

5. Environmental Analysis

5.4 CULTURAL RESOURCES

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Yucca Valley General Plan Update to impact cultural resources in the Town of Yucca Valley (Town). The analysis in this section is based, in part, upon the following information:

- *Paleontological and Cultural Resources Assessment for the Town of Yucca Valley General Plan Update, Cogstone, November 2012*

A complete copy of this study is included as Appendix E to this DEIR.

5.4.1 Environmental Setting

5.4.1.1 *Regulatory Setting*

Federal and state regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized below.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 is the primary federal law governing the preservation of cultural and historic resources in the United States. The law establishes a national preservation program and a system of procedural protections that encourage the identification and protection of cultural and historic resources of national, state, tribal, and local significance. Primary components of the NHPA include:

- Articulation of a national policy governing the protection of historic and cultural resources.
- Establishment of a comprehensive program for identifying historic and cultural resources for listing in the National Register of Historic Places.
- Creation of a federal-state/tribal-local partnership for implementing programs established by the act.
- Requirement that federal agencies take into consideration actions that could adversely affect historic properties listed or eligible for listing on the National Register of Historic Places, known as the Section 106 Review Process.
- Establishment of the Advisory Council on Historic Preservation, which oversees federal agency responsibilities governing the Section 106 Review Process.
- Placement of specific stewardship responsibilities on federal agencies for historic properties owned or within their control (Section 110 of the NHPA).



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National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The NRHP recognizes resources of local, state, and national significance that have been documented and evaluated according to uniform standards and criteria. Authorized under the NHPA, the NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. The National Register is administered by the National Park Service, which is part of the U. S. Department of the Interior.

To be eligible for listing in the National Register, a resource must meet at least one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of our history.
- Is associated with the lives of persons significant in our past.
- Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- Has yielded, or may be likely to yield, information important in history or prehistory.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites that are on federal and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for 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 and culturally affiliated Indian tribes.

State Regulations

California Public Resources Code

Archaeological, paleontological, and historical sites are protected pursuant to a wide variety of state policies and regulations enumerated under the California Public Resources Code. In addition, cultural and paleontological resources are recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA.

- California Public Resources Code 5020–5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- California Public Resources Code 5079–5079.65 defines the functions and duties of the Office of Historic Preservation (OHP). OHP is responsible for the administration of federally and state mandated historic preservation programs in California and the California Heritage Fund.

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- California Public Resources Code 5097.9–5097.991 provides protection to Native American historical and cultural resources, and sacred sites and identifies the powers and duties of the Native American Heritage Commission (NAHC). It also requires notification to descendants of discoveries of Native American human remains descendants and provides for treatment and disposition of human remains and associated grave goods.

California Register of Historic Resources

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The California Register of Historic Resources (CRHR) is the authoritative guide to the state's significant historical and archeological resources. It encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA.

To be eligible for listing in the CRHR, a resource must meet at least one of the following criteria:

- Associated with 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.
- Associated with the lives of persons important to local, California or national history.
- Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.



In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which significant events transpired or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.

California Historical Landmarks

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting at least one of the criteria listed below. The resource also must be approved for designation by the County Board of Supervisors or the City/Town Council in whose jurisdiction it is located; be recommended by the State Historical Resources Commission; and be officially designated by the Director of California State Parks. A resource must meet at least one of these following criteria:

- Be the first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Be associated with an individual or group having a profound influence on the history of California.
- Be a prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

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California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the California Register. No historical resource may be designated as both a landmark and a point. If a point is subsequently granted status as a landmark, the point designation will be retired.

To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria:

- The first, last, only, or most significant of its type within the local geographic region (City or County).
- Associated with an individual or group having a profound influence on the history of the local area.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer or master builder.

