

## 5.15 Tribal Cultural Resources

### 5.15.1 INTRODUCTION

This section addresses potential impacts to tribal cultural resources (TCR) associated with implementation of the Project. The analysis in this section is based, in part, on the following documents and resources:

- *City of Redlands General Plan 2035*, December 5, 2017;
- *City of Redlands General Plan Update and Climate Action Plan Environmental Impact Report (General Plan EIR)*, Dyett & Bhatia, July 2017;
- *City of Redlands Municipal Code*;
- *Redlands Transit Villages Specific Plan Project Cultural and Paleontological Assessments*, Material Culture Consulting, February 2022 (Appendix C)

Additionally, part of this analysis is based upon Project-specific coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the TVSP region.

### 5.15.2 REGULATORY SETTING

#### 5.15.2.1 Federal Regulations

##### **Archaeological Resources Protection Act**

The Archaeological Resources Protection Act (ARPA) of 1979 regulates the protection of archaeological resources and sites on federal and Native American lands. The ARPA regulates authorized archaeological investigations on federal lands; increased penalties for looting and vandalism of archaeological resources; required that the locations and natures of archaeological resources be kept confidential in most cases. In 1988, amendments to the ARPA included a requirement for public awareness programs regarding archaeological resources (NPS 2018).

##### **Native American Graves Protection and Repatriation Act (NAGPRA)**

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

#### 5.15.2.2 State Regulations

##### **California Senate Bill 18**

Senate Bill 18 (SB 18) (California Government Code Section 65352.3) sets forth requirements for local governments to consult with California Native American tribes identified by the California Native American Heritage Commission (NAHC) to aid in the protection of tribal cultural resources. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning to protect, or mitigate impacts on, tribal cultural resources. The Tribal Consultation Guidelines: Supplement to General Plan Guidelines (OPR, 2005), identifies the following contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or

amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).

- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Because the proposed Project includes a General Plan Amendment, it is subject to the statutory requirements of SB 18 Tribal Consultation Guidelines.

### California Assembly Bill 52

Assembly Bill 52 (AB 52) established a requirement under CEQA to consider "tribal cultural values, as well as scientific and archaeological values when determining impacts and mitigation." Public Resources Code (PRC) Section 21074(a) defines "tribal cultural resources" (TCRs) as "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either "[i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources" or "in a local register of historical resources." Additionally, defined cultural landscapes, historical resources, and archaeological resources may be considered tribal cultural resources. PRC Section 21074(b), (c). The lead agency may also in its discretion treat a resource as a TCR if it is supported with substantial evidence.

Projects for which a notice of preparation for a Draft EIR was filed on or after July 1, 2015 are required to have lead agencies offer California Native American tribes traditionally and culturally affiliated with the project area consultation on CEQA documents prior to submitting an EIR in order to protect TCRs. PRC Section 21080.3.1(b) defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Consultation must "be conducted in a way that is mutually respectful of each party's sovereignty [and] recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." The consultation process is outlined as follows:

1. California Native American tribes traditionally and culturally affiliated with the project area submit written requests to participate in consultations.
2. Lead agencies are required to provide formal notice to the California Native American tribes that requested to participate within 14 days of the lead agency's determination that an application package is complete or decision to undertake a project.
3. California Native American tribes have 30 days from receipt of notification to request consultation on a project.
4. Lead agencies initiate consultations within 30 days of receiving a California Native American tribe's request for consultation on a project.
5. Consultations are complete when the lead agencies and California Native tribes participating have agreed on measures to mitigate or avoid a significant impact on a TCR, or after a reasonable effort in good faith has been made and a party concludes that a mutual agreement cannot be reached (PRC Sections 21082.3(a), (b)(1)-(2); 21080.3.1(b)(1)).

AB 52 requires that the CEQA document disclose significant impacts on TCRs and discuss feasible alternatives or mitigation to avoid or lessen an impact.

**California Health and Safety Code, Section 7050.5**

This code requires that if human remains are discovered on a project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

**California Public Resources Code, Sections 5097.9 to 5097.991**

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the NAHC. These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

**5.15.2.3 Local Regulations****City of Redlands General Plan 2035**

The General Plan 2035 Distinctive City Element contains the following policies and actions related to historical and archaeological resources that are applicable to the proposed Project:

**Action 2-A.74** Proactively coordinate with the area's native tribes in the review and protection of any tribal cultural resources discovered at development sites.

**5.15.3 ENVIRONMENTAL SETTING****Native American Tribes**

The TVSP area is within a region where the traditional use territories of the Serrano, Cahuilla, and Gabrielino meet. These three cultural groups spoke languages belonging to the Takic branch of the Shoshonean family, a part of the larger Uto-Aztecan language stock.

