

# Cultural Resources

## Chapter 3.5

### SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant Impacts with Mitigation* to Cultural Resources. A detailed review of potential impacts is provided in the following analysis. A search of the California Historical Resources Information System (CHRIS) was conducted and the search results are included as Appendix E of this document which is used as the basis for determining that this Project will result in less than significant impacts.

### INTRODUCTION

#### California Environmental Quality Act (CEQA) Requirements

Several CEQA statutes and guidelines address requirements for cultural resources, including historic and archaeological resources. If a proposed Project may cause a substantial adverse effect on the significance of a historical resource, then the project may be considered to have a significant effect on the environment, and the impacts must be evaluated under CEQA.<sup>1</sup> The definition of “historical resources” is included in Section 15064.5 of CEQA Guidelines, and includes both historical and archaeological resources. “Substantial adverse change” is defined as “physical demolition, destruction, relocation, or alteration of the resource...”

Section 15064.5 also provides guidelines when there is a probable likelihood of Native American remains existing in the project site. Provisions for the accidental discovery of historical or unique archaeological resources accidentally discovered during construction include a recommendation for evaluation by a qualified archaeologist, with follow up as necessary.

Public Resources Code Section 5097.5 prohibits excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.”

This section of the DEIR for the proposed Project meets CEQA requirements by addressing potential impacts to cultural resources on the proposed Project site. The “Environmental Setting” section provides a description of cultural resources in the region, with special emphasis on the proposed Project site and vicinity. The “Regulatory Setting” section provides a description of applicable State and local regulatory policies. Results of cultural resources field study and reports from CHRIS are included. A description of potential impacts is provided, along with feasible mitigation measures to reduce the impacts to less than significant.

#### CEQA Thresholds of Significance

Under CEQA Guidelines Section 15064.5. (b) “A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”

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<sup>1</sup> CEQA Section 21084.1

Draft Environmental Impact Report for  
Papich Construction Asphalt Batch Plant Project

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- (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
- (2) The significance of an historical resource is materially impaired when a project:
  - (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
  - (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
  - (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
- (3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.
- (4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.
- (5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.”<sup>2</sup>

“Tulare County lies within a culturally rich province of the San Joaquin Valley. Studies of the prehistory of the area show inhabitants of the San Joaquin Valley maintained fairly dense populations situated along the banks of major waterways, wetlands, and streams. Tulare County was inhabited by aboriginal California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Of the main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory.”<sup>3</sup>

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<sup>2</sup> CEQA Guidelines, Section 15064.5 (b)

<sup>3</sup> Tulare County General Plan 2030 Update, page 8-5.

“California’s coast was initially explored by Spanish (and a few Russian) military expeditions during the late 1500s. However, European settlement did not occur until the arrival into southern California of land-based expeditions originating from Spanish Mexico starting in the 1760s. Early settlement in the Tulare County area focused on ranching. In 1872, the Southern Pacific Railroad entered Tulare County, connecting the San Joaquin Valley with markets in the north and east. About the same time, valley settlers constructed a series of water conveyance systems (canals, dams, and ditches) across the valley. With ample water supplies and the assurance of rail transport for commodities such as grain, row crops, and fruit, a number of farming colonies soon appeared throughout the region.”<sup>4</sup>

“The colonies grew to become cities such as Tulare, Visalia, Porterville, and Hanford. Visalia, the County seat, became the service, processing, and distribution center for the growing number of farms, dairies, and cattle ranches. By 1900, Tulare County boasted a population of about 18,000. New transportation links such as SR 99 (completed during the 1950s), affordable housing, light industry, and agricultural commerce brought steady growth to the valley. The California Department of Finance estimated the 2007 Tulare County population to be 430,167”<sup>5</sup>

#### Existing Cultural and Historic Resources

“Tulare County’s known and recorded cultural resources were identified through historical records, such as those found in the National Register of Historic Places, the Historic American Building Survey/Historic American Engineering Record (HABS/HAER), the California Register of Historic Resources, California Historical Landmarks, and the Tulare County Historical Society list of historic resources.”<sup>6</sup>

Due to the sensitivity of many prehistoric, ethnohistoric, and historic archaeological sites, locations of these resources are not available to the general public. The Information Center at California State University Bakersfield houses records associated with reported cultural resources surveys, including the records pertinent to sensitive sites, such as burial grounds, important village sites, and other buried historical resources protected under state and federal laws.