California Senate Bill 18

Senate Bill (SB) 18, the Traditional Tribal Cultural Places (TTCPs) law, requires local jurisdictions to provide opportunities for involving NAHC and any appropriate California Native Americans tribes in the land planning process for the purpose of preserving TTCPs. A city or county, when proposing to adopt, amend, revise, or update a general plan or specific plan, must send a written request to NAHC asking for a list of tribes to consult. NAHC is required to provide this list within 30 days of receiving the request. The city or county must send a Tribal Consultation Request letter to each tribal representative on the list; tribes then have 90 days in which to respond to the Consultation Request if they want to consult with the local government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. The local government refers action to agencies 45 days before the action is publicly considered by the local government council, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by NAHC who have requested consultation or it may not. If the NAHC, tribe, and interested parties agree upon the mitigation measures necessary for the project, they would be included in the project's EIR. If both the City and tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

In addition, SB 18 provides a new definition of TTCP requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 also amended California Civil Code Section 815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

5.4.1.2 Existing Setting

Natural Setting

The Town is located along the southwestern margin of the Mojave Desert in southwestern San Bernardino County. Elevations range from approximately 4,400 feet above mean sea level (amsl) in the northern portion and gradually decline to approximately 3,200 feet amsl near the Yucca Valley Airport. The Town is mapped as geologic sediments of Quaternary alluvium, Quaternary older alluvium, Quaternary Older fan, Quaternary older gravel, Quaternary older fanglomerate, basalt, Old Woman Sandstone, quartz monzonite, monzonite porphyry, and gneissic rocks (Cogstone 2012). The developed portion of the Town is mostly on Quaternary alluvium and Quaternary older alluvium.

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Cultural Setting

Prehistoric Cultural Setting

Excluding the controversial “Early Man” preprojectile point materials from the Calico Ghost Town area, Native American occupation of the Yucca Valley and neighboring regions can be divided into five cultural periods: Paleoindian/San Dieguito (ca. 12,000–7000 years before present (B.P.); Pinto (ca. 7000–4000 B.P.); Gypsum Period (ca. 4000–1500 B.P.); Saratoga Springs Period (ca. 1500–750 B.P.); and the Late Prehistoric Period (ca. 750–200 B.P.), which ended in the ethnographic period.

Ethnographic Setting

At the time of historic contact, the project region was within the ethnographic territory of the Serrano, which comes from a Spanish word meaning “mountaineer” or “highlander.” The Serrano were nomadic and migratory, and according to lore passed down, they migrated to the cool, pine forests of the San Bernardino Mountains to the west during the summer and returned to the desert regions during the winter. Prior to European contact, the Serrano were primarily hunters and gatherers. The Serrano culture area extends from the San Bernardino Mountains south to Yucaipa Valley, east to the Mojave River watershed, and north to the Twentynine Palms region (Cogstone 2012). Most Serrano village sites were in the foothills of the upper Sonoran zone, with a few outliers near permanent water sources on the desert floor or in the forest transition zone.

Prehistoric and ethnohistoric archaeological sites likely to be found within the Town include: villages represented by residential bases with house features (stone and/or adobe), storage features, human burials and cremations, and rock art (pictographs and/or petroglyphs); temporary encampments represented by flaked and ground stone scatters with fire hearths and possibly storage features; resource procurement and processing sites represented by bedrock milling stations, tool stone quarries, flaked and ground stone artifact scatters, and/or hunting blinds; trails demarked by cairns and possibly rock art; isolated cultural features such as rock art, intaglios, and/or shrines; isolated flaked or ground stone artifacts; and traditional cultural landscapes/sacred places that may include important gathering or collecting places, springs, mountain tops or rock outcroppings, burial grounds, etc.

Historical Setting

Spanish and American Periods (ca. 1769–1848)

Although the Serrano continued to reside in the greater Yucca Valley region as Spanish and Mexican prospectors started to make their way into the valley, they suffered from devastating smallpox epidemics in 1825 and again in 1862. Early colonizers largely ignored the arid, inland regions of southern California, including the Yucca Valley area. It is reported that the region area was first explored by Spaniards making forays northward from Mexico along the southern California coast and Colorado River area.

Under the Treaty of Cordova in 1821, Mexico gained independence from Spain and control of California. By 1834, the Spanish mission lands were being redistributed as private Mexican land grants called “ranchos.” There is no historical evidence of any Spanish or Mexican settlements in the Yucca Valley area, although it was essentially under the influence of Mexico until the Treaty of Guadalupe Hidalgo in 1848, when southern California fell under the control of the United States Government (Cogstone 2012).

Early American Period (1850–1900)

With the region under American control and the discovery of gold in California in 1848, the stage was set for admittance of California into the union in 1850, which led to the dramatic influx of non-Native people from throughout the nation as well as from other countries. From the 1870s to the turn of the century, the general region was used largely by cattlemen and gold mining prospectors, especially after the discovery of gold east of what is now



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Twentynine Palms. The first settlers in the project study area were the de Crevecoeur brothers and their families in approximately 1873, running both cattle and sheep.

