

4.10 CULTURAL RESOURCES

The National Historic Preservation Act (NHPA) of 1966, as amended (16 United States (U.S.) Code Part 470-470a-6; as amended in 1992), is the cornerstone of the federal government's policy on historic preservation. It expresses a general government policy of supporting and encouraging the preservation of cultural resources for present and future generations in the U.S. by directing federal agencies to assume responsibility for considering these resources in their activities. For any federal undertaking, Section 106 of the NHPA calls for the identification and evaluation of cultural resources to determine their eligibility for inclusion on the National Register of Historic Properties (NRHP).

The American Indian Religious Freedom Act of 1978 affirms U.S. policy that federal agencies shall assure that their policies and procedures protect and preserve the rights of American Indians to affirm, express, and exercise traditional religious practices, including access to sites; use and possession of sacred objects; and freedom of worship through ceremonials and traditional rites. The law requires federal agencies review the policies outlined when the Act was passed. However, it contains no enforcement provisions or sanctions for policies or procedures that do not comply with the overall policy.

Executive Order 13007, enacted in 1996, adds an element of enforcement to the policy set forth by the American Indian Religious Freedom Act of 1978 and requires federal agencies to provide reasonable notice of proposed actions that might "restrict future access to or ceremonial use of or adversely affect the physical integrity of sacred sites." Tribes must inform agencies of the existence of such sites.

4.10.1 Proposed Project

4.10.1.1 Affected Environment

In 2007, a Class I cultural resources records search was conducted for each segment of the fiber optic cable alignment and immediate vicinity at the San Bernardino Archaeological Information Center (SBAIC). Queries for the three segments were also sent to the California Native American Heritage Commission (NAHC) to determine whether any sacred sites or localities occurred on or near the Proposed Project site. A Class III Inventory consisting of a pedestrian survey was conducted for each segment and right-of-way (ROW). Survey reports documenting the findings of the various record searches, information queries, and field inventories were prepared in October 2007, January 2008, and November 2007, for Segments 1, 2, and 3, respectively. These reports have been included in Appendix F – Cultural Resources Reports.

Ethnohistorical Setting

The Proposed Project lies within the northern-most territory of the Serrano Indians (Kroeber 1925, Strong 1929, Bean and Smith 1978, Earle 2004). The Serrano, so named by the Spanish because of their tenure in the San Bernardino Mountains, occupied the region from the mountains, downstream along the Mojave River, and eastward to the Mojave sink. Serrano Indians in the vicinity of the Mojave sink were known by the Desert Mojave as Vanyume. The Serrano spoke a language from the Takic subfamily of the Uto-Aztec linguistic family (Moratto 1984:534). Numic-speaking groups consisting of Paiute/Chemehuevi, Kawaiisu, and Panamint, bounded Serrano territory on the north, east, and west, respectively. These groups frequented Serrano territory, and intermarriage was common (Moratto 1984). Although little ethnographic data exist describing the settlement subsistence systems of the Serrano, they probably lived similarly to Kitanemuk and Cahuilla. The Serrano subsisted by hunting and gathering seasonally, exploiting large and small game, and relying on a variety of staple vegetal foods, such as acorns, pinyon nuts, mesquite beans, chia, ricegrass, tubers, and greens (Bean and Smith 1978). Mountain and high desert resources were exploited seasonally, and permanent and semi-permanent villages formed from autonomous political patrilineal clans, maintaining bonds with neighboring clans through economic, marital, and ceremonial reciprocity (Bean and Smith 1978).

Historical Setting

The prehistory of southern California deserts has been outlined by a number of authors who seem to independently agree on at least four major prehistoric periods (see Sutton 1988; Wallace 1962; and

Warren 1980; 1984). These periods are Paleoindian (pre-7,000 years B.C.), Archaic (8,000 – 1,000 B.C.), Formative (1,000 B.C – 1,000 A.D.), and Pre-Classic or Late Prehistoric (1,000 A.D. – Historic Contact).

