APPENDIX D:
CULTURAL RESOURCES EVALUATION

Phase 1 Cultural Resource Survey: The Yucca Valley Home Depot Retail Center (APN#0601-201-31, -32 and -37), Town of Yucca Valley, California

with notes on Paleontology

Prepared for:

Town of Yucca Valley
Community Development Department
58928 Business Center Drive
Yucca Valley, CA 92284

Contact: Carole Miller

Prepared by:

Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA 92602
714.508.4100

Authors: Michael Dice, M.A., Senior Archaeologist
Jay Keasling, Staff Archaeologist

Michael Brandman Associates

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PUBLIC INFORMATION STATEMENT

At the request of the Town of Yucca Valley (the Town), Michael Brandman Associates (MBA) has conducted a cultural resource survey on approximately 61 acres within the jurisdictional limits of the Town of Yucca Valley, California. The archaeological survey area consists of three parcels (APN #0601201310000, #0601201320000 and #0601201370000), which are located due south of SR62 and east of Avalon Avenue. We understand that the Town is considering a development proposal for a retail shopping center which includes a large home improvement center (Home Depot). Since project development impacts could encroach upon the adjacent western parcels (area between the project site and Avalon), this area was also included within the survey footprint. This report shall be included in a package of technical reports accompanying an EIR.

The purpose of this report is to delineate the location of the survey area, identify all potentially significant cultural and paleontological resources situated within the survey area, and, if impacted by the proposed development, propose recommendations for mitigation where necessary. Completion of this investigation fulfills the requirements of the National Environmental Policy Act (NEPA); protocols associated with the California Environmental Quality Act (CEQA), the National Historic Preservation Act (NHPA) as Amended, and Executive Order 11593 requirements. California Office of Historic Preservation (SHPO) recommended procedures for cultural resource survey fieldwork, as found on their website, have been followed. This report also follows the SHPO-recommended ARMR archaeological reporting format and fulfills all protocols associated with CEQA and NEPA-level archaeological studies. This report is organized into sections and appendices, which are summarized as follows:

- Section 2 reviews the goals of this study.
- Section 3 summarizes the environmental and cultural setting.
- Section 4 presents the investigative methods.
- Section 5 reviews background information.
- Section 6 provides cultural resource survey and paleontological records search results.
- Section 7 summarizes the project and provides management recommendations.
- Section 8 presents a reference list.
- Section 9 contains the project certification.
- Appendix A provides recent photographs of the Study Area.
- Appendix B provides personnel qualifications.
- Appendix C provides required cultural resource compliance documents.

Ms. Robin Laska, Archaeological Information Center (AIC) Coordinator, conducted a records search at the AIC, San Bernardino County Museum on June 10, 2005. This research indicated that no cultural resources have been recorded inside the project footprint, and the footprint has not been surveyed previously. The paleontological records check with the County Museum took place June 1, 2005.

MBA staff archaeologist Jay Keasling surveyed the project area on June 4 and 5, 2005. During the cultural resources survey, several isolated historic artifacts were detected in the project area, but no sites were identified. Following SHPO guidelines, isolated artifacts need not be mitigated for before construction takes place because isolates are considered ineligible for listing on the California Register. An additional 60 acres south of the area of direct effect was also surveyed (see Exhibit 3).

The existence of isolated cultural resources within the project footprint, along with the exhaustive map and records review, indicates that there is a moderate likelihood of impacts to buried cultural resources during construction. Cultural resource monitoring is recommended during earthmoving phases of site development, because there is a moderate chance that buried cultural materials will be uncovered during grading, but we have recommended limited monitoring unless buried cultural resource sites are detected during grading.

A letter consultation with the Native American Heritage Commission (NAHC) has taken place as a part of this study, and the Town of Yucca Valley may be mandated to undertake additional consultations to fulfill SB18 (Burton) legislation. The mandated conditions are described in OPR's General Plan Guidelines revision of April 15, 2005: Tribal Consultation Guidelines (http://www.opr.ca.gov/SB182004.html). Information presented in this document can be used by the Town, in part, to fulfill this mandate.

It is always possible that cultural resources will be uncovered without a monitor present. In this case, should potentially significant buried cultural resources become uncovered during construction, such resources (excluding isolated artifacts) should be tested for *historical significance* prior to continued impact. In addition, California State Health and Safety Code Section 7050.5 dictates that if human remains are unearthed during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98.

The paleontological review showed that the project footprint rests on surface exposures of *Quaternary older alluvium* sediments, which have high potential for significant fossils. Monitoring for paleontological resources is recommended during construction.

SECTION 1: INTRODUCTION

Michael Brandman Associates has conducted a cultural resource records search, field survey and paleontological records search for a set of three parcels located in the north ½ of the northwest ¼ of Section 32, T.1N R.6E (SBBM) as shown on the *Yucca Valley North, CA.* 7.5' USGS topographic map. Located east of the Town of Yucca Valley, California (Exhibit 1), the study area is under Town jurisdiction. This report is associated with a plan to subdivide the parcels into new lots, and ultimately build a retail shopping center. Parcels APN #0601201310000, #0601201320000 and #0601201370000, which are located south of SR62 and east of Avalon Avenue, cover about 61 acres (Exhibit 2). Exhibit 3 reveals the condition of the property as of June 2002, and shows the acreage surveyed that is not a part of the area of direct effect.

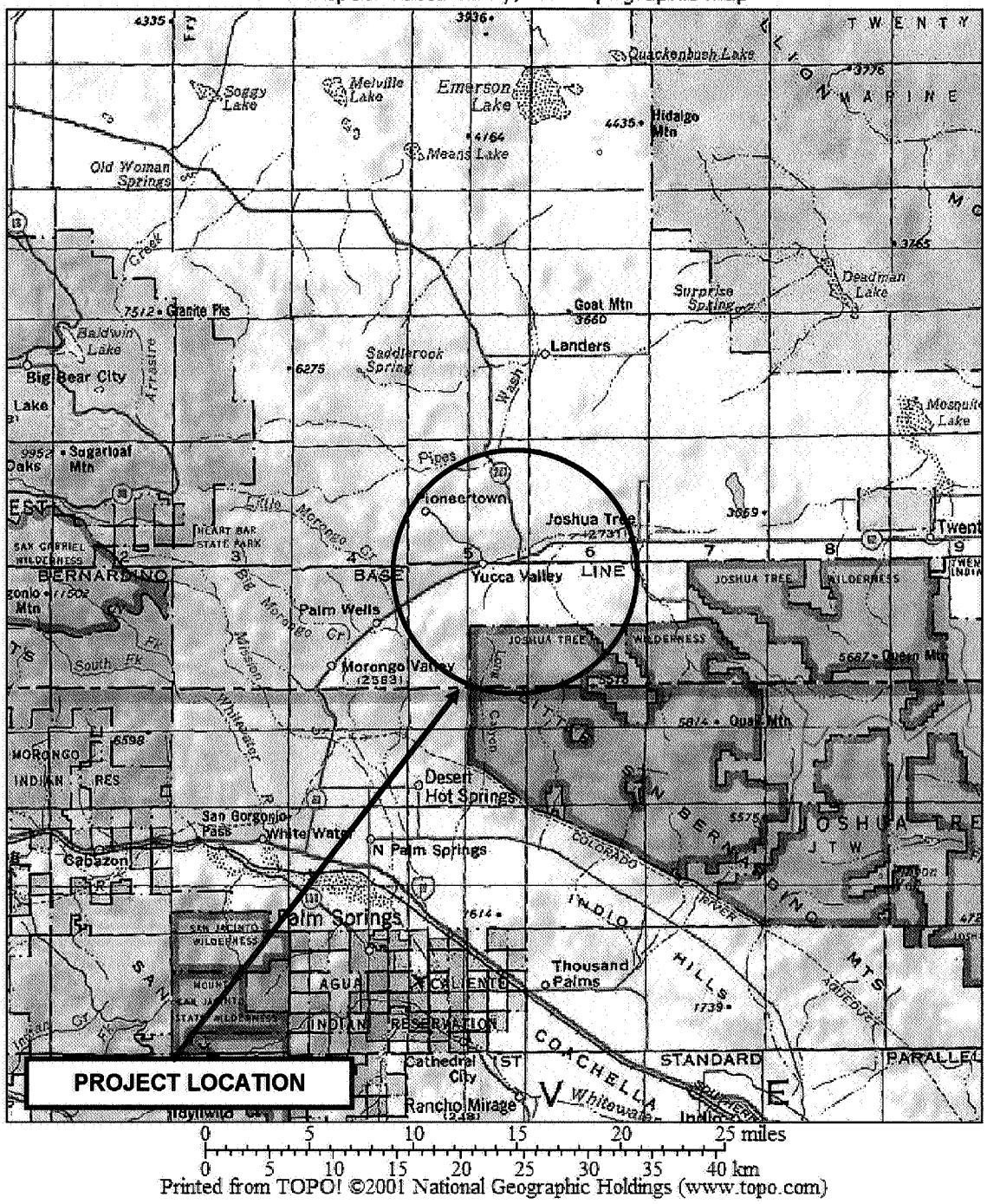
The cultural records search took place in mid-June 2005 and the project area was surveyed on June 4 and 5, 2005. The study area was surveyed for cultural resources utilizing procedures noted in Section 4.0. The paleontological records search took place in June of 2005. The cultural resource assessment was performed to comply with CEQA and 36CFR800 (Section 106), implementing regulations found in the National Historic Preservation Act (NHPA 2004), the National Register of Historic Places (NRHP 2004), and the National Environmental Policy Act (NEPA). This report closely follows the ARMR reporting format as is currently recommended by the California State Historic Preservation Office.