Both cattle rustlers and legitimate cattlemen continued to use the project study area throughout the 1870s, and by the early 1880s, both large and small gold mines were in operation, several continuing until the mid-1910s. In 1881, Mark “Chuck” Warren expanded his cattle operations west of his Big Morongo Canyon Ranch and dug a well in what was to become Yucca Valley. The well, windmill, and small frame house, are adjacent to the present-day Yucca Valley Airport. According to the Bureau of Land Management Government Land Office records, no sizeable land patents were filed in the project study area during this era (Cogstone 2013).

Early 20th Century (1900–1949)

After the turn of the century, homesteading in the Morongo Basin began. A government land locator named Percy as well as Joseph and Mary Heard were among the first individuals who filed for land patents between 1910 and 1916, mostly in the western portion of the area near Big Skies County Club. Other land patents were filed soon after. Many individuals and families did not stay in the Morongo Basin long due to harsh living conditions such as lack of water and the general difficulty in raising crops in a desert. Warren’s Well, the Tunnel (a spring south of the Town), and the Oasis of Mara (in the Twentynine Palms area) provided the only water for settlers until they could dig their own wells.

The first school in Yucca Valley was established in 1915 with 15 students, following the establishment of an earlier school in Morongo Valley. A telephone was not available in Yucca Valley until 1935, and population did not dramatically increase until after World War II when hundreds of land patents were filed. The highway from Morongo Valley through Yucca Valley was constructed in 1937 but not paved until 1951. Electricity did not appear in the project study area until 1946, three years after streets were laid out and the Yucca Water Company, Ltd. was established.

The last cattle drive through Yucca Valley was in 1947, the same year the Yucca Valley Airstrip was constructed to accommodate moviemakers, who were accessing nearby Pioneertown to film westerns in the late 1940s, 1950s, and 1960s (Cogstone 2012).

Late 20th Century (Post-1950)

By 1966, Yucca Valley had a population of 8,197 and encompassed approximately 33 square miles. Only two years earlier, natural gas lines were installed. Primary industries in the Town switched from mining, cattle, and crops to real estate and construction, reflecting the population growth. Multiple businesses, shopping facilities, and professional services developed within the project study area during the 1950s and 1960s. The 1950s saw the creation of the Yucca Valley Chamber of Commerce, Morongo Unified School District, the Yucca Valley Sheriff’s Reserve Unit, and the Yucca Valley Park District. During the 1960s, due to the increased population growth, chain stores such as Safeway and Bank of America were built in Yucca Valley, as were the Hi-Desert Memorial Hospital facility and the Hi-Desert Nature Center. Also during this time, much of the frontage properties were developed along State Route 62 (Twentynine Palms Highway). In 1964, an attempt to incorporate Yucca Valley into a city was vetoed by voters; however, by 1991, Yucca Valley was incorporated as a town and had a population of 20,700 as of the 2010 census.

The significant mid-century population growth of the Town of Yucca Valley is reflected in the number of land patents filed after 1950. The State of California and 140 individuals filed patents for five acres or more between 1950 and 1959. However, the number of patents filed between 1960 and 1966 dropped by almost half to 79 individuals. The Yucca Valley Lions Club Company, the Yucca Valley Parks and Recreation, and the County of San Bernardino filled out the remainder of land patents filed during this era (Cogstone 2012).

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Cultural Resources

As a part of the Paleontological and Cultural Resources Assessment prepared by Cogstone for the General Plan Update (see Appendix E), a records search for archaeological and historical records was completed for the entire project study area at the San Bernardino Information Center (SBIC) of the California Historic Resources Inventory System (CHRIS). In addition to the records at the SBIC, a variety of other sources were consulted to obtain additional cultural resources information regarding the project study area, including the NRHP, CRHR, California Historical Resources Inventory, California Historical Landmarks, and California Points of Historical Interest. Local county registries were also examined

The records search determined that there are nine prehistoric resources, three historical archaeological resources, and five historic resources in the Town, as shown in Table 5.4-1 and discussed in more detail below.