**Serrano**

The Serrano people once occupied the Mountain, North Desert, and East Desert Regions of present-day San Bernardino County. Mainly due to the inland territory that the Serrano occupied beyond Cajon Pass, contact between Serrano and Europeans was minimal. As early as 1790, some Serrano people were drawn into mission life. After a failed attack of the Mission San Gabriel in 1811, some Serrano people relocated to Morongo with the Cahuilla tribe. Others followed the Serrano leader Santos Manuel toward the San Bernardino County valley floors and eventually settled to become the San Manuel Band of Mission Indians Reservation.

**Cahuilla**

The eastern portion of the Valley Region, the southeastern part of the Mountain Region, and the southern portion of the East Desert Region of San Bernardino County were once home to the Cahuilla people. It is thought that the Cahuilla migrated to southern California approximately 2,000 to 3,000 years ago with related sociolinguistic groups, most likely from the southern Sierra Nevada Mountain ranges. The Cahuilla settled in a territory that extended from the present-day city of Riverside to the central portion of the Salton Sea in the Colorado Desert, and from the San Jacinto Valley to the San Bernardino Mountains.

**Gabrielino**

The Gabrielino historically occupied the southwestern portion of San Bernardino County, including the Valley Region. The name Gabrielino denotes the people who were under the control of the Spanish from Mission San Gabriel, which included people from the Gabrielino proper as well as other social groups. Many contemporary Gabrielino identify themselves as descendants of the indigenous people living across the plains of the Los Angeles Basin and use the native term Tongva. Historic-era Tongva settlements in the San Bernardino Valley were primarily located at the base of the foothills and along perennial watercourses.

### **Tribal Cultural Resources**

A search of the NAHC Sacred Lands File yielded positive results within the TVSP area. As discussed in Section 5.3, *Cultural Resources*, two prehistoric archaeological resource sites are located within the TVSP area, which are listed in Table 5.3-1, *Recorded Prehistoric Cultural Resources*. Furthermore, the Mill Creek Zanja transverses the proposed TVSP area. The historic feature was designated a California Historical Landmark No. 43 in 1932 and placed on the National Register of Historic Places in 1977. The Mill Creek Zanja was built in 1819 to convey water from Mentone to the Assistencia de Mission San Gabriel. Today, it carries drainage water and storm runoff. It is the oldest continuously operating irrigation canal in California, and the oldest civil engineering project in Southern California. It runs through University Street and New York Street.

Through a study for the Passenger Rail Project by ICF International in 2014, a segment of the Mill Creek Zanja was found ineligible for the NR. The portion of the Mill Creek Zanja that is located west of Division Street to the southwest and terminates west of the concrete channel at Ninth Street. This portion is no longer eligible for listing in the NR due to its loss of historic integrity (ICF International 2014). The segment mentioned above does not resemble the Mill Creek Zanja segment to the east which was described in the 1976 Nomination Form and appears it was excluded from the 1976 nomination because of its lack of resemblance (ICF International 2014). In August 2014, SHPO concurred with the determination of National Register eligibility and Section 106 finding of effect regarding the evaluated segment of the Mill Creek Zanja (MCC 2022). Based on AB 52 and SB 18 consultation, the Soboba Band of Luiseño Indians described that there is a potential of encountering historic and prehistoric resources near the Zanja.

## **5.15.4 THRESHOLDS OF SIGNIFICANCE**

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or
- TCR-2: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## **5.15.5 METHODOLOGY**

The analysis within this Draft EIR section is based on the Redlands Transit Villages Specific Plan Project Cultural and Paleontological Assessments that was prepared by Material Culture Consulting, January 2022, and information compiled through Native American Consultation. The City requested a sacred lands record search from the Native American Heritage Commission (NAHC). The NAHC responded on July 3, 2018 that there are known sacred lands within a half mile of the TVSP boundaries.

In compliance with SB 18 and AB 52, on January 9, 2020, the City sent letters to Native American groups or individuals that may have knowledge regarding tribal cultural places in the TVSP area.