No paleontological resources have been identified in the proposed Project vicinity.

## **REGULATORY SETTING**

### ***Federal Agencies & Regulations***

#### The National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the State Historic Preservation Office (SHPO), responsible for implementing statewide historic preservation programs in each state. A key aspect of SHPO responsibilities include surveying, evaluating and nominating significant historic buildings, sites, structures, districts and objects to the National Register. The NHPA also established requirements federal

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<sup>4</sup> Tulare County General Plan Update 2030, page 8-5.

<sup>5</sup> Ibid. Page 8-6.

<sup>6</sup> Tulare County General Plan 2030 Update, *Background Report*, Page 9-56.

Draft Environmental Impact Report for  
Papich Construction Asphalt Batch Plant Project

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agencies to consider the effects of proposed federal projects on historic properties (Section 106, NHPA). Federal agencies and recipients of federal funding are required to initiate consultation with the State Historic Preservation Officer (SHPO) as part of the Section 106 review process.<sup>7</sup>

### ***State Agencies & Regulations***

#### California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.<sup>8</sup>

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes a statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Historical Resources Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.<sup>9</sup>

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- 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
- Has yielded, or may be likely to yield, information important in prehistory or history.<sup>10</sup>

#### CEQA Guidelines: Historical Resources Definition

CEQA Guidelines Section 15064.5(a) defines a historical resource as:

- “(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 §5024.1, 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

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<sup>7</sup> Advisory Council on Historic Preservation, <http://www.achp.gov/nrcriteria.html>. Accessed August, 2014.

<sup>8</sup> Advisory Council on Historic Preservation, State Historic Preservation Officers, <http://www.achp.gov/shpo.html>, Accessed August, 2014.

<sup>9</sup> California Office of Historic Preservation, About OHP, [http://ohp.parks.ca.gov/?page\\_id=1066](http://ohp.parks.ca.gov/?page_id=1066) . Accessed August, 2014.

<sup>10</sup> California Office of Historic Preservation. California Register. [http://www.ohp.parks.ca.gov/?page\\_id=21238](http://www.ohp.parks.ca.gov/?page_id=21238). Accessed August, 2014.

Draft Environmental Impact Report for  
Papich Construction Asphalt Batch Plant Project

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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, § 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.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.”<sup>11</sup>

CEQA Guidelines: Archaeological Resources

Section 15064.5(c) of CEQA Guidelines provides specific guidance on the treatment of archaeological resources as noted below.

- “(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).
- (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
- (3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code

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<sup>11</sup> CEQA Guidelines, Section 15064.5(a)

Draft Environmental Impact Report for  
Papich Construction Asphalt Batch Plant Project

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Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

- (4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.”<sup>12</sup>

CEQA Guidelines: Human Remains

Public Resources Code Sections 5097.94 and 5097.98 provide guidance on the disposition of Native American burials (human remains), and fall within the jurisdiction of the Native American Heritage Commission:

- “(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:
- (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).
  - (2) The requirements of CEQA and the Coastal Act.”<sup>13</sup>
- “(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
- (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
    - (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
    - (B) If the coroner determines the remains to be Native American:
      1. The coroner shall contact the Native American Heritage Commission within 24 hours.
      2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
      3. The most likely descendent may make recommendations to the

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<sup>12</sup> CEQA Guidelines, Section 15064.5(c)

<sup>13</sup> CEQA Guidelines, Section 15064.5(d)

Draft Environmental Impact Report for  
Papich Construction Asphalt Batch Plant Project

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landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
  - (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - (B) The descendant identified fails to make a recommendation; or
  - (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.”<sup>14</sup>
- “(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.”<sup>15</sup>

CEQA Guidelines: Paleontological Resources

Public Resources Code Section 5097.5 prohibits excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.”