**Table 5.4-1
Previously Recorded Cultural Resources**

Reference	Site Type	Date	Time Period
P1033-H	Historical school house	ND	Mid-20th Century
P-36-001605	Prehistoric camp site	1975	Prehistoric
P-36-002379	Prehistoric lithic artifact scatter	1973	Prehistoric
P-36-002380	Prehistoric lithic artifact scatter	1973	Prehistoric
P-36-004851	Prehistoric quarry site	1981	Prehistoric
P-36-004852	Prehistoric lithic artifact scatter	1981	Prehistoric
P-36-004853	Prehistoric lithic artifact scatter	1981	Prehistoric
P-36-004854	Prehistoric lithic artifact scatter	1981	Prehistoric
P-36-009610	Historical ranch complex (Warren's Well)	1999	Late 19th Century
P-36-009988	Historical can scatter	2000	Early 20th Century
P-36-009994	Historical ranch complex (Warren's Tanks)	1999	Turn of 20th Century
P-36-010525	Historical road (CA State Route 62)	2000	Mid-20th Century
P-36-011658	Historical dove blind and associated trash	2004	Early to Mid-20th Century
P-36-013387	Prehistoric milling slick	2007	Prehistoric
P-36-013394	Historical folk art sculptures (Desert Christ Park)	2007	Mid-20th Century
P-36-033413	Prehistoric pottery sherds isolate	2007	Prehistoric
P-36-014407H	Historic trash	2008	Mid-20th Century

Source: Cogstone 2013.



Paleontological Resources

Paleontological resources are mapped based on the presence of known resources and the geologic sediments in the region. Based on the age of the sediment and rock types found in Yucca Valley, the Town's potential fossil yields range from very low to moderate in sensitivity. Figure 5.4-1, *Paleontological Resources Sensitivity Map*, identifies areas where fossil resources are likely to be found. Two vertebrate fossils, an extinct horse and a desert tortoise, are known within the west-central portion of the Town in Quaternary older alluvium. Additional fossils are known regionally in the same sediments (near Twentynine Palms) and include extinct animals such as mammoth, ground sloths, camel, horse, llama, dwarf pronghorn, and saber-toothed cat. Fossils are also known from the Old Woman Sandstone in the local region. These include extinct animals such as a zebra-like horse and Furlong's rabbit in addition to cotton rat, wood rat, and brown bat.

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Archaeological Resources

The Town and vicinity have prehistoric archeological resources ranging from approximately 10,000 years ago to 200 years ago. As shown in Table 5.4-1, the prehistoric archaeological sites previously recorded include five lithic artifact scatters, a camp site, a quarry site, a bedrock milling station site, and one isolated pottery sherd. The historical archaeological sites include two historic refuse scatters and a dove blind associated with a refuse scatter.

Historical Resources

As shown in Table 5.4-1, the historic resources in the Town and vicinity include a historical school house, Warren's Well, Warren's Ranch/Tanks, Desert Christ Park (a local folk art site), and State Route 62 (Twentynine Palms Highway).

5.4.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant: C-4. This impact will not be addressed in the following analysis.

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), listed in section 5.4.1.1.

The fact that a resource is not listed in determined to be eligible for listing in the California Register of Historical Resources, or not included in a local register of historical resources does not preclude a lead agency from determining it may be a historical resource.