Within the last 200 years, European land use in the Mojave Desert has consisted of three major patterns. Spanish and American exploration between 1776 and 1863 represents an era of transience in which the desert was utilized as an avenue of communication or commerce. The first European to pass through the area was the Franciscan priest, Francisco Garcés in 1776, while en route from Southern Arizona in search of a route to Northern California. The next 75 years saw an increase in traffic through the area via the Mojave road, or “Old Spanish Trail,” east of Barstow, but little in the way of permanent settlement had yet to occur. Enterprising pioneers took advantage of the increased traffic from the general westward expansion and the discovery of gold in Death Valley, and began establishing way stations, farms, and ranches along the Mojave road. From 1850 throughout the mid-1880s, the towns of Calico and Waterman Mines grew up in response to nearby silver and borax mining. In the 1880s, Southern Pacific Railroad constructed a railway from Mojave to Needles that passed through the Barstow area, completing the first transcontinental line. The California Southern Railroad completed a line from National City that connected with the Southern Pacific line north of Cajon Pass in 1886. The junction was officially named Barstow for William Barstow Strong, the president of the Atchison, Topeka & Santa Fe Railway Company, the parent company of the Southern Pacific Railroad. With the advent of the automobile, transcontinental highways became the new form of travel. Major highways, such as routes 66, 91, and 395, converged in Barstow, increasing its importance as a desert hub for cross-country commerce and travel. Barstow was incorporated in 1947 and has continued to grow and prosper in the central Mojave Desert. Today, Interstate 15 and Interstate 40 replace the old highways, enhancing Barstow’s role as a strategically located center for business and commerce in the high Mojave Desert (Walthall 1986).

Paleontological Setting

The fiber optic cable route crosses “Plio-Pleistocene” fossil-producing sediments (sediments of the Cronese-Soda Mountains near the Afton off-ramp) and Pleistocene conglomerates (in the Soda Mountains), which, however, have no record of paleontologic localities. The Mojave River drainage may contain lacustrine and fluvial deposits, and Miocene sediments known to produce vertebrate fossils are crossed between Baker and Halloran Summit in the Halloran area. Pleistocene lacustrine sediments of Irvingtonian land mammal age are present in the Valley Wells area, and the Mountain Pass section crosses Paleozoic limestone and coarse Quaternary conglomerate. The Ivanpah Valley section crosses Pleistocene lacustrine sediments of both Ivanpah Dry and Roach lakes.

4.10.1.2 Records Search Results

Segment 1

Results for Segment 1 indicate that there are nine archeological sites located immediately adjacent to or within the Proposed Project ROW; however, as shown in Table 4.10-1: Recorded Sites within the Proposed Project Area – Segment 1 and described next, there is only one site that is eligible for listing in the NRHP. This eligible site is described in more detail in this section.

CA-SBR-10315H

The Boulder Dam-San Bernardino 132kV line was built in the early 1930s. It was recorded in 1988 (Neuenschwander and Miller 1988) and determined to be eligible for NRHP listing in 1993 (Cunkelman 1993).

Segment 2

SBAIC records indicate that one archaeological site and several isolated occurrences of artifacts are located within a 0.5 mile radius of Segment 2 between Cima Road and Halloran Summit Road. The site, CA-SBR-7688H, contains historic period refuse scatter located 0.25 mile south of the fiber optic cable line and 1 mile west of Cima Road. None of these sites or isolated artifacts were found within or immediately adjacent to the Proposed Project ROW.

Table 4.10-1: Recorded Sites within the Proposed Project Area – Segment 1

Site	Description	NHRP Status
CA-SBR-3048H	The Old Traction Road	Not Evaluated
CA-SBR-6835H	Von Schmidt Line Monument	Unknown
CA-SBR-7689H	Arrowhead Trail	Ineligible
CA-SBR-10802H	Barnwell Stage Road	Ineligible
CA-SBR-10803H	Corral	Ineligible
CA-SBR-10804H	Lakeview Service Station	Ineligible
CA-SBR-10805H	Cloverleaf Mine Marker/Prospects	Ineligible
CA-SBR-10806H	Ivanpah-Providence Road	Ineligible
CA-SBR-10315H	Boulder Dam-San Bernardino 132kV Line	Eligible

Segment 3

The Stoddard Well site, CA-SBR-2142, was re-recorded; however, the previously recognized prehistoric component was not observed and is likely lost because of off-road vehicle activity. Petroglyph site CA-SBR-304 which is a rock containing petroglyphs, is approximately 30 feet west of the segment.

The Chambers Group contacted the NAHC to request a search of their records to determine if any resource within the Proposed Project area had been recorded in their Sacred Lands Inventory files. No Sacred Lands records for resources were identified.

4.10.1.3 Field Survey

Segment 1

A field survey of the ROW was conducted in September 2007. No historic or prehistoric archaeological sites were observed within or immediately adjacent to the ROW.

Segment 2

A field survey of the Bureau of Land Management portion of the ROW was conducted in October 2007 and the California State Lands Commission portion of the ROW was conducted in January 2008. No historic or prehistoric archaeological sites or isolated artifacts were found within or immediately adjacent to the ROW.

Segment 3

The field survey for Segment 3 was conducted in November 2007. Two prehistoric isolated occurrences were recorded for Segment 3 in the Slash X Ranch vicinity during this field survey.

Native American Religious Values

The NAHC was contacted to determine whether any Native American cultural resources located along the Proposed Project has been recorded in the sacred land files of the NAHC. That search failed to indicate the presence of sacred Native American cultural resources within or immediately adjacent to the Proposed Project.

