

“B” Line Replacement Project

Final Initial Study/Mitigated Negative Declaration and Environmental Assessment

Project Location Cherry Valley, Riverside County, California

*Permittee/
Applicant:*



**Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223**

Prepared by:



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Section 1 – Introduction

A joint California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) Initial Study/Mitigated Negative Declaration (IS/MND) and Environmental Assessment was prepared for the proposed “B” Line Pipeline Replacement Project (project) and made available for public comment for a 30-day public review period from July 13, 2023 to August 14, 2023. In accordance with CEQA Guidelines, Section 15074(b) (14 CCR 15074(b)), and NEPA (42 USC §4331 et seq) and its implementing regulations at 40 CFR Parts 1500-1508 before approving the proposed project, the Beaumont-Cherry Valley Water District (District), as the lead agency under CEQA and NEPA, will consider the IS/EA with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074(b)) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on an Initial Study, the lead agency may do so voluntarily. During the District’s Assembly Bill 52 (AB 52) Native American Consultation, additional mitigation measures were requested by the San Manuel Band of Mission Indians and are incorporated as stated below.

Section 2 – Errata

The following provides minor revisions, corrections, and additions to the Draft IS/MND and EA. The corrections and additions are organized by section and page number of the Draft IS/MND. New text additions are shown in underline format, and deletions are shown in ~~strikeout~~ format. These minor revisions, corrections, and additions do not change the significance determinations made or the severity of potential environmental impacts evaluated in the Draft IS/MND and EA.

Per California Public Resources Code (PRC) § 21082.3, the District consulted with local Native American Tribes under AB 52. During that consultation process, the San Manuel Band of Mission Indians provided additional mitigation measures that would minimize potential impacts to previously unknown cultural resources during the construction phase of the Project.

Per PRC § 21082.3 (a) - Any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable.

3.5 CULTURAL RESOURCES

Would the project:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting/Affected Environment

The cultural resources inventory was conducted as a component of compliance with both Section 106 and the CEQA. The tasks to accomplish the inventory consisted of literature review and archival research. According to §15064.5 of the CEQA Guidelines, generally, a resource is considered “historically significant” by a lead agency if the resource meets the criteria for listing on the California Register of Historical Resources (California Public Resources Code, §5024.1, Title 14 CCR, §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. A historical resource could be an object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant based on

the above-stated criteria, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

The search of the Sacred Lands File of the NAHC did not indicate the presence of Native American cultural resources in the vicinity of the project location. The NAHC responded on July 20th, 2022, indicating a negative result.¹ Archeological or built-environment field surveys of the area of direct effect have been completed. One historic-period archaeological site was found adjacent to the project area alignment. The site consists of four weathered cans—one can that was identified as a pull top aluminum top with a steel body. The other three cans were sanitary cans. The proposed project is unlikely to disturb this resource. No other cultural resources were found in or adjacent to the project area.

Results of the review of the survey reports and site records provided by the Eastern Information Center and the South Central Coastal Information Center indicate that a total of two previous cultural resource inventories or other archaeological investigations have been conducted within a one-quarter-mile-radius of the project area. Of these reports, two (Swanson 1990, and Brunzell 2018) did not include portions of the current project area, but the reports give context to the history of the area. The records search also revealed that there is one previously recorded cultural resource (33-001550) located 0.03 mile east of the project area. There are no previously recorded cultural resources within or adjacent to the project area; therefore, no eligible or listed cultural resources will be impacted as a result of the proposed project. ~~The Project would not constitute a significant impact to any historical resources under CEQA; therefore, no further cultural resources work is recommended.~~

While no historic resources were identified during research and field work, a request was made during AB 52 tribal consultation for an archaeological monitor in addition to the Tribal monitor due to the presence of recorded archaeological resources being located immediately outside of or adjacent to the project area and the potential for additional archaeological resources to be located within the project area.

Impacts/Environmental Consequences

- a) **No Impact.** The proposed Project/Action would involve minimal ground disturbance, in the form of pipeline trenching and drilling and pipeline rehabilitation. Previously disturbed soils can be found throughout the Proposed Project/Action area because of the construction of existing pipeline infrastructure, now proposed to be abandoned. The entire Project area has been disturbed through grading and disking; thus, any construction activities would not constitute a significant impact to any historical resources under CEQA. The proposed Project would have no impact on any historical resources as defined in §15064.5.
- b) **Less than Significant with Mitigation Incorporated.** While Project improvements are not anticipated to impact native base rock or native soils that could contain unique archaeological sites deemed significant per §15064.5 of the CEQA Guidelines, Mitigation Measure CULT-1 would reduce the potential for impact to less than significant.
- c) **Less than Significant with Mitigation Incorporated.** The closest cemetery to the proposed Project alignment is the Mountain View Cemetery located approximately 3.26 miles of the Project site. Project

¹ Geovironment Consulting (October 7, 2022). A Phase I Cultural Resources Inventory Beaumont-Cherry Valley Water District New Water Line Project Yucaipa Through Cherry Valley, San Bernardino and Riverside Counties, California

activity would not impact the cemetery. Though unlikely, Mitigation Measure CULT-2 would reduce impacts to human remains to less than significant.