5.4.3 Environmental Impacts

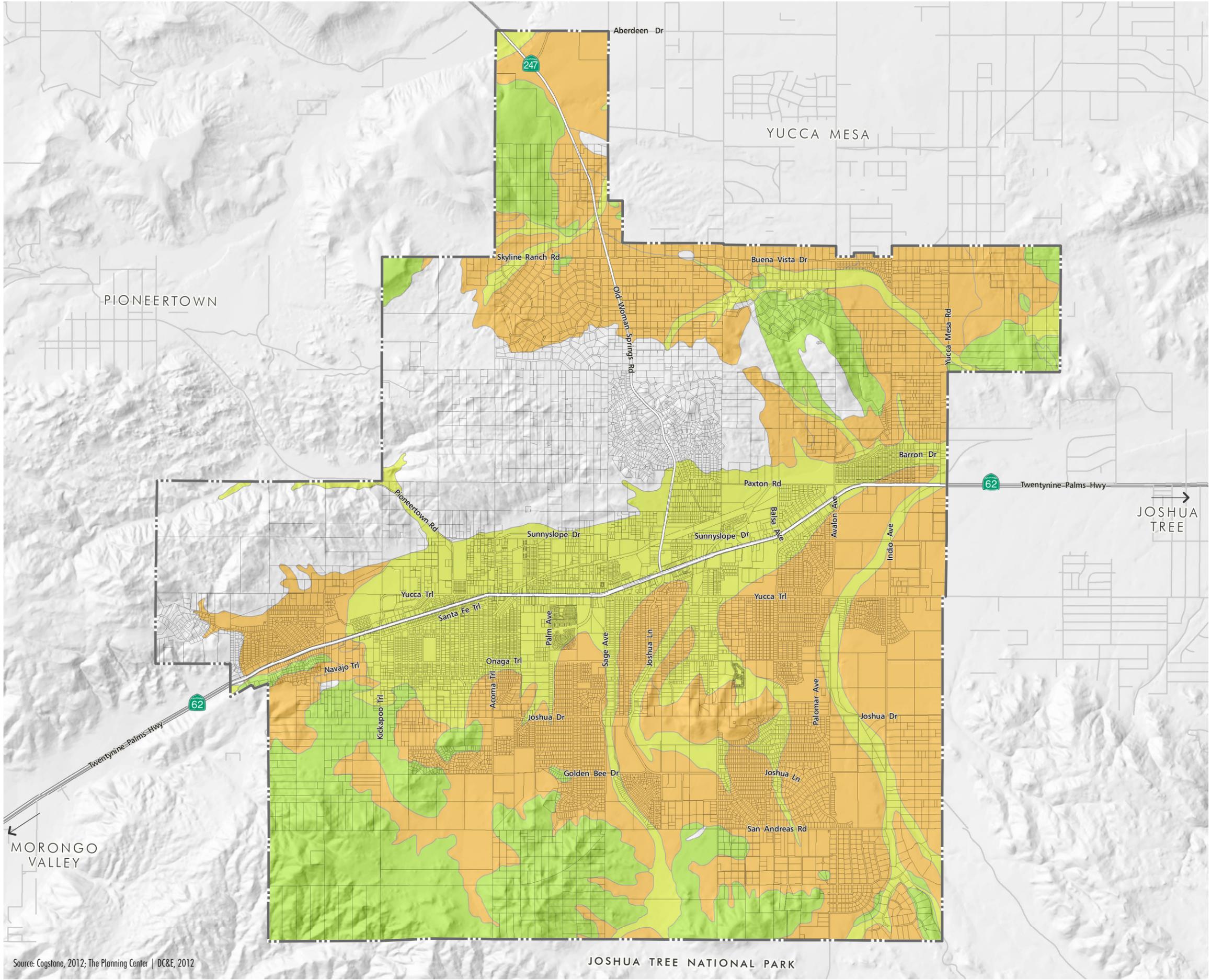
The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.5-1: FUTURE DEVELOPMENT IN THE TOWN THAT WOULD BE ACCOMODATED BY THE GENERAL PLAN UPDATE COULD IMPACT HISTORIC RESOURCES. [THRESHOLD C-1]

Impact Analysis: The records search conducted as a part of the Paleontological and Cultural Resources Assessment prepared by Cogstone for the General Plan Update (Appendix E) determined that there are five historic resources in the Town and vicinity. As shown in Table 5.4-1, these resources include a historical school house, Warren's Well, Warren's Ranch/Tanks, Desert Christ Park (a local folk art site), and State Route 62 (Twentynine Palms Highway).

5.4 - CULTURAL RESOURCES

Figure 5.4-1
PALEONTOLOGICAL RESOURCES
SENSITIVITY MAP



Potential Fossil Yield

- Very Low
- Low
- Moderate
- Town Limits

Source: Cogstone, 2012; The Planning Center | DC&E, 2012

YUCCA VALLEY
GENERAL PLAN
DRAFT EIR

TYV-01 08.26.13

0 1,500 3,000 6,000 Feet

THE PLANNING CENTER
DC&E

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Adoption of the General Plan Update in itself would not directly affect any historical structures or resources. However, the aforementioned historic structures and sites may be vulnerable to development activities accompanying infill, redevelopment, or revitalization that would be accommodated under the General Plan Update. In addition, other structures that could meet the National Register criteria upon reaching 50 years of age might be impacted by development or redevelopment activity.