1.1 - RESOURCE ASSESSMENT GOALS

The goal of this project was to identify any significant cultural resources and/or fossil resources situated within the boundaries of the defined survey. The study consisted of five distinct efforts:

1. Cultural resource record search conducted to determine whether any previously recorded cultural materials are present within the boundaries of the study area, or within a quarter mile radius of the study area.
2. A protocol block-transect survey of the entire project area.
3. Examination of archived aerial photographs, topographic maps, and road maps that might reveal historic land use.
4. Review of paleontological records by the San Bernardino County Museum.
5. Development of mitigation recommendations.

Home Depot: Yucca Valley, CA. topographic map

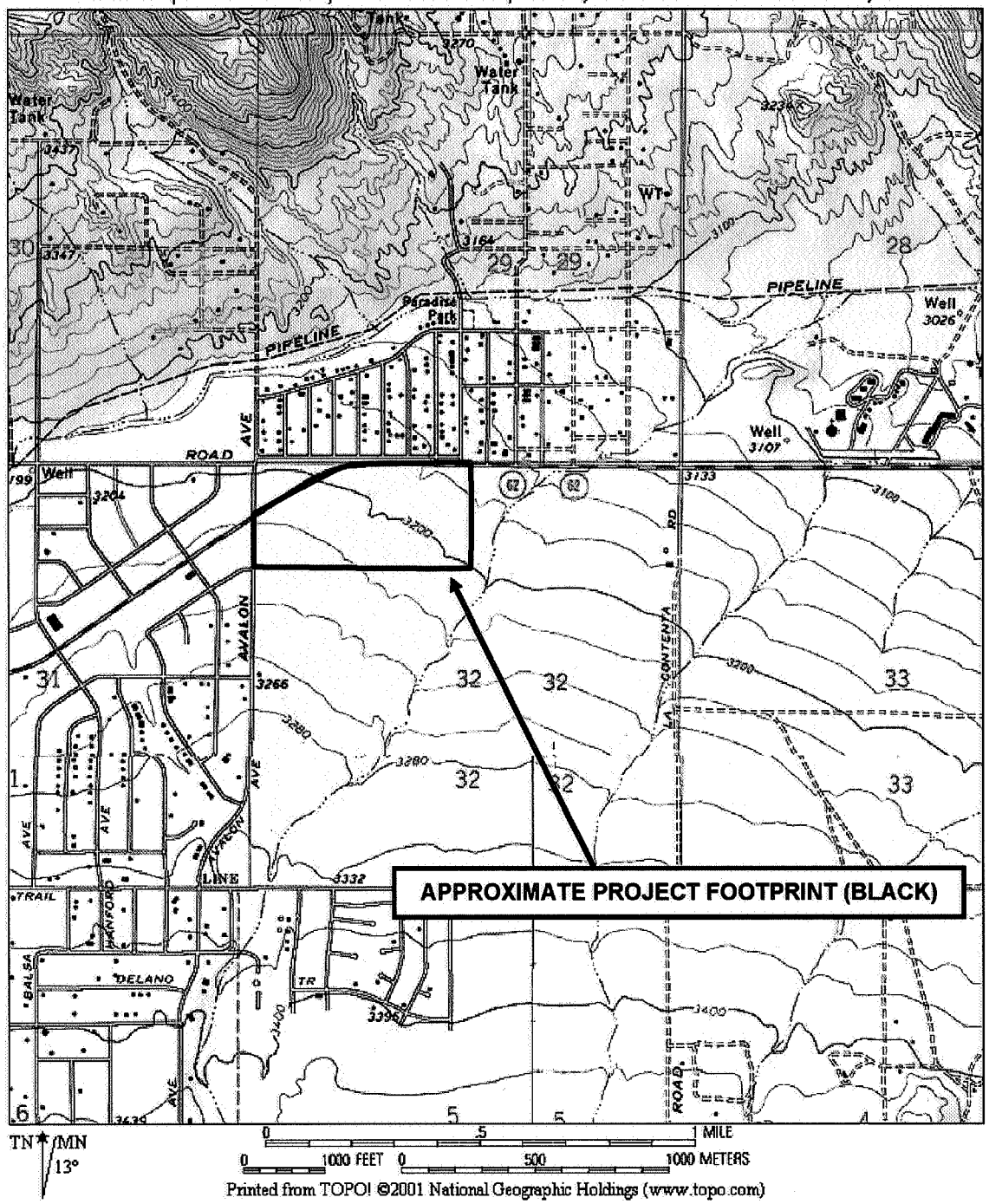


Source: Topo! @National Geographic Holdings.

Michael Brandman Associates

Exhibit 1
Regional Location Map

Home Depot Yucca Valley EIR: Yucca Valley North, CA and Joshua Tree North, CA



Printed from TOPO! ©2001 National Geographic Holdings (www.topo.com)

Source: Topo! @National Geographic Holdings.

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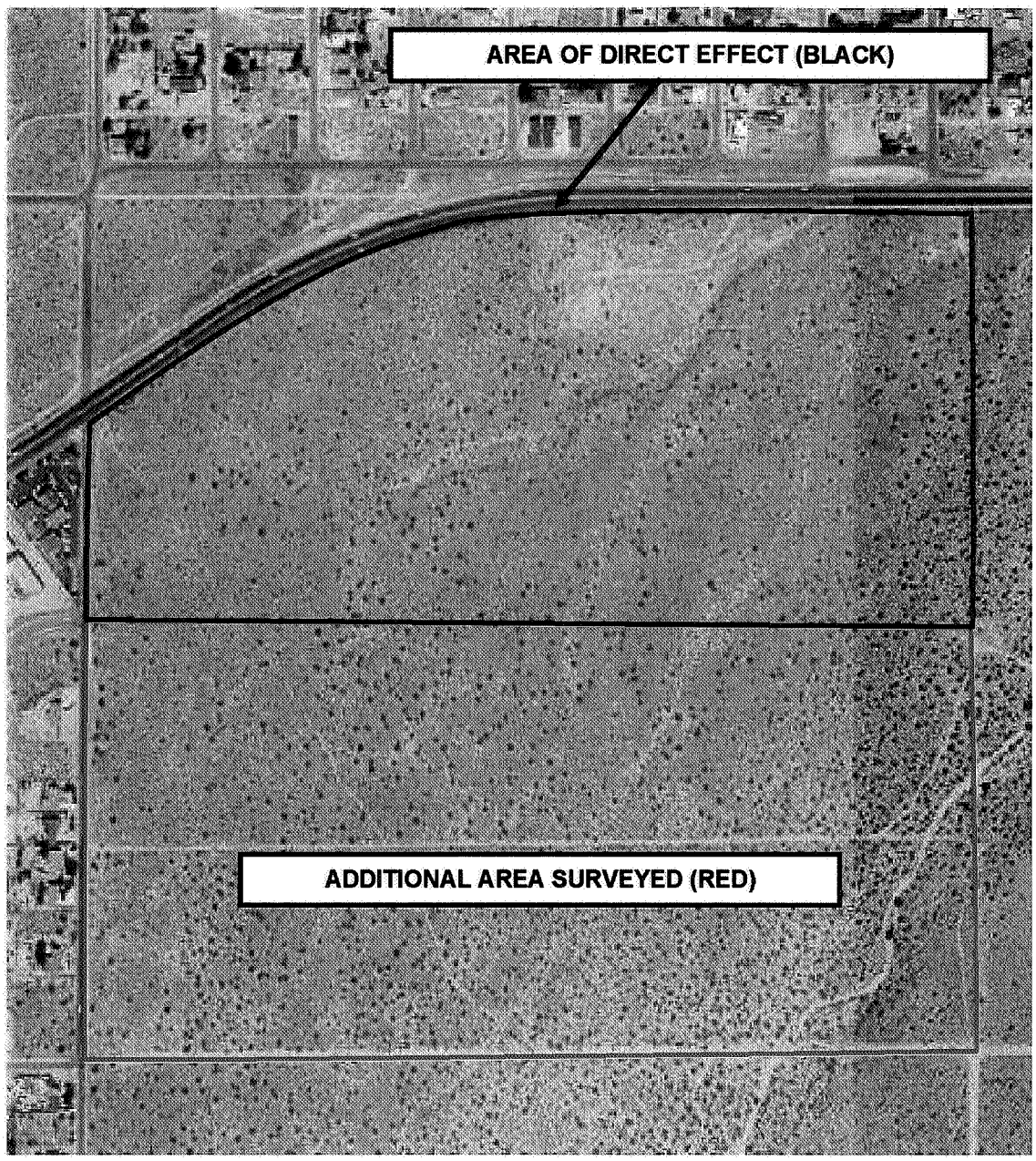
Exhibit 2
Local Vicinity Map