- Agua Caliente Band of Cahuilla Indians
- Big Pine Paiute Tribe of Owens Valley
- Cabazon Band of Mission Indians
- Chemehuevi Indian Tribe
- Colorado River Indian Tribes of the Colorado River Indian Reservation
- Fort Mojave Indian Tribe
- Kern Valley Indian Community
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation
- Morongo Band of Mission Indians
- Pechanga Band of Luiseño Indians
- Ramona Band of Cahuilla Tribe
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

Responses were received from two tribes, the San Manuel Band of Mission Indians and the Soboba Band of Luiseño Indians. A SB 18 consultation was requested by the San Manuel Band of Mission Indians on February 13, 2020 and started via email on May 6, 2020 and August 30, 2021. The San Manuel Band of Mission Indians considers the TVSP area sensitive for tribal cultural resources due to the presence of the Mill Creek Zanja. A SB 18 consultation was requested by the Soboba Band of Luiseño Indians on April 8, 2020 and started via email on May 6, 2020 and August 30, 2021. The Soboba Band of Luiseño Indians consulted with City on September 9, 2021 and considers the area sensitive for cultural resources as several sites are located nearby. Furthermore, due to the presence of portions of the Mill Creek Zanja within the TVSP area, the Soboba Band of Luiseño Indians described that there is a potential of encountering historic and prehistoric resources near the Zanja. As such, the consulting tribes requested inclusion of mitigation due to the potential of the Project to unearth previously undocumented tribal cultural resources during construction.

### 5.15.6 ENVIRONMENTAL IMPACTS

**IMPACT TCR-1: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE THAT IS LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(K).**

**Less than Significant with Mitigation Incorporated.** The Mill Creek Zanja, which is considered a tribal cultural resource by multiple area tribes, is listed on the California Register of Historical Resources and the National Register of Historic Places (MCC 2022).

SB 18 and AB 52 require meaningful consultation between lead agencies and California Native American tribes regarding potential impacts on TCRs. As described above, TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (PRC Section 21074). As outlined above, the NAHC's Sacred Lands File search was positive for sacred lands within 0.5-mile of the TVSP area, and the City sent letters to Native American Tribes notifying them of the proposed project in accordance with SB 18 and AB 52. In response, San Manuel Band of Mission Indians and the Soboba Band of Luiseño Indians, California Native American tribes, requested consultation and the City of Redlands met with representatives of the San Manuel Band of Mission Indians and the Soboba Band of Luiseño Indians. The Mill Creek Zanja was identified as a tribal cultural resource during the consultation. Due to the presence of portions of the Mill Creek Zanja within the TVSP area, the Soboba Band of Luiseño Indians described that there is a potential of encountering historic and prehistoric resources near the Zanja.

Implementation of the proposed TVSP would not directly result in physical construction that could impact tribal cultural resources. However, development and redevelopment projects pursuant to the TVSP could involve grading and excavation to greater depths than previously undertaken that could disturb unknown buried TCRs. Thus, Mitigation Measures CUL-2 through CUL-9 and TCR-1 through TCR-4 are required for implementing projects and would reduce the potential for tribal cultural resources to be impacted during earthmoving activities and provides for preservation of any identified resources.

With implementation of Mitigation Measures CUL-2 through CUL-9 and TCR-1 through TCR-4, impacts related to a substantial adverse change in the significance of a tribal cultural resource would be less than significant.

**IMPACT TCR-2: THE PROJECT WOULD NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A RESOURCE DETERMINED BY THE LEAD AGENCY, IN ITS DISCRETION AND SUPPORTED BY SUBSTANTIAL EVIDENCE, TO BE SIGNIFICANT PURSUANT TO CRITERIA SET FORTH IN SUBDIVISION (C) OF THE PUBLIC RESOURCES CODE SECTION 5024.1, THAT CONSIDERS THE SIGNIFICANCE OF THE RESOURCES TO A CALIFORNIA NATIVE AMERICAN TRIBE.**

**Less than Significant with Mitigation Incorporated.** As described in Section 5.3, *Cultural Resources*, the Specific Plan is located in an urbanized area; however, future site-specific development projects pursuant to the Specific Plan could involve grading and excavation to greater depths than previously undertaken that could disturb buried archaeological resources, including tribal cultural resources. Thus, Mitigation Measures CUL-2 through CUL-9 are included to reduce the potential for archaeological resources, which include tribal cultural resources, to be impacted during earthmoving activities and provides for preservation of any identified resources. Furthermore, as a result of SB 18 and AB 52 tribal consultation, Mitigation Measures TCR-1 through TCR-4 are included to require tribal monitoring for sites that are sensitive for tribal cultural resources and provisions for inadvertent discoveries of tribal cultural resources. With implementation of Mitigation Measures CUL-2 through CUL-9 and TCR-1 through TCR-4, impacts related to a substantial adverse change in the significance of a tribal cultural resource would be less than significant.