Historical resources are protected by a wide variety of state policies and regulations under the California Public Resources Code. The open space and conservation element of the General Plan Update also contains a number of policies that specifically address sensitive known and potential historical resources and their protection, including policies OSC 7-1, OSC 7-2, OSC 7-4, and OSC 7-5, below in Section 5.4.4, *Relevant General Plan Policies*. For example, policy OSC 7-1 requires development proposals to locate, identify, and evaluate archaeological, historical, Native American, and other cultural sites and ensure that appropriate action is taken to protect these resources.

Additionally, at the time a development project is proposed adjacent or in proximity to a known or potential historic structure or resource, the project-level CEQA document of the development project would need to identify any impacts (direct or indirect) that the project could have on it. The CEQA Guidelines require a project that will have potentially adverse impacts on historical resources to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties. Furthermore, historic sites or resources listed in the national, state, or local registers maintained by the Town would be protected through local ordinances, the General Plan Update policies, and state and federal regulations restricting alteration, relocation, and demolition of historical resources.

IMPACT 5.5-2: FUTURE DEVELOPMENT IN THE TOWN THAT WOULD BE ACCOMMODATED BY THE GENERAL PLAN UPDATE COULD IMPACT KNOWN AND UNKNOWN ARCHAEOLOGICAL AND/OR PALEONTOLOGICAL RESOURCES. [THRESHOLDS C-2 AND C-3]



Impact Analysis: Adoption of the General Plan Update in itself would not directly affect archaeological or paleontological resources or Native American resources. However, the majority of the Town consists of vacant land. As shown in Table 4-1, *Existing Land Use Summary*, and Figure 3-3, *Existing Land Use*, the vast majority of Town land is either single-family land uses (24.8 percent) or vacant (65.4 percent). This is due to the Town's low density residential character and isolated, high-desert location. The Town's abundant vacant land generally consists of undeveloped desert saltbrush scrub, Joshua tree woodland, and pinyon-juniper woodland.

Long-term implementation of the General Plan Update land use plan (see Figure 3-5, *Proposed Land Use Plan*) could allow development (e.g., new development, infill development, redevelopment, and revitalization/restoration), including grading, of known and unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than in the past could potentially cause the disturbance of archeological, paleontological, or Native American resources. Therefore, future development that would be accommodated by the General Plan Update could potentially unearth previously recorded unrecorded archeological, paleontological, or Native American resources. Following is a discussion of these sources and their potential impacts.

Archeological and Paleontological Resources

The records search conducted as a part of the Paleontological and Cultural Resources Assessment prepared by Cogstone for the General Plan Update (Appendix E) determined that there are nine prehistoric archeological resources and three historical archaeological resources within the Town. As shown in Table 5.4-1, the prehistoric archaeological sites recorded previously include five lithic artifact scatters, a camp site, a quarry site, a bedrock milling station site, and one isolated pottery sherd. The historical archaeological sites include two historic refuse scatters and a dove blind associated with a refuse scatter.

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Figure 5.4-1, *Paleontological Resources Sensitivity Map*, identifies areas where fossil resources are likely to be found within the Town. Based on the age of the sediment and rock types found in Yucca Valley, the Town's potential fossil yields range from very low to moderate in sensitivity, as shown in Figure 5.4-1. Two vertebrate fossils, one of an extinct horse and the other a desert tortoise, are known within the west-central portion of the Town in Quaternary older alluvium. Additional fossils are known regionally in the same sediments (near Twentynine Palms) and include extinct animals such as mammoth, ground sloths, camel, horse, llama, dwarf pronghorn, and saber-toothed cat. Fossils are also known from the Old Woman Sandstone in the local region. These include extinct animals such as a zebra-like horse and Furlong's rabbit in addition to cotton rat, wood rat, and brown bat. Developments that require excavations below ground surface in areas mapped as having moderate fossil yield potential have the potential to uncover paleontological resources.

The open space and conservation element of the General Plan Update contains policies that specifically address sensitive known and potential archeological and paleontological resources and their protection, including policies OSC 1-2, OSC 1-3, OSC 1-5, OSC 1-6, OSC 7-1, OSC 7-2, OSC 7-4, OSC 7-4, OSC 7-5, OSC 7-6, OSC 7-7, and OSC 8-1, as outlined below in Section 5.4.4, *Relevant General Plan Policies*. For example, policy OSC 7-1 requires development proposals to locate, identify, and evaluate archaeological, historical, Native American and other cultural sites, and ensure that appropriate action is taken to protect these resources. Policy OSC 7-3 requires that a paleontologist be on call to document and recover paleontological resources discovered during excavation.