Source: terraserver.com. Photo dated May 1994

Michael Brandman Associates

Exhibit 3
2002 Aerial Photograph

SECTION 2: ENVIRONMENTAL AND CULTURAL SETTING

2.1 - PHYSIOGRAPHY, GEOLOGY, VEGETATION

The project is located on desert alluvium in the far western portion of the Yucca Valley. The survey area lies about 3200 feet above sea level and exhibits a moderate slope to the northeast. The modern ground surface is very sandy and winds carry litter onto the modern ground surface. The project footprint exhibits Joshua Tree Woodland, a vegetation type that only marginally deserves the name "woodland." Joshua tree is a handsome treelike yucca *(Yucca brevifolia),* its name describing it's the shorter leaves than are found in other species of yucca. It is one of the most characteristic species of the Mo- jave Desert. Common associates of Joshua tree are Mojave yucca *(Y. schidigera),* junipers, Mormon tea, cotton thorn,California buckwheat *(Eriogonum fasciculatum),* bladder sage *(Salazaria mexicana),* box thorn (*Lycium* spp.,), and many species of the cholla cactus (*Opuntia* spp.). Joshua Tree Woodland occupies well-drained mesas and desert slopes from Owens Valley to the Little San Bernardino Mountains and southern Nevada and extreme southwestern Utah. It occurs at moderate elevations from somewhat over 2,000 feet to about 6,000 feet. The average annual rainfall is between six and 15 inches, depending on locality. Unlike most of the lowland vegetation types in California, Joshua Tree Woodland receives occasional summer showers. The individual Joshua trees and associated junipers are rather widely spaced and are seldom over 30 feet high. The current ground surface was of a quality that might hide prehistoric artifacts and features from view.

Dr Eric Scott of the San Bernardino County Museum (Scott 2005) undertook a review of the paleontology of the study area. The project footprint lies on surface exposures of *Quaternary older alluvium.* In addition, Scott cites other researchers who have shown that there are highly significant fossil finds in other sections of the upper Mojave Desert near the project area. Such deposits can develop within low-energy alluvial environments, where fossils are more likely to be preserved.

No springs, intermittent stream channels and/or year-round water are indicated within the surveyed area on the *Yucca Valley North, CA.* topographic map, although one intermittent stream channel is recorded just east of the southeast corner of the survey area. Water courses are evident in the incised channels throughout the northern facing slopes located south of the survey area. These emanate from the mountains of Joshua Tree National Park, which lies several miles south.

2.2 - HISTORIC AND PREHISTORIC BACKGROUND

Fagan (2003), Moratto (1984) and Chartkoff and Chartkoff (1984) provide recent overviews of California archaeology and historical reviews of the inland southern California and the coast, among other locales. Existing California Colorado desert chronology is mostly attributed to Malcom Rogers

(1939, 1945 and 1966) with revisions by Crabtree (1981) and Gallegos (1980). Tribes in this portion of southern California have, for the last 5,000 years or so, been heavily affected by changes in the flow of the Colorado. Contributions on the filling of Lake Cahuilla by Waters (1982, 1983) have led to revisionist theories to account for changes to the cultural sequence as forced by filling of the Lake. This latter sequence appears appropriate in light of the fact that sediments in the Lake can and have been radiocarbon dated, and are loosely tied to pottery assemblages at key sites.

2.2.1 - Paleoindian (San Dieguito) Period

Spanning a period from approximately 15,000 to 7,000 BP (before present), archaeological assemblages attributed to this horizon are characterized by large projectile points and scrapers. Neither groundstones nor pottery was used at this time. The very limited data available suggests that prehistoric populations focused on hunting of megafauna with lesser emphasis on plant gathering. These people likely moved about the region in small nomadic groups. Sites consist of rock scatters near major drainages or near desiccated Pleistocene lakes. Few early assemblages can be directly attributed to this period in the Colorado Desert biosphere.

2.2.2 - Archaic Period

Characterized by increased apparent complexity of toolkits and an increase in the amount of inhospitable land in the region, the period represents a continuation of Paleoindian Period lifestyles, but without the megafauna that went extinct at the end of the former Period. The period is little studied in the Colorado Desert area, but a few sites suggest that Lake Cahuilla was filled and that Archaic peoples were utilizing the resources along the margins of the lake The Pinto and Amargosa Complexes are associated with distinctive projectile point styles, point materials and settings. The Period dates between 7,000 and 1,500 BP.

2.2.3 - Patayan Period

Dating between 1,500 BP and contact, the Patayan Period may represent an incursion of Lower Colorado peoples or Mexican cultures into the Colorado Desert/Coachella Valley areas. For the first time, pottery is locally manufactured and cremations rather than burials are the norm. Likely representing small extremely mobile groups, the Patayan culture is divided into three phases, each possibly associated with individual re-fillings of Lake Cahuilla and subsequent changes in pottery type signatures. Patayan peoples relied on Lake Cahuilla shoreline resources, and Patayan III was associated with the last major desiccation of Lake Cahuilla roughly 450 years before European contact (about AD 1300). When the Desert Cahuilla and Kumeyaay peoples were first contacted by American explorers, several of the elders described a filled Lake Cahuilla as part of the cultural traditions of their people.

2.2.4 - Desert Cahuilla

The project area is located near the extreme northeastern portion of the Cahuilla territorial area, and nearby groups were known as Desert Cahuilla. Pre-contact Cahuilla territory encompassed the extremely rugged San Bernardino Mountain ranges at an elevation of 11,000 feet to the Salton Sink, which is 273 feet below sea level. The Palm Springs area exhibited protohistoric Cahuilla villages near defined water sources, with good access to food-gathering locales. Village sites were usually located near alluvial fans, streams or at the base of the San Jacinto Mountains for protection against the winds, while some Desert Cahuilla settlements were located around hand dug wells and watering holes. Typically, one clan or family occupied several food-gathering locations and aggressively guarded these areas against other Cahuilla clans (Bean 1972 and 1978; Oswalt 1988; Strong 1979).

The Cahuilla tongue belongs to the Shoshonean linguistic family and they have had definitive historical relationships with the Hopi of Arizona, the Gabrielino and Digueno of the southern Californian coast and the Luiseno of Riverside County as well as other desert tribes such as the Kamia, Chemehuevi, Paiute and Serrano. It is thought the Cahuilla population, at least prior to Spanish contact, could have been as numerous as 6000 people in an area over 2400 square miles in size (Bean 1978, Bean and Saubel 1979, Strong 1979).

Cahuilla (Patayan) pottery has been stylistically and ornamentally compared to that of an ancient Pueblo style, as well as that made by Colorado River Indians, the Digueno, Luiseno and Mohave clans (Bean and Lawton 1975, Kroeber and Hooper 1978). Cahullla pottery was constructed in coil form, then shaped with a polishing stone and wooden paddle, occasionally incised for decorative purposes and then finally sun baked and fired (Bean and Lawton 1975, Kroeber and Hooper 1978). Kroeber and Hooper suggest that the Cahuilla had four definitive pottery forms; an open bowl or dish, a cooking pot, a small rimmed vessel and a wider opening rimmed vessel (1978), while Bean and Lawton suggest that ladles, trays and pipes were also manufactured (1975).

Baskets were also an important item to the Cahuilla. Baskets were made in a variety of shapes and sizes, but always produced from coiled and woven mequite branches, willow, or palm leaves. Grasses were used in the foundation. The only tools used to manufacture these baskets were either a needle made from the leg bone a deer or a heavy cactus needle set into a wooden handle (Bean 1978).

Pre-contact Cahuilla homes were generally constructed with forked posts, which supported the wood ceiling beams and were completely covered in thatch, which was then sealed with sand or soil. In some cases the floor was slightly subterranean. Each house was positioned so that a measure of privacy was attained (Bean 1978, Kroeber and Hooper 1978). Wilke confirms Blakes' earlier

observations, that the Cahuilla homes were generally hidden in the mesquite groves and consequently overlooked when explorers searched for their villages (Wilke and Lawton 1975).

Ceremony and ritual was of great importance to the Cahuilla (Bean 1978). Deep ceremonial ties existed between the Serrano and the Cahuilla, in many cases the Desert Cahuilla are thought to have adopted many of the ceremonial practices from the Serrano (Strong 1979). Frequently practiced ceremonies include multiple rituals for the mourning of the dead, the eagle dance, separate boys and girls initiation rites ceremony, and a summer and winter solstice celebration (Strong 1979).

2.2.5 - Serrano

According to Bean and Smith (1978b), the project area lies near the easternmost quadrant of an area utilized by the Serrano. All indigenous groups adjacent to the eastern San Bernardino Mountains were decimated by Spanish diseases, especially after an outpost was built in Redlands in 1819, but some Serrano survived intact for many years in the far eastern San Bernardino Mountains due to the ruggedness of the terrain and the dispersed population. Kroeber (1925) and Bean and Smith (1978) form the primary historical sources for this group.