Tribal Consultation Requirements: SB 18 (Burton, 2004)

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county’s jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect.

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<sup>14</sup> CEQA Guidelines, Section 15064.5 (e)

<sup>15</sup> CEQA Guidelines, Section 15064.5(f)

Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.<sup>16</sup>

### ***Local Policy & Regulations***

#### **Tulare County General Plan Policies**

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

**ERM-6.2 Protection of Resources with Potential State or Federal Designations** - The County shall protect cultural and archaeological sites with demonstrated potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of Statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values as determined by a qualified archaeological professional.

**ERM-6.3 Alteration of Sites with Identified Cultural Resources** - When planning any development or alteration of a site with identified cultural or archaeological resources, consideration should be given to ways of protecting the resources. Development can be permitted in these areas only after a site specific investigation has been conducted pursuant to CEQA to define the extent and value of resource, and mitigation measures proposed for any impacts the development may have on the resource.

**ERM-6.4 Mitigation** - If preservation of cultural resources is not feasible, every effort shall be made to mitigate impacts, including relocation of structures, adaptive reuse, preservation of facades, and thorough documentation and archival of records.

## **IMPACT EVALUATION**

### **Would the project:**

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?**

**Project Impact Analysis:**                      ***Less Than Significant Impact With Mitigation***

The proposed Project site is fully developed and no structures are identified as historic resources. The proposed Project site has no natural streams or rivers or geologic features on or near the site, which could have suggested the existence of cultural resources. Current on-site structures were constructed less than 50 years ago and are therefore not considered potentially historic.

Section 106 of The National Historic Preservation Act does not apply to the proposed Project, since it is not eligible for listing on the National Register of Historic Places, and is not located on lands administered by a federal agency, nor is the project applicant requesting federal funding.

### ***Cultural Records Search***

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<sup>16</sup> Government Code §65352.3



The Southern San Joaquin Valley Historical Resources Information Center, Bakersfield (Center) conducted a cultural resources records search. The Center records search (dated August 11, 2014) identified a recorded resource within a half-mile radius of the proposed Project site. The records search included historic sites listed on the National Register of Historic Places, the California Inventory of Historic Resources, the California State Historic Landmarks Registry, and in the Center files of pertinent historical and archaeological data. The Center staff noted that because the property has already been developed, it is unlikely that significant cultural resources will be found on site, and recommended that no further investigation is needed at this time. The Center staff cautioned; however, that despite the absence of documented cultural resources within the project area, undiscovered potentially significant resources might still exist in the area. The Center recommended that if cultural resources are unearthed during any ground disturbance activities, all work must halt in the area and a qualified archaeologist be contacted.

Based on this analysis, implementation of Mitigation Measure 5-1 would reduce potential Project-specific impacts related to this Checklist Item to a level considered ***Less Than Significant***.

Cumulative Impact Analysis:     ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As the proposed Project would be mitigated to a level considered less than significant, cumulative impacts would also be considered ***Less Than Significant With Mitigation***.

Mitigation Measure(s):

**5-1 In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.**

Conclusion: ***Less Than Significant Impact With Mitigation***

With implementation of Mitigation Measure 5-1, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a ***Less Than Significant*** level.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?**

Project Impact Analysis:     ***Less Than Significant Impact With Mitigation***

The Project site is fully developed. No paleontological resources or sites, or unique geologic features have previously been encountered on the project site. The Project site has no natural

streams or rivers or geologic features on or near the site which may suggest the existence of archaeological resources. As noted earlier, a cultural resources record search was conducted on August 11, 2014 by the Southern San Joaquin Valley Historical Resources Information Center, Bakersfield. No archaeological deposits or isolated finds were identified during the cultural resources records search.