The proposed General Plan Update land use plan (see Figure 3-5) also designates certain areas of the Town as Open Space Conservation and Open Space Recreation, further assuring that known and potential archeological and paleontological resources are protected through the conservation of open space areas. For example, to help implement the preservation of open space areas, policy OSC 1-5 encourages new development to retain natural open space areas as part of project design to the greatest extent practicable.

Additionally, archaeological and paleontological sites are protected by a wide variety of existing federal, state, and local regulations and policies (see *Regulatory Background* discussion above under Section 5.4.1), including the California Public Resources Code. Cultural and paleontological resources are also recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA. Review and protection of archaeological and paleontological resources are also afforded by CEQA for individual development projects subject to discretionary actions that are implemented in accordance with the land use plan of the General Plan Update. Per Public Resources Code Section 21083.2 of CEQA, the lead agency is required to determine whether a development project may have a significant effect on archaeological or paleontological resources. If the lead agency determines that it may, the environmental document is required to address the issue of those resources. However, in the event of an unanticipated discovery of archaeological or paleontological resources during grading and excavation of a development site, development proposals are required to ensure that appropriate action is taken to protect these resources, as indicated in policy OSC 7-1.

It is also important to note that the General Plan Update is a regulatory document that sets forth the framework for future growth and development and does not directly result in development in and of itself. Before any development can occur in the Town, all such development is required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Native American Resources and Consultation

As a part of the Paleontological and Cultural Resources Assessment prepared by Cogstone (Appendix E), a Sacred Lands File search was requested from NAHC on December 2, 2011. On December 5, 2011, NAHC replied that there were no known Native American cultural resources previously documented within the project study area (Cogstone 2012). However, NAHC did recommend that the Town contact and consult with 12 Native American tribes or individuals that may have additional knowledge of the religious and cultural significance of historic properties within or immediately adjacent to the project study area for further information.

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Letters requesting information on any heritage sites and containing maps and study information were sent on December 7, 2011, to the 12 Native American contacts. After no responses were received, follow-up e-mails were sent and phone calls were placed with the Native America contacts on December 28, 2011, and again on January 5, 2012. To date, no responses have been received from the 12 Native American tribes or individuals contacted.

Additionally, in accordance with SB 18 requirements, the Town sent invitation letters to representatives of the 12 Native American contacts on November 21, 2012, formally inviting them to consult with the Town during the development of the General Plan Update. The intent of the consultation was to provide an opportunity for interested tribes to work together with the Town during the project planning process to identify and protect tribal cultural resources. To date, none of the tribes have submitted formal requests for consultation.

Furthermore, the open space and conservation element of the General Plan Update also contains policies that specifically address Native American resources and their protection, including policies OSC 7-1, OSC 7-4, OSC 7-5, OSC 7-6, and OSC 7-7. For example, policy OSC 7-1 requires development proposals to locate, identify, and evaluate archaeological, historical, Native American and other cultural sites, and ensure that appropriate action is taken to protect these resources.

5.4.4 Relevant General Plan Policies and Implementation Actions

The following are relevant policies and implementation actions of the General Plan Update that promote the protection of cultural resources and reduce potential impacts of development on these resources. Policy and action number references are provided in parentheses.

Open Space and Conservation Element

- | | |
|---------|---|
| OSC 1-2 | Support regional, state, and federal efforts to evaluate, acquire, and conserve open space areas in and around Yucca Valley. |
| OSC 1-3 | Support the Mojave Desert Land Trust in their efforts to preserve open space resources within the Morongo Basin. |
| OSC 1-5 | Encourage new development to retain natural open space areas as part of project design to the greatest extent practicable |
| OSC 1-6 | Encourage the preservation, integrity, function, productivity and long term viability of environmentally sensitive habitats, wildlife corridors and significant geological features within the Town. |
| OSC 7-1 | Require development proposals to locate, identify, and evaluate archaeological, historical, Native American and other cultural sites, and ensure that appropriate action is taken to protect these resources. |
| OSC 7-2 | Protect sensitive archaeological and historic resources from vandalism and illegal collection to the greatest extent possible. |
| OSC 7-3 | Require that a paleontologist be “on call” to document and recover paleontological resources discovered during excavation. |
| OSC 7-4 | Require that a records search of the California Historical Resources Information System be conducted and reviewed by a cultural resources professional for proposed development areas to determine presence of known prehistoric or historic cultural resources and the potential for as-yet-undiscovered cultural resources. |



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- OSC 7-5 Require that areas found to contain significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation through an accredited museum such as the San Bernardino County Museum.
- OSC 7-6 Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented
- OSC 7-7 Require that any archaeological or paleontological resources as determined by a consulting archeologist on a development project site be either preserved in their sites or adequately documented as a condition of removal.
- OSC 8-2 Protect, preserve and enhance the Town’s hillsides, mountains, canyons, and natural desert terrain.