The Serrano spoke a language that belongs to the Cupan group of the Takic subfamily of the Uto-Aztecan language family (a language family that includes the Shoshonean groups of the Great Basin). The total Serrano population at contact was roughly 2,000 persons. Their range is generally thought to have been located in and east of the Cajon Pass area of the San Bernardino Mountains, north of Yucaipa, west of Twenty-Nine Palms and south of Victorville. The range of this group was limited and restricted by reliable water.

Serrano populations studied in the early part of the last century were a mere remnant and a shadow of their cultural form prior to contact with the Spanish Missionaries. Nonetheless, the Serrano are viewed as clan and moiety-oriented, or local lineage-oriented group tied to traditional territories or use-areas. Typically, a "village" consisted of a collection of families centered about a ceremonial house, with individual families inhabiting willow-framed huts with tule thatching. Considered hunter-gatherers, Serrano exhibited a sophisticated technology devoted to hunting small animals and gathering roots, tubers and seeds of various kinds. Today, Serrano descendants are found mostly on the Morongo and San Manuel reservations.

2.2.6 - Chemehuevi

The Yucca Valley may have been home to prehistoric or post-1860 Chemehuevi bands that had fled fighting with Mojave tribal groups on or about 1867 (Trafzer et al 1997). Chemehuevi groups had used the Twenty-Nine Palms oasis in the Coachella Valley on and off for centuries (Kroeber 1925),

but the Chemehuevi traditional range was centered on the Lower Colorado River between Nipton at the north and Blankenship Bend at the south (CSR 2002). The dry southeastern California mountain ranges were probably utilized by many Mojave Desert tribes, including the Mojave, the Halchidhoma, the Serrano, and the Cahuilla. Intermarriage of tribal members and mixing of cultural lifeways were likely common in that similar life styles were needed in the desert environment.

Traditional Chemehuevi were basketmakers, and made little coiled/scraped pottery. A hunting bow as made of sinew-backed willow, while the war bows were of sinew-backed hickory. A cane arrow tipped with a small flaked stone point was used. Meat and edible seeds were dried and stored by burying, or utilized pots or baskets in dry caves. Bands of Chemehuevi, composed of a few families, would travel through the desert from encampment to encampment, with Colorado floodplain agriculture supporting the small banded group. Inland travel was centered upon the use of springs and oases, such as that found at Twenty-Nine Palms, which would foster cooperation between tribal groups.

The Mojave Indians were known, at times, to cooperate with the Chemehuevi, and history shows that Colorado River tribes would go to war if provoked. Competition between the Mojave, the Chemehuevi and American settlers created friction between the former groups, and, after warring between 1864-1867, many Chemehuevi fled west into the California Mountains. Chemehuevi families settled on various traditionally Serrano and Cahuilla lands, especially in the Coachella Valley, where they intermarried. The Oasis of Mara (29 Palms Oasis) was settled by Chemehuevi tribal members, but once this proved to be land usable for agriculture, it was taken away from the Chemehuevi and their reservation moved to lands near the present town of Coachella.

SECTION 3: INVESTIGATIVE METHODS

Procedures utilized to produce the data for this report were relatively straightforward. Protocol guidelines for performing the cultural resource field survey were previously downloaded from state and federal websites. The California Office of Historic Preservation (SHPO: see OHP 2004) archaeological recordation guidelines and procedures follow National Park Service recordation guidelines (1983, 1985) and fulfill CEQA requirements. This report follows the Archaeological Research Management Report (ARMR) format recommended by SHPO.

3.1 - RECORD SEARCH PROCEDURE

AIC Coordinator Robin Laska conducted the records search at the Archaeological Information Center at the San Bernardino County Museum in June 10, 2005. The records search consisted of examining topographic maps for previous survey or study locations, as well as locations of previously recorded archaeological sites. Photocopies of positive-finding reports (exhibiting any analytical information), archived topographic maps, and regional report overviews were made, and a cumulative list of all negative-finding reports generated. A one-mile search radius around the project footprint was used during the analysis. This allowed us to estimate the potential for finds during grading should no on-site site records exist.

The paleontological records search was undertaken by Dr. Eric Scott of the San Bernardino County Museum on June 1 2005. This consisted of an examination of paleontological records and geological maps that referenced rock outcrops exposed in the project footprint.

3.2 - CULTURAL RESOURCE FIELDWORK AND MITIGATION

MBA staff archaeologist Jay Keasling surveyed the project area on June 4 and 5, 2005. The entire project footprint was examined for cultural resources and photographed at key points. The California OHP recommends that all potentially significant or important cultural resources (sites or isolates) discovered during a survey be documented utilizing modern State of California Department of Parks and Recreation Archaeological Site Forms (DPR523 series). Phase 2 testing of sites (not isolates) is typically required once the resources are described at the survey level.

3.2.1 - State-Level Evaluation Processes

California cultural resource evaluation processes are rather straightforward and have good basis in law. The following narrative has been taken from the California Office of Historic Preservation

(OHP) website. A site may be considered an historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California (PRC § 5020.1(j)) or if it meets the criteria for listing on the CR (14 CCR § 4850). CEQA provides somewhat conflicting direction regarding the evaluation and treatment of archeological sites. The most recent amendments to the CEQA guidelines try to resolve this ambiguity by directing that lead agencies should first evaluate a site to determine if it meets the criteria for listing in the CR. If an archeological site is determined to be a historical resource (i.e., listed or determined eligible for listing in the California Register) potential adverse impacts to it must be considered, just as for any other historical resource (PRC § 21084.1 and 21083.2(l)). If the site is not yet considered a historical resource, but meets the definition of a "unique archeological (historical) resource" as defined in PRC § 21083.2, then it should be treated in accordance with the provisions of that section.

California Code of Regulations, Title 14, Chapter 3 15064.5 is associated with determining the significance of impacts to archeological and historical resources. Here, the term "historical resources" **includes** the following:

1) *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).*
2) *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
3) *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS 5024.1, Title 14 CCR, Section 4852) including the following:*
    - A) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
    - B) *Is associated with the lives of persons important in our past;*
    - C) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
    - D) *Has yielded, or may be likely to yield, information important in prehistory or history.*

Typically, archaeological sites exhibiting intact and buried features qualify for the CR under Criterion D because such features will hold information important to the prehistory of California. It is important to note that the fact that a resource is not listed in, or determined to be eligible for listing in the CR, not included in a local register of historical resources (pursuant to § 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in § 5024.1(g) of the PRC) does not

preclude a lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1(j) or 5024.1.

3.2.2 - Federal-Level Evaluations

Criteria for establishing the significance of a cultural resource following Federal guidelines are similarly straightforward. National Register Bulletin #15 (NPS 2002) serves as the primary cultural resource and National Register evaluation reference. The following has been taken from this publication:

Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

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

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the NR. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
B) A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
C) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
D) A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

G) A property achieving significance within the past 50 years if it is of exceptional importance.

For a property to qualify for the NR it must meet one of the four National Register Criteria for Evaluation by: 1) being associated with an important historic context or theme and 2) retaining historic integrity necessary to convey its significance.

Information about the property based on physical examination and documentary research is necessary to evaluate a property's eligibility for the NR. Evaluation of a property is most efficiently made when following this sequence:

1) *Categorize the property. A property must be classified as a district, site, building, structure, or object for inclusion in the National Register.*
2) *Determine which prehistoric or historic context(s) the property represents. A property must possess significance in American history, architecture, archeology, engineering, or culture when evaluated within the historic context of a relevant geographic area.*
3) *Determine whether the property is significant under the National Register Criteria. This is done by identifying the links to important events or persons, design or construction features, or information potential that make the property important.*
4) *Determine if the property represents a type usually excluded from the National Register. If so, determine if it meets any of the Criteria Considerations.*
5) *Determine whether the property retains integrity. Evaluate the aspects of location, design, setting, workmanship, materials, feeling, and association that the property must retain to convey its historic significance.*

3.2.3 - Thresholds of Significance

If a professional is asked to determine if a site is a "unique archaeological (historic) resource" under CEQA and therefore subject to mitigation prior to development, a threshold of significance should be developed prior to testing/evaluation. This is a procedure recommended to professionals by SHPO. The threshold of significance is simply a point where the qualities of significance are defined during the analysis and the resource is believed to be a "unique archaeological (historic) resource" under CEQA. An adverse effect to a "unique resource" is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced until it no longer meets the significance criteria. In lay terms, should an analysis show that the development will destroy the unique elements of a site, and leave non-unique

elements intact, then the significance of the site will be lost and the loss of the unique elements must be mitigated for.

If a prehistoric site is tested, it is traditionally held that buried features (hearths, burials, middens, etc.) will hold analytical information that will pass the significance threshold and make the site eligible for listing on the CR under Criterion D. For historic archaeological sites, analysis of the condition and integrity of the architecture at the modern ground surface level may cause the site to pass the threshold under Criterion A, B and/or D. For historic buildings, the completeness and integrity of the structural architecture may cause the site to pass the threshold under Criterion A, B and/or C.