### 5.15.7 CUMULATIVE IMPACTS

The cumulative study area for tribal cultural resources includes the Southern California region, which contains the same general tribal historic setting of the Gabrieleño, Cahuilla, and Serrano, as detailed previously in Section 5.15.3, *Environmental Setting*. Other projects in the vicinity of the TVSP area would involve ground disturbances that could reveal buried TCRs.

As described above, there is a possibility that ground-disturbing activities in native soils may uncover or disturb unknown tribal cultural resources. However, the Project has included Mitigation Measure CUL-1 and TCR-1 through TCR-4 that would reduce the potential impact to unknown resources, and cumulative development would be required to undergo environmental review, which would establish requirements for avoidance or mitigation of impacts potential resources. Thus, the cumulative effects of development on tribal cultural resources from implementation of the proposed Specific Plan in combination with other projects would be less than significant.

### 5.15.8 EXISTING REGULATIONS, STANDARD CONDITIONS, AND PLANS, PROGRAMS, OR POLICIES

#### Existing Regulations

- California Government Code Sections 5097.9-5097.99
- California Health and Safety Code Section 7050.5
- California Public Resources Code Sections 21073 et seq. (AB 52)

#### Standard Conditions

None.

#### Plans, Programs, or Policies

None.

### 5.15.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, Impacts TCR-1 and TCR-2 would be **potentially significant**.

### 5.15.10 MITIGATION MEASURES

**Mitigation Measure CUL-2 through CUL-9**, listed previously.

**Mitigation Measure TCR-1: Archaeological Resources Management Plan (ARMP)**. If resources are discovered within a given Project Area, for any ground disturbing activities within 300 feet of the Mill Creek Zanja, or if there is a high potential for encountering resources, an Archaeological Resources Management Plan (ARMP) and tribal monitoring shall be required. In this case, the ARMP should include the following, at a minimum:

- At least 90 days prior to issuance of grading permits, the project permittee/owner shall retain a qualified archaeological monitor to prepare the ARMP and to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Qualified archaeological monitor(s) will have a minimum of a bachelor's degree, verifiable training and one year of monitoring

experience in Southern California on similar projects. Prior to grading, the project permittee/owner shall provide to the City Development Services Department verification that a qualified monitor and a Native American monitor from the consulting tribe(s) have been retained. Archaeological monitors will report to the project Archaeologist for the project and may work in collaboration with Native American monitors from consulting tribes. The project Archaeologist shall meet the U.S. Secretary of the Interior Standards.

- Any newly discovered archaeological resource deposits shall be subject to a formal significance evaluation.
- The project Archaeologist will work in coordination with consulting tribes, the permittee/owner, and the City on the ARMP to address the details, timing, and responsibility of all archaeological activities that will occur on the project site. Details in the plan shall include, at a minimum:
  - a. Project grading and development scheduling;
  - b. The development of a schedule in coordination with the permittee/owner, consulting Native American tribes, and the Project Archaeologist during grading, excavation and ground-disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American tribal monitors' authority to stop and redirect grading activities in coordination with all project archaeologists; and,
  - c. The protocols and stipulations that the permittee/owner, City, tribes, and Project Archaeologist will follow in the event of inadvertent archaeological resource discoveries, including any newly discovered archaeological resource deposits that shall be subject to an archaeological resources evaluation.
- A final report documenting the monitoring activity and disposition of any recovered archaeological resources shall be submitted to the City of Redlands, South Central Coast Information Center (SCCIC), and consulting tribes within 60 days of completion of monitoring.

**Mitigation Measure TCR-2: Inadvertent Discovery of Tribal Cultural Resources.** In the event that Native American tribal cultural resources are inadvertently discovered during the course of grading for any project being developed under the Transit Villages Specific Plan, the following procedures will be carried out for treatment and disposition of the discoveries:

1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the Project archaeologist. The removal of any artifacts from the Project Site will need to be thoroughly inventoried with tribal monitor oversight of the process. Construction staff should also be provided with cultural sensitivity training, including identification of possible in situ tribal cultural resources.

2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Redlands with evidence of same:

- a. Accommodate the process for onsite reburial of the discovered items with the interested Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.
- b. A curation agreement with an appropriate qualified repository within San Bernardino County or Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The



collections and associated records shall be transferred, including title, to an appropriate curation facility within San Bernardino County or Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the Project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the San Bernardino County Museum (or similar appropriate qualified repository able and willing to accept the tribal cultural resources) by default.

d. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Redlands documenting monitoring activities conducted by the Project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grading meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Redlands, CHRIS, and consulting tribe(s).