Implementation Actions

- OSC 28 In cooperation with local historical associations, the Town shall periodically review the historical and archaeological resources of the area for possible application for status as a historical landmark or inclusion in the National Register of Historic Places.
- OSC 29 Maintain an inventory of archeological and paleontological resources.
- OSC 30 Maintain information, including mapping that identifies specific locations of sensitive cultural resources, in a confidential manner, and access to such information shall be provided only to those with appropriate professionals and organizations.
- OSC 31 Review projects to ensure compliance with SB 18 (traditional tribal cultural places) requirements.

5.4.5 Existing Regulations

- California Public Resources Code Sections 5020–5029.5; 5079–5079.65; 5097.9–5097.998; 5097.98
- Tribal Consultation under Senate Bill 18

5.4.6 Level of Significance Before Mitigation

Without mitigation, the following impacts would be **potentially significant**:

- Impact 5.4-1 Future development in the Town accommodated by the General Plan Update could impact historic resources.
- Impact 5.4-2 Future development in the Town that would be accommodated by the General Plan Update could impact known and unknown archaeological and/or paleontological resources.

5.4.7 Mitigation Measures

Impact 5.4-1

- 4-1 Applicants for future development projects with intact extant building(s) more than 45 years old shall provide a historic resource technical study to the Yucca Valley Planning Department. The historic resources technical study shall be prepared by a qualified architectural historian meeting Secretary of the Interior Standards. The study shall evaluate the significance and data potential of the resource in accordance with these standards. If the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852), mitigation shall be identified within the technical study that ensures the value of the historic resource is maintained.

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Impact 5.4-2

- 4-2 Applicants for future development projects that require excavation greater than five feet below the current ground surface in undisturbed sediments with a moderate or higher fossil yield potential shall provide a technical paleontological assessment to the Yucca Valley Planning Department consisting of a record search, survey, background context, and project-specific recommendations performed by a qualified paleontologist. If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan that requires monitoring during grading and other earthmoving activities in undisturbed sediments; provides a fossil recovery protocol that includes data to be collected; requires professional identification, radiocarbon dates, and other special studies, as appropriate; requires curation at an accredited museum such as the San Bernardino County Museum for fossils meeting significance criteria; and requires a comprehensive final mitigation compliance report, including a catalog of fossil specimens with museum numbers and an appendix containing a letter from the museum stating that it is in possession of the fossils.
- 4-3 Applicants for future development projects in areas of known or inferred archaeological resources, prehistoric or historic, shall provide a technical cultural resources assessment to the Yucca Valley Planning Department. The technical cultural resources assessment shall be performed by a qualified archaeologist and shall include a record search, survey, background context, and project-specific requirements to mitigate impacts, if any are found. If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan that requires monitoring during grading and other earthmoving activities in undisturbed sediments; provides a treatment plan for potential resources that includes data to be collected; requires professional identification and other special studies as appropriate; requires curation at an accredited museum such as the San Bernardino County Museum for artifacts meeting significance criteria; and requires a comprehensive final mitigation compliance report, including a catalog of specimens with museum numbers and an appendix containing a letter from the museum stating that it is in possession of the materials.



5.4.8 Level of Significance After Mitigation

Impact 5.4-1

Adherence to regulatory requirements, implementation of the General Plan Update policies and implementation actions outlined above, and implementation of Mitigation Measure 4-1 would reduce the potential impacts to historic resources to a level that is less than significant.

Impact 5.4-2

Adherence to regulatory requirements, implementation of the General Plan Update policies and implementation actions outlined above, and implementation of Mitigation Measures 4-2 and 4-3 would reduce the potential impacts to paleontological and archaeological resources to a level that is less than significant.

5.4.9 References

Cogstone. 2012, November. Paleontological and Cultural Resources Assessment for the Town of Yucca Valley General Plan Update.

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