SECTION 4:
PREVIOUS RESEARCH AND RECORDS REVIEW RESULTS

The cultural resource record search by Ms. Robin Laska indicated that the study area had not been previously surveyed for cultural resources. The search also indicated that no cultural resources have been recorded within the footprint of the project. According to AIC files, fifteen (15) archaeological investigations have occurred near the study area and two known resource localities sites are known for the one-mile search radius, but these lie outside the project footprint. One historic resource, SR 62, was recorded in 2000 by SWCA, Inc. SWCA research showed that, in 1943, the highway was known as the Parker Dam Road and linked Parker with Palm Springs. It appears that SWCA did not evaluate the highway for significance.

Research by a Caltrans employee (Fagin 2005: http://www.cahighways.org) showed that the route was titled "LRN218" between Yucca Valley and Twenty-nine Palms, and was officially declared State Route 62 in 1959. The remainder of SR62 was declared in 1970. It was not defined as part of the initial state signage of routes in 1934 and it is unclear what (if any) California highway was signed Route 62 between 1934 and 1964.

At this time, it is unclear how SR62 will be directly affected by construction, but following CEQA guidelines, we argue that there shall be no significant direct impacts to this resource because the pavement and road shoulders have been modified from the original. Should direct effects take place as a result of development of the shopping center, Caltrans may require a federal-level evaluation of the highway. It is therefore possible that Caltrans will require additional information and/or analysis.

Dr Scott's evaluation of the potential paleontological resources within the project footprint is found in Appendix C. This shows that there is high potential for impacts to significant fossil resources during development of the property (Scott 2005). The review showed that the project area is covered with *Quaternary older alluvial* sediments, which date from the Pleistocene Era. Older Pleistocene sediments of the Mojave Desert have exhibited numerous extinct taxa, including ground sloth, saber-toothed cat, mammoth, horse, llama and bison. As noted in Section 6.2, a paleontological mitigation-monitoring plan is recommended during construction-related development.

SECTION 5:
CULTURAL RESOURCE FIELD SURVEY RESULTS

During the survey, no cultural resources of potential significance were observed. Mr. Keasling detected several isolated historic artifacts and remnant building foundations in parcel #32 and in the far northeast corner of parcel 31. The foundation remnants appeared to be less than 45 years old, need not be recorded as historic resources, and are not qualified for inclusion in the California or National Registers. A few older cans and bottles were observed on the modern ground surface, but these are not considered significant resources following SHPO guidelines. They appear to represent isolated trash drops.

The property exhibits a loose sandy topsoil and numerous Joshua Trees, with a slight slope to the northeast. The survey area lies less than a mile from an intermittent stream channel that could have been used by prehistoric peoples as they passed through the area on their way to the Coachella Valley and Cabazon regions to the south. The upper Valley does not appear to contain permanent springs, so village sites in this area would be unlikely. Temporary encampments are possible. Mr. Keasling also surveyed the 60 acres directly south of the area of direct effect, as shown in Exhibit 3. This area too was devoid of cultural resources on the modern ground surface.

It is remotely possible that buried cultural resources will be impacted during construction in the project footprint, and cultural resource monitoring is recommended, but with limitations as noted in Section 6.1 below.

SECTION 6:
PROJECT SUMMARY AND RESOURCE ASSESSMENTS

6.1 - CULTURAL RESOURCE MANAGEMENT RECOMMENDATIONS

There are likely no observable resources located within the area of direct effect that qualify as significant under CEQA cultural resource criteria, or under criterion A, B, C or D of the NEPA-level 36CFR part 63 criteria for listing. However, the totality of evidence suggests that there is moderate potential for impacts to buried cultural resources that may be located within the study area. Because there is some potential for impacts to buried cultural resources within the project area, it is recommended that monitoring by a qualified archaeologist should occur during the grading process. Our monitoring recommendation is found as Section CR-1 in the mitigation recommendations found below.

6.1.1 - Native American Commentary

Recently adopted legislation, SB18 (Burton), requires that Lead Agencies undertake consultations with Native American tribal governments (OPR 2005). Professional archaeologists are not mandated to perform these consultations for the Lead Agency, but we have attempted to gather cultural resource information that may be useful to the Lead Agency as part of a scoped-for data collection process. In early May 2005, MBA sent a request to the NAHC for the purposes of obtaining information related to known Native American sacred sites in this region. The return response has not been received in our office as of the date of this report. Since the Town may be required to perform an SB18 consultation for this project, this report can assist in that effort.

6.2 - PALEONTOLOGICAL RESOURCE MANAGEMENT RECOMMENDATIONS

We have concluded that it is likely fossil resources will be found in the project footprint will be detected during construction. Since there is a chance that significant buried fossil resources will be impacted during development, a program to mitigate for adverse impacts to fossils is recommended. This is found as Section PR-1 in the mitigation recommendations section found below.

6.3 - MITIGATION MONITORING

Yucca Valley-Home Depot Project Mitigation Monitoring Recommendations

Mit. No.	Mitigation Text
CR-1	An archaeological mitigation-monitoring plan should be developed before grading begins. Archaeological monitoring of development-related excavation within the project footprint is required during construction-related earthmoving in the project footprint. Based upon the results of our review, the upper 10 feet of topsoil should be monitored. Monitoring can be discontinued on the advice of the Project Archaeologist if, after 100% of virgin soils to five (5) feet below original grade has been monitored, no cultural resources have been identified. Soils that have been turned previously or imported fill need not be monitored for cultural deposits.
PR-1	Once excavations associated with this development begin, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor should take place. Based upon the results of our review, areas of concern include all previously undisturbed sediments of *Pleistocene older alluvium* present within the boundaries of the project footprint. A paleontological mitigation-monitoring plan should be developed before grading begins. Specific recommendations developed by Dr. Eric Scott (Appendix C of this document) are recommended. Paleontological monitors should be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially-fossiliferous units described herein are not present, or if present are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

It is remotely possible that potentially significant and previously unrecorded cultural resources will be uncovered during earthmoving by construction staff. Under CEQA guidelines, such resources (excluding isolated artifacts) should be tested for historical significance using Criterion A, B, C and/or D prior to continued impact. In addition, California State Health and Safety Code Section 7050.5 dictates that if human remains are unearthed during construction, no further disturbance should occur until the County Coroner has made the necessary determinations regarding origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98.

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SECTION 8:
CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this archaeological report, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: 6/29/05

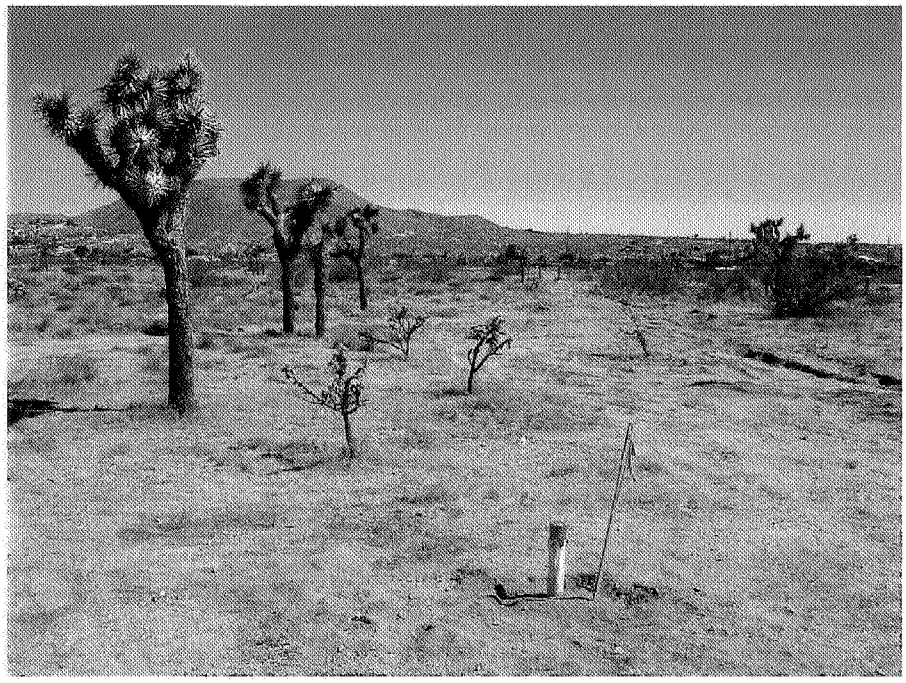
Signed:

Michael Dice, M.A.
Michael Brandman Associates
Irvine, CA

Appendix A: Photographs of the Study Area

North facing view of foundation less than 45 years old. Twenty-nine Palms Road in background.