**Mitigation Measure TCR-3: Treatment and Disposition of Tribal Cultural Resources.** In the event that tribal cultural resources, including historic and pre-contact materials, are discovered during the course of ground disturbance for any project being developed under the Transit Villages Specific Plan, the following procedures shall be implemented:

1. All work in the immediate vicinity of the find (within a 50-foot buffer) shall cease and the find shall be assessed by an archaeologist meeting the Secretary of the Interior's standards. Work on the other portions of the project, outside of the buffered area, may continue during this assessment period.

2. Notification and information regarding the nature of the find shall be made to the representatives of all consulting tribe(s).

3. Temporary Curation and Storage: During construction, any cultural resources discovered shall be temporarily curated in a secure onsite location, as determined appropriate with consideration of input from consulting tribe(s). The removal of any cultural resources from the project site shall be thoroughly inventoried and overseen by the Native American Tribal Monitor(s).

4. Treatment and Final Disposition: The Applicant shall relinquish ownership of all cultural resources, including sacred items, burial goods, archaeological artifacts, and non-human remains discovered during construction of the proposed project. The Applicant shall relinquish the cultural resources through one or more of the following methods and provide the City of Redlands with evidence of same:

a. Accommodate the onsite reburial of the discovered cultural resources in consultation with the consulting Native American tribe(s) or band(s). The reburial area shall be protected from any future impacts. All reburials are subject to a reburial agreement that shall be developed between the landowner and the consulting tribes outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis-a-vis project plans, conservation/preservation easements, etc.). Reburial shall not occur until all cataloguing and recordation have been completed.

b. In the event that reburial is infeasible, and/or if more than one Native American tribe or band is involved with the proposed project and cannot come to a consensus as to the disposition of cultural resources within one hundred and twenty (120) days from the initial recovery of the items, the cultural resources shall be curated. The landowner shall relinquish all ownership and rights to this material and confer with the consulting tribes to identify an American Association of Museums (AAM)-accredited

facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility.

c. Within 60 days following the completion of ground-disturbing activities, a Monitoring Compliance Report shall be submitted to the City of Redlands. The Monitoring Report shall document monitoring activities conducted by the Project Archaeologist and Native Tribal Monitor(s) including: any impact to cultural resources discovered on the project site; how each mitigation measure was fulfilled; the type of cultural resources recovered and the disposition of such resources; evidence of completion of pre-grading cultural sensitivity training required for the construction staff; and daily/weekly monitoring notes from the archaeologist in a confidential appendix. The Monitoring Compliance Report shall be submitted to the City of Redlands, the South Central Coastal Information Center, and the consulting tribe(s).

**Mitigation Measure TCR-4: Discovery of Human Remains.** In the event that human remains are encountered on any project site of any project being developed under the Transit Villages Specific Plan, the construction contractors, Project Archaeologist, and designated Native American Tribal Monitor (if any) shall immediately stop all work within 100 feet of the discovery. The Applicant shall immediately notify the San Bernardino County Coroner, the City of Redlands Police Department, and the City of Redlands Development Services Department. The County Coroner shall be permitted to examine the remains consistent with the requirements of California Code of Regulations (CCR) §15064.5(e). State Health & Safety Code §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 (PRC) §5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The MLD recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.

The specific location of Native American burials and reburials will be proprietary and not disclosed to the general public. The locations will be documented by the Project Archaeologist in conjunction with the various stakeholders and a report of findings will be filed with the South Central Coastal Information Center and/or NAHC.

According to the California Health & Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the mediation and decision process will occur with the NAHC (see Public Resources Code Sections 5097.98(e) and 5097.94(k)).

### 5.15.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measures and existing regulatory programs described previously would reduce potential impacts associated with tribal cultural resources for Impacts TCR-1 and TCR-2 to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to tribal cultural resources would occur.

## REFERENCES

City of Redlands General Plan 2035. Accessed: <https://www.cityofredlands.org/post/planning-division-general-plan>

City of Redlands Historic Architectural Design Guidelines. Accessed: [https://www.cityofredlands.org/sites/main/files/file-attachments/attachment\\_b-exhibit\\_to\\_resolution\\_historic\\_design\\_guidelines.pdf?1612492494](https://www.cityofredlands.org/sites/main/files/file-attachments/attachment_b-exhibit_to_resolution_historic_design_guidelines.pdf?1612492494)

City of Redlands Municipal Code. Accessed: [https://codelibrary.amlegal.com/codes/redlandsca/latest/redlands\\_ca/0-0-0-1](https://codelibrary.amlegal.com/codes/redlandsca/latest/redlands_ca/0-0-0-1)

Material Cultural Consulting. Redlands Transit Villages Specific Plan Project Cultural and Paleontological Assessments (MCC 2022). January 2022. Appendix C.

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