Although no archaeological deposits have been identified, there is the potential that archaeological resources may be discovered. With the implementation of Mitigation Measure 5-1, ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As such, the proposed Project will result in ***Less Than Significant Project-Specific and Cumulative Impacts With Mitigation***.

Mitigation Measure: **See Mitigation Measure 5-1.**

Conclusion: ***Less Than Significant Impact With Mitigation***

With implementation of Mitigation Measure 5-1, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a ***Less Than Significant*** level.

**c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Project Impact Analysis: ***Less Than Significant Impact With Mitigation***

The Project site is fully developed. No paleontological resources or sites, or unique geologic features have previously been encountered on the Project site. The Project site has no natural streams or rivers or geologic features on or near the site which may suggest the existence of paleontological resources. As noted earlier, a cultural resources records search was conducted of the site. No archaeological deposits or isolated finds were identified during that search.

Although it cannot conclusively be demonstrated that no subsurface paleontological resources are present, it is possible to mitigate potentially significant impacts with Mitigation Measure 5-2. With implementation the Mitigation Measure 5-2, Project-specific impacts related to this Checklist Item will be reduced to ***Less Than Significant*** levels.

Cumulative Impact Analysis: ***Less Than Significant Impact With Mitigation***

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. As such, the proposed Project would result in ***Less Than Significant Project-Specific and Cumulative Impacts With Mitigation***.

Mitigation Measure:

**5-2 The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius**

of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.

Conclusion: *Less Than Significant With Mitigation*

With implementation of Mitigation Measure 5-2, potential Project-specific and cumulative impacts related to this Checklist Item will be reduced to a *Less Than Significant* level.

**d) Disturb any human remains, including those interred outside of formal cemeteries?**

Project Impact Analysis: *Less Than Significant Impact with Mitigation*

The Project site is fully developed, and no cultural resources have been encountered previously on the proposed Project site, as described in the cultural resources records search. Although it cannot conclusively be demonstrated that no subsurface human remains are present, it is possible to mitigate potentially significant impacts with the following Mitigation Measure. With implementation of Mitigation Measure 5-3, this Checklist Item will be reduced to *Less Than Significant Project-specific Impacts*.

Cumulative Impact Analysis: *Less Than Significant Impact With Mitigation*

The geographic area of this cumulative analysis is Tulare County.

The proposed Project would only contribute to cumulative impacts related to this Checklist Item if Project-specific impacts were to occur. Potential impacts to this resource by the proposed Project would be reduced to *Less Than Significant Project-specific and Cumulative Impacts with Mitigation*.

Mitigation Measures:

**5-3 Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:**

- 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:**

- a. **The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and**
- b. **If the coroner determines the remains to be Native American:**
  - i. **The coroner shall contact the Native American Heritage Commission within 24 hours.**
  - ii. **The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.**
  - iii. **The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or**
- 2. **Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.**
  - a. **The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.**
  - b. **The descendant fails to make a recommendation; or**
  - c. **The landowner or his authorized representative rejects the recommendation of the descendent.**

Conclusion: ***Less Than Significant Impact With Mitigation***

With implementation of Mitigation Measure 5-3, potential ***Project-specific and Cumulative Impacts*** related to this Checklist Item will be reduced to a ***Less Than Significant*** level.

## ACRONYMS

CEQA	California Environmental Quality Act
CHRIS	California Historic Resources Information System
CRHR	California Register of Historical Resources
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HRI	Historic Resources Inventory
NAHC	Native American Historic Commission
NHPA	National Historic Preservation Act of 1966
OHP	California State Office of Historic Preservation
PRC	Public Resources Code
SHPO	State Historic Preservation Officers

## REFERENCES

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CEQA Guidelines, Section 15064.5(a)(b)(c)(d)(e)(f)

CEQA Section 21084.1

Government Code §65352.3

Tulare County General Plan Update 2030. Page 8-5, 8-6

Tulare County General Plan 2030 Update, Background Report, Page 9-56.