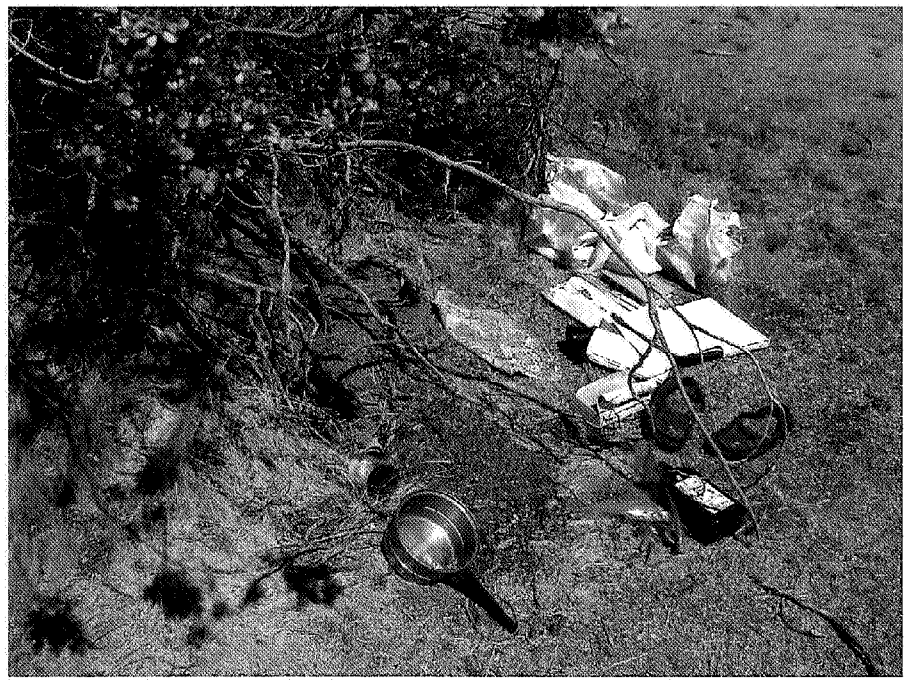
West facing view of southeast corner property markers.



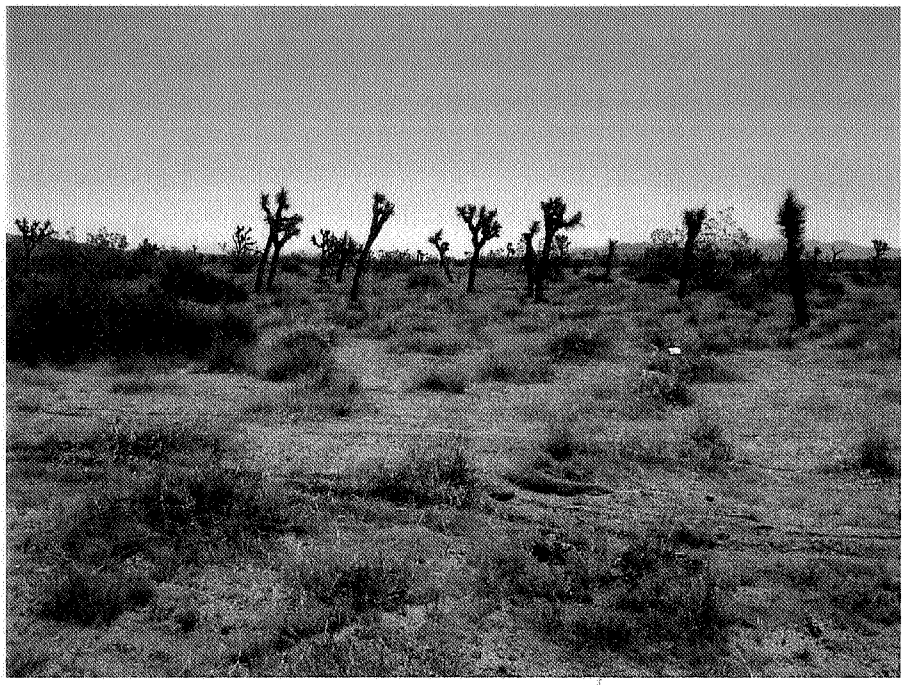
East facing view from center of south boundary

North facing view from center of southern boundary.

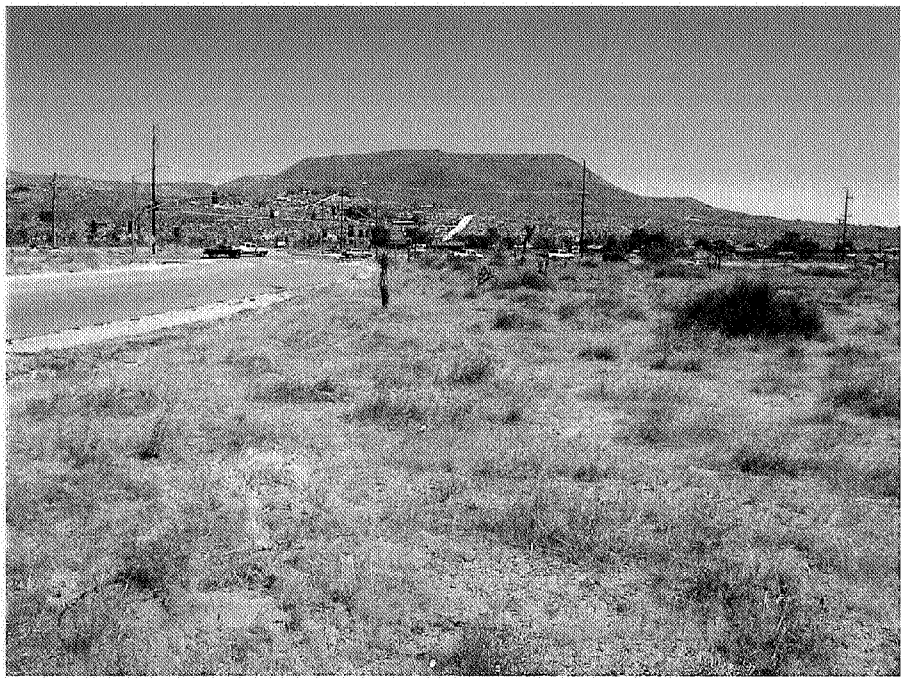
West facing view from center of southern boundary.



Typical wind blown trash and modern squatters camps.



East facing view from southwest corner of property.

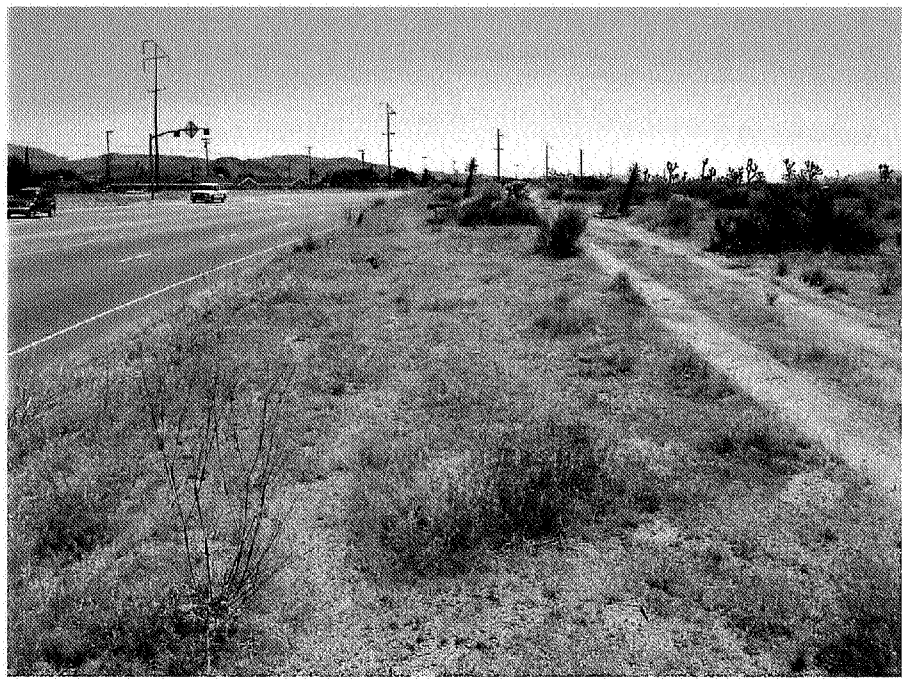


North facing view from southwest corner of project area.

Church-key opened beverage can

Key opened meat tin.

Lead bead solder-top milk can.