Mitigation Measures

CULT-1. Archeological Resources. ~~If unanticipated cultural resources are unearthed during construction excavations, the contractor shall cease all earth-disturbing activities within a 100-foot radius of the area of discovery until the discovery can be evaluated by a qualified paleontologist to assess the significance of such resources and shall meet with the County Director of Development Services to assess the significance of such resources and shall meet and confer regarding mitigation for such resources in order to comply with California Public Resources Code §21083.2(b).~~

CULT-1. Archaeological Monitoring

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

3.18 TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Significant and Unavoidable Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting/Affected Environment

Assembly Bill (AB) 52 requires Lead Agencies consult with Native American tribes on the Native American Heritage Commission List to determine whether the tribes believe unique archaeological sites might exist on the proposed Project site. Initiation of consultation is required prior to public review of a Project CEQA document. Notification involves a letter with a brief Project description, location, lead agency contact information, and statement that the tribe has 30 days to request consultation. The lead agency must begin consultation within 30 days of receipt of tribal request. Public agencies, when feasible, are required to avoid damages to Tribal Cultural Resources (TCR): a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe; and is either on or eligible for the California Historic Register or a local historic register; or the lead agency, at its discretion, chooses to treat the resource as a TCR (*Public Resources Code* [PRC] 21074 (a)(1)(A)-(B)).

Impacts/Environmental Consequences

a) ~~No Impact.~~ Less than Significant with Mitigation Incorporated. As mentioned in Section 3.5 Cultural Resources, the search of the Sacred Lands File of the NAHC did not indicate the presence of Native American cultural resources in the vicinity of the project location. The NAHC responded on July 20th, 2022, indicating a negative result.¹ Results of the review of the survey reports and site records provided by the Eastern Information Center and the South Central Coastal Information Center indicate that a total of two previous cultural resource inventories or other archaeological investigations have been conducted within a one-quarter-mile-radius of the project area. Of these reports, two (Swanson 1990, and Brunzell 2018) did not include portions of the current project area, but the reports give context to the history of the area. The records search also revealed that there is one previously recorded cultural resource (33-001550) located 0.03 mile east of the project area. There are no previously recorded cultural resources within or adjacent to the project area; therefore, no eligible or listed cultural resources will be impacted as a result of the proposed project. ~~Due to the~~

nature and location of the proposed Project, the tribe responded that it does not have any concerns with the Project's implementation, as planned, at this time. The project would not constitute a significant impact to any historical resources under CEQA; therefore, no further cultural resources work is recommended. No impact would occur.

During the AB 52 Consultation process, the San Manuel Band of Mission Indians representatives provided additional mitigation measures that would minimize the potential impact to previously unknown cultural resources of significance to the San Manuel Tribe. The Tribe did not identify any cultural resources known to exist within the Project area; however, due to the nature of cultural resources, the San Manuel Tribe recommended Mitigation Measures TCR-1, TCR-2, and TCR-3 to reduce any potential impacts to a less than significant level.

b) No Impact. Less than Significant with Mitigation Incorporated. As identified in response a) above, Geovironment initiated consultation with the NAHC regarding the proposed Project. The NAHC did not indicate the presence of Native American cultural resources in the vicinity of the project location and did not require or recommend any further consultation with Tribes. ~~No impact would occur.~~ As stated in 3.18 (a) above, with the incorporation of Mitigation Measures TCR-1, TCR-2, and TCR-3 to reduce any potential impacts to a less than significant level.

Mitigation Measures

~~None required or recommended.~~

TCR-1. Tribal Monitoring

Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribes, Tribal monitors shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

TCR-2. Treatment of Cultural Resources

If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied *in situ*. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or

TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

TCR-3. Inadvertent Discoveries of Human Remains/Funerary Objects

In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable

statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Section 3 – References

14 CCR 15000–15387 and Appendices A through L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

California Public Resources Code (PRC) § 21082.3