4.10.1.4 Threshold Significance

Historic properties, as defined by the Advisory Council on Historic Preservation (the body charged with implementing the NHPA of 1966 [as amended]) include any "...prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior" (Title 36 Code of Federal Regulations (CFR) Section 800.16(1)).

To consider impact significance against California Environmental Quality Act (CEQA) criteria, the significance of the resource must first be determined. At the state level, consideration of significance as an "important archaeological resource" is measured by cultural resource provisions considered under CEQA Sections 15064.5 and 15126.4 and the draft criteria regarding resource eligibility to the California Register of Historical Resources (CRHR).

Generally, under the CEQA, a historical resource is considered significant if it meets the criteria for listing on the CRHR. These criteria are set forth in CEQA Section 15064.5, and define as significant any historical resource that:

- is associated with events that have made significant contributions 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, region, or method of construction, or represents the work of a master or possesses high artistic value.; or
- yields, or may be likely to yield, information important in prehistory or history.

Impacts to "unique archaeological resources" and "unique paleontological resources" are also considered under the CEQA, as described under Public Resources Code Section 21083.2. A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- contains information needed to answer important scientific questions, and a demonstrable public interest in that information exists;
- has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts to non-unique archaeological resources and resources that do not qualify for listing on the CRHR receive no further consideration under the CEQA.

An impact to a sacred site is considered significant if the Proposed Project:

- restricts access to such sites;
- impedes the exercise of ceremonies at such sites;
- affects the physical integrity of such sites; or
- impacts a distinct Native American cultural practice.

An impact to cultural resource is considered significant if the Proposed Project:

- adversely affects historic/archaeological resource values listed on or that are eligible for listing on the NRHP;
- directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; and/or

- disturbs any human remains, including those interred outside of formal cemeteries.

Pursuant to the National Environmental Policy Act (NEPA), consideration of a significant impact on the human environment is conducted in accordance with 40 CFR 1508.27 (specified in Section 1.2.1 Relationship to NEPA Guidelines of this document). Following the public comment period, a finding regarding significant impacts would be prepared in accordance with this provision.

4.10.1.5 Impacts and Mitigation

The Proposed Project has undergone an intense examination for the presence of cultural resources, during which 11 recorded sites were identified within or immediately adjacent to the Proposed Project ROW. Of the 11 recorded sites, only one is eligible for listing on the NRHP—CA-SBR-10315H. This resource is located immediately adjacent to the Proposed Project; however, due to its linear nature and its location outside of the ROW, it would not be impacted by the Proposed Project. The petroglyph identified approximately 30 feet west of the Proposed Project may be eligible for listing on the NRHP. Because construction-related personnel and equipment have the potential to damage this resource, the following mitigation measure would be implemented to reduce impacts to a less-than-significant level should the Proposed Project be approved:

- MM-CUL-01: An exclusion fence shall be installed around CA-SBR-304 prior to Proposed Project construction in the area. Proper signage that reads, “Exclusion Zone, No Access”, shall be hung on the exclusion fence.

The two prehistoric isolated occurrences discovered and recorded during the investigation do not warrant further study because of the absence of additional flakes near the occurrences, which suggests that only limited prehistoric activity occurred at the locations. As a result, a significant artifactual deposit is not likely present in the area of the finds.

Impacts to cultural resources within or immediately adjacent to the ROW have the potential to occur due to Proposed Project grading, cable plowing, and limited trenching in previously undisturbed sediments in the vicinity of Ivanpah Dry Lake. Should the Proposed Project be approved, the following mitigation measure would be implemented to reduce impacts to undiscovered cultural resources to a less-than-significant level:

- MM-CUL-02: A qualified archaeological monitor shall be on site during construction activities that involve trenching along the ROW in Ivanpah Dry Lake and adjacent alluvial fans out to a distance of 1 mile from the shoreline.

In addition to the known cultural sites previously discussed, construction activities associated with the Proposed Project have the potential to damage undiscovered buried resources. To minimize potential impacts to previously unidentified or buried cultural resources (paleontological and archeological) during Proposed Project implementation, the Proposed Project includes two applicant-proposed measures (APMs) that would involve halting work if unanticipated cultural resources are discovered and procedures for handling potential human skeletal remains. These measures are presented in Section 2.0 Proposed Project and Alternatives.

With the implementation of the mitigation measures outlined previously and the APMs, impacts to cultural resources would be less than significant.

4.10.2 No Action Alternative

Selection of the No Action Alternative, as described in Section 2.5.1 No Action Alternative, would not result in construction of the Proposed Project, and potential effects to cultural resources as described in Section 4.10.1.3 Impacts and Mitigation would not occur.