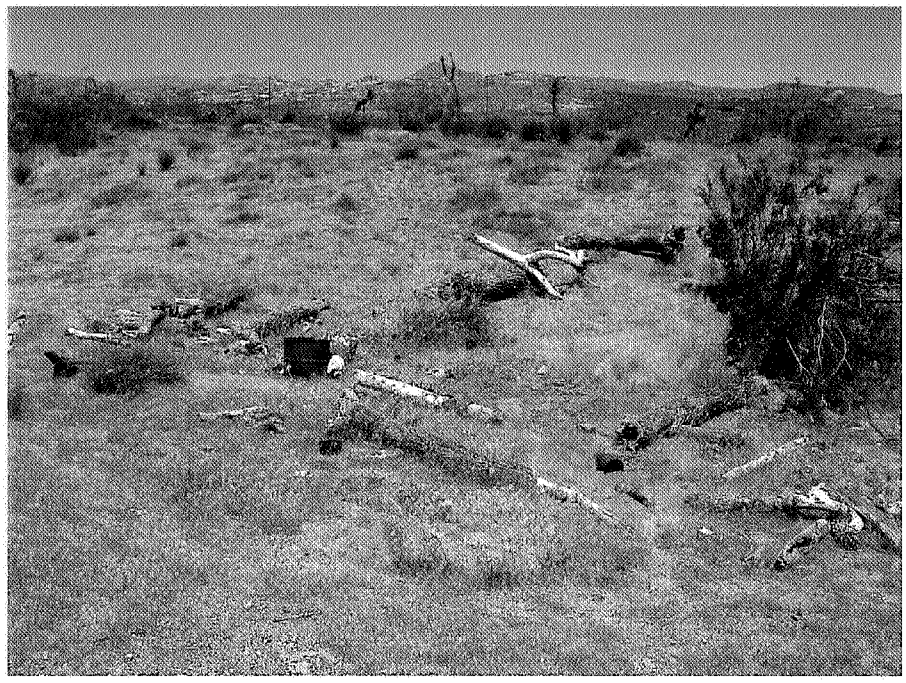


East facing view from north boundary

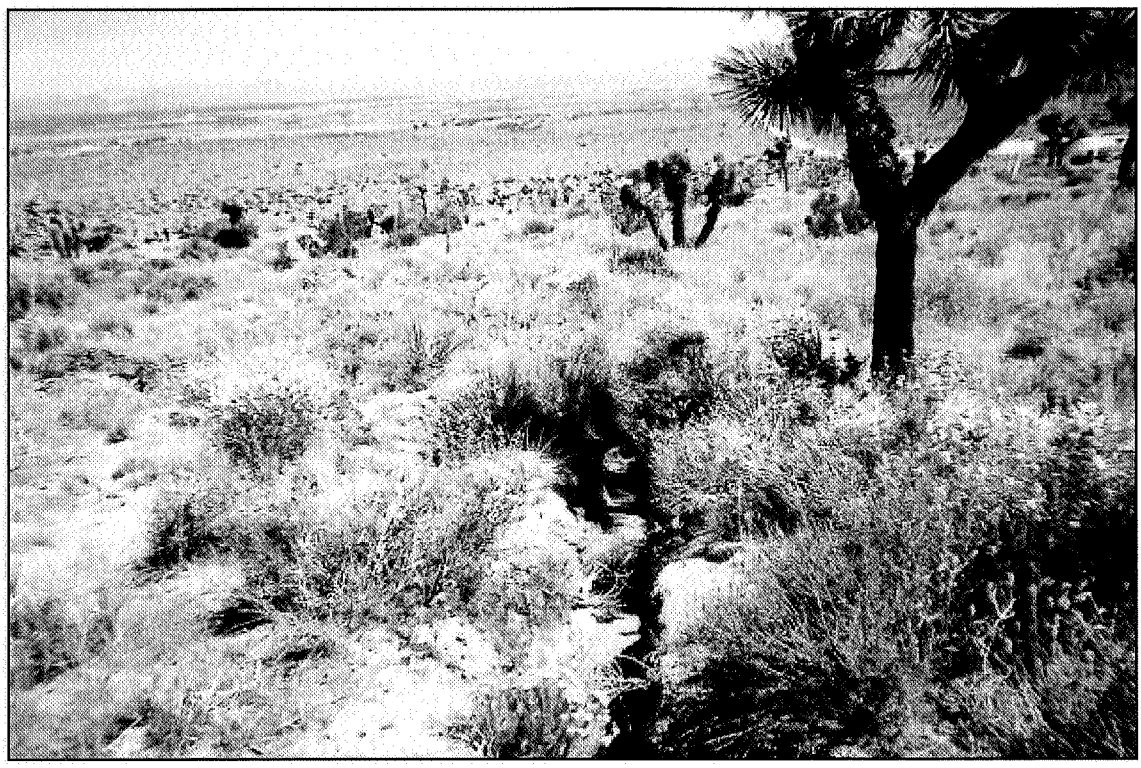
South facing view of property area from north boundary.

West facing view from north boundary along Twenty-nine Palms.

West facing view of wash cut with dumped modern asphalt debris.



East facing view of transient campfire pit.



Photograph 1: Drainage A

Photograph 2: Drainage B

Source: Michael Brandman Associates, 2005.

Michael Brandman Associates

Attachment D
Site Photographs

Appendix B: Personnel Qualifications

MICHAEL H. DICE, M.A.

PROJECT SCIENTIST/SENIOR ARCHAEOLOGIST

EDUCATION

M.A.., Anthropology - Arizona State University, Tempe, Arizona
B.A., Anthropology - Washington State University, Pullman, Washington
Anthropology Track, University of Washington, Seattle, Washington

Professional Affiliations
Member, California Historical Society
Member, National Trust for Historic Preservation

REGISTERED PROFESSIONAL ARCHAEOLOGIST (RPA 2000)

Professional History
Michael Brandman Associates, Tustin, California - Senior Archaeologist
L&L Environmental, Inc. Corona, California - Senior Archaeologist
National Park Service (Pipe Spring National Monument) - Archaeologist

NATIONAL PARK SERVICE (MESA VERDE NATIONAL PARK) - ARCHAEOLOGIST

CRMC, Inc., Farmington, New Mexico - Archaeological Project Manager
LaPlata Archaeological Consultants, Dolores, Colorado - Archaeologist
CASA, Inc. Cortez, Colorado - Archaeologist, Human Skeletal Analyst

Mr. Dice is a Certified Archaeologist with more than 16 years of experience performing records searches, archaeological surveys, archaeological site testing (Phase 2) and data collection (Phase 3) projects on private and public lands in the Southwestern United States and Southern California. During his career, he has authored or co-authored more than 50 CEQA and/or NEPA level documents including several manuscripts for the National Park Service. Mr. Dice is a member of the California Historical Society, a Registered Professional Archaeologist (RPA), and is a member of the National Trust For Historic Preservation.

Professional Experiences
Project Scientist/Archaeologist for CEQA-level Phase 1, Phase 2 and Phase 3 archaeological mitigation for the Temecula Marketplace Project in the City of Temecula, California. Performed the field survey, recorded a large historic ranch complex remnant, developed testing procedures for the historic and prehistoric components of the site, then gathered a crew and performed the Phase 2 test in the field. Responsible for developing the Phase 3 data collection plan.

Project Scientist/Archaeologist for Section 106 level review of archaeological testing at Pipe Spring National Monument, Fredonia, Arizona. Produced complete report synthesizing a series of excavations (1996-1998) on an historic Mormon Fort within the Monument. Also wrote a draft plan for any future archaeological mitigation.

Project Archaeologist/Database Manager for the emergency Chapin-5 Fire Rehabilitation Project, Mesa Verde National Park, Colorado (1996-1999). Began as field crew chief (GS-7) and finished with the Park as a GS-9 Database manager. Created an ACCESS 6.0 database for the recordation or re-recordation of more than 500 archaeological sites within the rehabilitation area.

Project Scientist/Archaeologist for CEQA-level Phase 1 and Phase 4 archaeological mitigation for the "The Club at Big Bear Lake" Project in the City of Big Bear Lake, California. Performed the field survey, recorded a large historic tourist complex remnant, wrote mitigation-monitoring recommendations for the City, then supervised the monitoring, analyzed the historic artifacts and wrote the final report. Performed more than 40 CEQA-level Phase 1 archaeological surveys in Southern California, which included evaluating more than 30 historic and prehistoric archaeological sites per California SHPO protocol. The reports fulfill ARMR reporting guidelines, while the County of Riverside reports fulfilled both ARMR and County of Riverside protocols.

Appendix C: Resource Compliance Documents

2nd Request!!

Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

May 5, 2005

Commissioner
Native American Heritage Commission
915 Capitol Mall, Suite 364
Sacramento, CA 95814-4801
Via fax: 916-657-5390

Subject: **Sacred Lands Search for the 10-Acre Yucca Valley EIR Project. (USGS *Yucca Valley North, CA.* topographic map)**

Dear Ms. Pilas-Tredwell:

Michael Brandman Associates (MBA) requests a consultation with individuals or organizations with regard to cultural properties that may lie on or near a project footprint in the far eastern portion of the City of Yucca Valley. The project consists of a new EIR for commercial development in the City. The City may perform SB18 work as mandated by recent changes in the law.

