structures would not be significantly impacted by the proposed off-site infrastructure improvements, and no further study is required. As a result, impacts to historic-era structures resulting from the construction of off-site infrastructure are considered less than significant.

***Impact 4.6-4: Human Remains***

***Threshold:*** *Would the project result in the disturbance of any human remains, including those interred outside of formal cemeteries?*

**On-Site Construction and Operation**

No known formal gravesites have been identified within the Project area; however, due to the known prehistoric use and habitation of the area and the identification of archaeological resources in the vicinity of the Project site, the possibility that human remains could be encountered during grading, trenching, or other earth-moving activities as a result of Project implementation does exist. Any disturbance of human remains as the result of the Project would be considered a significant adverse impact. Mitigation Measure CUL-2 requires an archaeological monitor on-site during grading activities and Mitigation Measure CUL-4 requires compliance with all applicable State and federal regulations concerning preservation, salvage, or handling of human remains that could be uncovered as a result of grading and excavation.

***Mitigation Measures***

The following mitigation measure will reduce potentially significant impacts to less than significant levels. Potential adverse Project effects are also "mitigated" through the various existing regulations and ordinances noted above. In addition, the Project has reduced, avoided

or offset potentially adverse impacts to cultural resources through Project Design Features noted above (all of which are summarized in Section 3.7, *Project Design Features*):

**CUL-4**: If previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Implementation of applicable State laws, existing State and federal standards and policies and Mitigation Measures CUL-2 and CUL-4 would ensure that human remains are not damaged if unearthed within the Project area, and that any such remains would be handled appropriately. With implementation of Mitigation Measures CUL-2 and CUL-4, impacts on human remains as the result of Project implementation would be reduced to a less than significant level.

**Off-Site Infrastructure**

Cultural resources identified through the record search and field survey of off-site areas did not contain evidence of human remains. No known cemeteries are located in proximity to the areas where the off-site improvements are proposed. However, as these improvements will require excavation and trenching activities to allow for construction of underground pipeline, and as land disturbance for drainage improvements will occur, the potential for human remains to be uncovered does exist. Mitigation Measure CUL-2 requires monitoring of all off-site land disturbance activities by a qualified archaeological monitor. Mitigation Measure CUL-4 requires compliance with all applicable State and federal regulations concerning preservation, salvage, or handling of human remains should those be uncovered. Compliance with these regulations and with implementation of Mitigation Measures CUL-2 and CUL-4, potential impacts to human remains as the result of off-site improvements would be reduced to a less than significant level.

## 4.6.5 CUMULATIVE IMPACTS

***Determination: Less than Significant with Mitigation Incorporated***

The geographic setting for the analysis of cumulative impacts is the San Gorgonio Pass region of Riverside County. As noted in Section 4.6.2 (Existing Conditions – Environmental Setting) *all* subsurface Pleistocene sediments in the San Gorgonio Pass area have a high potential to contain significant, nonrenewable paleontological resources.

In terms of cultural resources, the proposed Project is located in an area that encompasses a wide range of environments, which have been exploited by different indigenous groups over thousands of years, the most recently identifiable culture being the Cahuilla. Surveys performed by the U.S. Government Land Office (GLO) in the mid-1850s noted a large number of Native American villages, or rancherias, in the general region. All or most of these settlements are believed to have been settlements of the Desert or Pass Cahuilla people. One such settlement is known to have been located within the current municipal boundaries of the City of Banning, though not within the Project site. The first European settlements in the Banning/Beaumont area date to the early 1800's. Accordingly, the San Gorgonio Pass area has the potential to contain significant numbers of paleontological, archaeological, and historic resources.

The City's General Plan contains a number of policies and programs intended to protect and where possible preserve these resources. These are cited in Section 4.6.3 (Regulatory Setting) of this analysis. The General Plan EIR includes mitigation measures to address potential impacts to the area's cultural and paleontological resources and concludes that, with the implementation of the General Plan's policies and programs, together with the implementation of the General Plan EIR's mitigation measures, implementation of the General Plan would not make a cumulatively considerable contribution to any cumulative impacts associated with regional cultural and paleontological resources.

As discussed in Section 4.10, *Land Use and Planning*, the Butterfield Specific Plan is generally consistent with the City's General Plan, and is an amendment and restatement of the previously approved Deutsch Specific Plan. Additionally, extensive field investigation of the Project site and off-site areas potentially impacted by the Project, together with literature reviews, have detected no archaeological or historical resources of any significant value on site, and no off-site resources that would be impacted by the development of the proposed Project. Mitigation Measures CUL-1 through CUL-4 further limit the Project's potential to contribute significantly to any cumulative paleontological, archaeological, or historical resource impacts on a regional level.

Individual development projects undertaken in the region could, depending upon site conditions, constitute an incremental adverse impact on the region's cultural resources.

However, since the proposed Project conforms to the City's General Plan, is subject to the goals, policies and programs contained therein, is further subject to the mitigation measures contained in the General Plan EIR, and is also subject to Project Mitigation Measures CUL-1 through CUL-4, implementation of the Project would not make a cumulatively considerable contribution to regional cumulative impacts on cultural resources and would therefore be cumulatively less-than-significant.

## 4.6.6 LEVEL OF SIGNIFICANCE AFTER MITIGATION

After mitigation, implementation of the proposed Project would result in less than significant impacts on paleontological, archaeological, and historic resources.