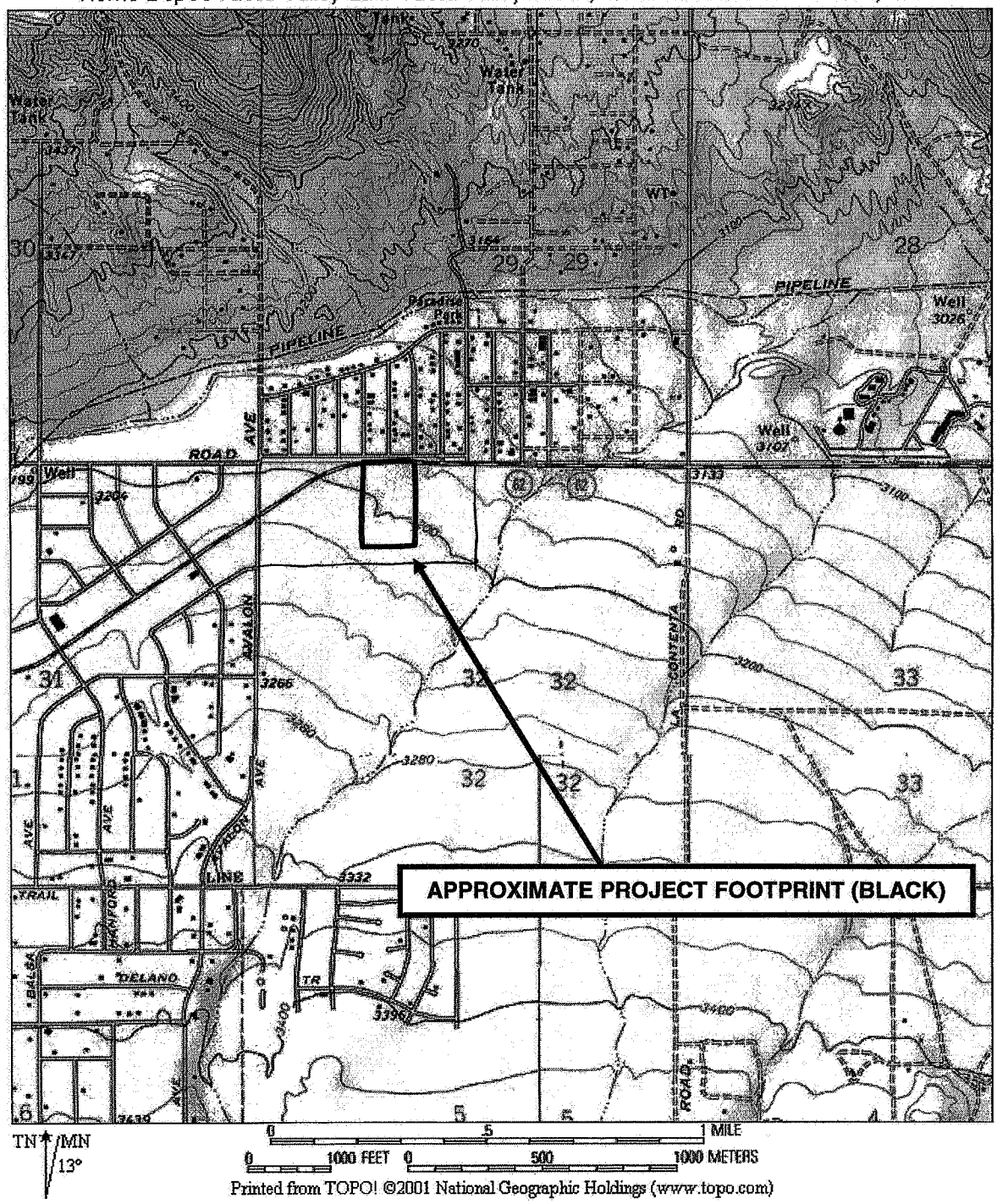
As seen in the attached topo, the project area is located in Sections 32 of T.1N R.6E, as found on the USGS *Yucca Valley North*, CA. 7.5' topographic quadrangle.

Please notify us of any sacred Native American sites that may be affected by the undertaking. A full description of this project can be found in our archaeological survey report, which is forthcoming.

Sincerely,

Michael Dice M.A., Senior Archaeologist
Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA. 92602 Fax 714-508-4110

MD/md
S:\MDice\Projects after Jan 2004\27900001 Yucca Valley EIR\NAHC Contact letter 27900001.doc



Source: Topo! @National Geographic Holdings.

Michael Brandman Associates

Exhibit 2
Project Location Map

TRANSMISSION VERIFICATION REPORT

TIME : 06/27/2005 12:07
NAME : MBA
FAX : 7145084110
TEL : 7145084100
SER.# : BROD4J477640

DATE,TIME	06/27 12:05
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DURATION	00:01:06
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

2nd Request!!

Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

May 5, 2005

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Please notify us of any sacred Native American sites that may be affected by the undertaking. A full description of this project can be found in our archaeological survey report, which is

SAN BERNARDINO COUNTY MUSEUM

2024 Orange Tree Lane • Redlands, California USA 92374-4560
(909) 307-2669 • Fax (909) 307-0539 • www.sbcountymuseum.org

COUNTY OF SAN BERNARDINO
ECONOMIC DEVELOPMENT/
PUBLIC SERVICES GROUP

ROBERT L. McKERNAN
Director

1 June 2005

Michael Brandman Associates
attn: Michael Dice, M.A.
220 Commerce, Suite 200
Irvine, CA 92602

re: **PALEONTOLOGY LITERATURE AND RECORDS REVIEW, YUCCA VALLEY BLOCK PROJECT, SAN BERNARDINO COUNTY, CALIFORNIA**

Dear Mr. Dice,

The Division of Geological Sciences of the San Bernardino County Museum (SBCM) has completed a literature review and records search for the above-referenced property in the Yucca Valley area of San Bernardino County, California. The property is located in the northwestern portion of section 32, Township 1 North, Range 6 East, San Bernardino Base and Meridian, as seen on the Yucca Valley North, California 7.5' United States Geological Survey topographic quadrangle map (1972 edition, photorevised 1979).

Geologic mapping by Bortugno and Spittler (1986) indicates that the Yucca Valley block project property is situated upon surficial Quaternary older alluvial sediments. The Pleistocene alluvial sediments were deposited between ~1.8 million years ago and ~11,000 years ago, during the Pleistocene Epoch. Pleistocene older alluvium in this region of the Mojave Desert has been previously demonstrated to be fossiliferous (Jefferson, 1991). In the Twentynine Palms region, older Pleistocene sediments have yielded fossil remains of the following Pleistocene taxa (Bacheller, 1978; Jefferson, 1991, 1992; Scott and Cox, 2002):

Megalonyx sp. ..... flat-footed ground sloth
Nothrotheriops sp. ..... Shasta ground sloth
Thomomys sp. ..... pocket gopher
Taxidea taxus ..... badger
Smilodon sp. cf. *S. fatalis* ..... sabre-toothed cat
Felis concolor ..... puma
Mammuthus sp. ..... mammoth
Equus sp. (large) ..... large horse
Equus sp. (small) ..... small horse
Camelops sp. ..... large camel
Hemiauchenia sp. ..... llama
Odocoileus sp. cf. *O. virginianus* ..... deer

Capromeryx sp. ..... dwarf pronghorn
Bison sp. cf. *B. antiquus* ..... ancient bison
Bison sp. ..... possible long-horned bison
Ovis sp. cf. *O. canadensis* ..... bighorn sheep

Fossils reported from Pleistocene older alluvium in the nearby Pinto Basin area represent indeterminate elephant (Proboscidea), wolf-sized canid (*Canis*), large and small horses (*Equus* spp.), llamas (*Hemiauchenia*), and large camel (*Camelops*) (Jefferson, 1991; Springer and others, 2004).

A review of the Regional Paleontologic Locality Inventory (RPLI) at the SBCM was conducted by Craig R. Manker of the Division of Geological Sciences, SBCM. The results of this review indicated that no paleontologic localities are recorded from the proposed project property, nor from several miles in any direction. The nearest previously recorded fossil locality, SBCM 1.95.1, is located approximately five miles due west of the proposed property; this locality yielded fossil remains of extinct horse (*Equus*) from Pleistocene older alluvial sediments similar to those present at the above named property (Jefferson, 1991).

Recommendations

The results of the literature review and the check of the RPLI at the SBCM suggest that excavation into undisturbed older Pleistocene sediments exposed at the Yucca Valley block project has high potential to adversely impact significant nonrenewable paleontologic resources. A qualified vertebrate paleontologist must develop a program to mitigate these impacts. This mitigation program would need to be consistent with the provisions of the California Environmental Quality Act (Scott and Springer, 2003), as well as with regulations implemented by the County of San Bernardino and with the proposed guidelines of the Society of Vertebrate Paleontology. This program should include, but not be limited to:

1. Monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor. Based upon the results of this review, areas of concern along the proposed project alignment include any and all previously undisturbed Pleistocene older alluvium. Paleontologic monitors should be equipped to salvage fossils as they are unearthed to avoid construction delays, and to remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially-fossiliferous units described herein are not present in the subsurface, or if present are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

2. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils is essential in order to fully mitigate adverse impacts to the resources (Scott and others, 2004).

3. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage (e.g., SBCM). These procedures are also essential steps in effective paleontologic mitigation (Scott and others, 2004) and CEQA compliance (Scott and Springer, 2003). The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established, accredited museum repository has been fully completed and documented.

4. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, would signify completion of the program to mitigate impacts to paleontologic resources.

References

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Bortugno, E.J. and T. E. Spittler, 1986. Geologic map of California, San Bernardino sheet, scale 1:250,000. California Division of Mines and Geology Regional Geologic Map Series, Map 3A.

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Please do not hesitate to contact us if you have any further questions.

Sincerely,

Eric Scott, Curator of Paleontology
Division of Geological Sciences
San Bernardino County Museum