



4.5 CULTURAL RESOURCES

This section of the Environmental Impact Report (EIR) evaluates the potential for Development Project implementation on the Development Site to impact cultural resources in the City of Banning (City). This section also discusses the existing setting of cultural resources within and near the City and sets forth the relevant regulatory requirements that apply to the analysis of the Development Project's impacts on cultural resources. This section is based, in part, on information from the Phase I Cultural Resources Assessment for the Sunset Crossroads Project prepared by Brian F. Smith and Associates, Inc. (Cultural Resources Assessment),¹ the City of Banning General Plan Chapter IV Environmental Resources Archaeological and Cultural Resources Element (April 18, 2006), and the Riverside County General Plan. Analysis pertaining to tribal cultural resources is presented in **Section 4.18** of this EIR.

While development of the Mt. San Jacinto College (MSJC) Site is not anticipated at this time, a programmatic discussion of potential impacts to cultural resources that may result from future development of the MSJC Site is provided in **Chapter 5.0** of this EIR.

4.5.1 Scoping

The City received nine comment letters during the public review period of the Notice of Preparation (NOP). For copies of the NOP comment letters, refer to **Appendix A** of this EIR. The letter from the Native American Heritage Commission (NAHC) received on July 29, 2020 outlined State procedures for compliance with Assembly Bill 52, Senate Bill 18, and other State regulations related to tribal resources and the California Environmental Quality Act (CEQA). No public comments related to cultural resources or the cultural resource sensitivity of the Development Site were received during the February 18, 2021 Public Scoping meeting.

4.5.2 Methodology

A cultural resources study was prepared for the Development Project and was documented in the Cultural Resources Assessment. The study describes a record search conducted for the Development Site and surrounding area. The cultural resources record search was conducted by staff at the Eastern Information Center (EIC), located at California State University, Riverside (UCR). The purpose of the record search was to determine the extent of previous cultural resources investigations within Development Site boundaries and within a 1-mile radius of the Development Site. The EIC search also included a standard review of the National Register of Historic Places (NRHP) and the Office of Historic Preservation (OHP) Built Environment Resources Directory (BERD). Land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office (GLO) website, were also reviewed for pertinent Development Project information. In addition, the Brian F. Smith and Associates, Inc. research library was consulted for any relevant historical information.

Subsequent to the record search, a cultural resources field survey was conducted between August 31 and September 2, 2020. The field survey covered the entire Development Site, and photographs were taken to document Development Site conditions during the survey.

¹ Brian F. Smith and Associates, Inc. 2022. Phase I Cultural Resources Assessment for the Sunset Crossroads Project. Revised August 1.



As discussed in the Cultural Resources Assessment, since the main objective of the investigation was to identify the presence of and potential impacts to cultural resources, the goal is not necessarily to answer wide-reaching theories regarding the development of early southern California, but to investigate the role and importance of the identified resources. Although survey-level investigations are limited in terms of the amount of information available, several specific research questions were developed that could be used to guide the initial investigations of any observed cultural resources. The following research questions take into account the size and location of the Development Project.

- **Research Questions:**

- Can located cultural resources be situated with a specific time period, population, or individual?
- Do the types of located cultural resources allow a site activity/function to be determined from a preliminary investigation? What are the site activities? What is the site function? What resources were exploited?
- How do the located sites compare to others reported from different surveys conducted in the area?
- How do the located sites fit existing models of settlement and subsistence for valley environments of the region?

4.5.2.1 Results

The cultural resources record search and field survey conducted on the Development Site noted disturbances on the Development Site. These disturbances consisted of the effects associated with adjacent City of Banning wastewater facilities, including pipelines and pumping stations along Westward Avenue that extended from east to west through the center of the Development Site; a gas pipeline alignment extending through the north half of the Development Site, also in an east-to-west trajectory; multiple dirt access roads; modern dumping of garbage and building materials throughout the property, including within the drainages; and the grazing of horses. Two previously recorded resources are located within the Development Site and consist of a series of water conveyance and erosion control features (RIV-7544) and the remnants of a farm/ranch complex (P-33-013778) that had been demolished between 2003 and 2010.

4.5.3 Existing Environmental Setting

To characterize the setting for cultural resources at the Development Site, the following tasks were completed: (1) record searches were conducted at the EIC at UCR and local historical archives; (2) a field survey was completed to identify cultural resources; and (3) previously recorded P-33-013778 (Historic Ranch Foundations/Features) and RIV-7544 (Historical erosion control feature[s]/water conveyance system) were re-evaluated to determine their eligibility for listing in the California Register of Historical Resources (CRHR) and the NRHP. The results of these tasks are summarized below.



4.5.3.1 Record Search

Archaeological and Historical Record Search. The record search for the Development Site and the surrounding area within a 1-mile radius identified 30 cultural resources studies that have been conducted within a 1-mile radius of the Development Site, five of which included the Development Site. The search also identified 68 cultural resources located within 1 mile of the Development Site. Of the 68 previously recorded cultural resources, only one, an isolate, was determined to be prehistoric, while the remaining 67 are historic sites, buildings, and features. The historic resources consist of 39 single-family residences, three multifamily residential properties, eight commercial buildings, one ranch complex, two remnant ranch foundations/features, one motel, two industrial building complexes, one transmission line, one road, one railroad alignment, six erosion control features/water conveyance systems, and two trash scatters. Two of the previously recorded resources (P-33-013778 Historic Ranch Foundations/Features and RIV-7544 Historical erosion control feature[s]/water conveyance system) are located within the Development Site.

Field Survey. A pedestrian survey was conducted on the Development Site between August 31 and September 2, 2020. All exposed ground surfaces were carefully inspected, including rodent burrows and disturbed areas. Noted disturbances to the Development Site during the field survey included impacts associated with the previous agricultural and ranching uses, the adjacent City of Banning wastewater facilities, including pipelines and pumping stations within and adjacent to the Existing Right of Way, which extends from east to west through the relative center of the Development Site; a gas pipeline alignment extending through the north half of the Development Site in an east-to-west trajectory; dirt access roads; modern dumping of garbage and building materials throughout the property and within the drainages; the grazing of horses; and previous evidence of squatters within the drainages. During the survey, ground visibility was characterized as moderate-to-poor due to dense vegetation. Other constraints encountered during the survey included occasional steep banks of the drainages and grazing horses found within the Southern Portion of the Development Site, as well as the inability to access some areas of the drainages. Sites P-33-013778 and RIV-7544 were found on the Development Site and reviewed for their existing conditions.

Site P-33-013778 was originally recorded as the remains of a demolished ranch complex. Within the current Development Site, five features were recorded (Features 1 to 5), while the remaining features (three, Features A to C) are to the east and outside of the Development Site boundaries. During the survey, all previously recorded foundation features within the Development Site (Features 1 to 5) were identified in the same condition as when recorded previously. No new features, artifacts, or structures associated with Site P-33-013778 were identified during the field survey.

Site RIV-7544 was also recorded during the previous survey of the property.² The site was characterized as a “series of small and large water control features utilized to control runoff through the main intermittent stream channels and the erosion of pasture.”³ When recorded, the features were described in detail, sketched, and extensively photo-documented. The features were numbered by Messick and Dice (2003)⁴ as Features 6 to 39 (Features 1 to 5 were not used), with the two main

² Messick, Peter, and Michael Dice. 2003. Site record form for Site RIV-7544. On file at the Eastern Information Center at the University of California at Riverside, Riverside, California.

³ Ibid.

⁴ Ibid.



types of features noted consisting of “pour-off” types, which utilized spouts to divert water into drainages, and “weir types,” or check-dams, which slowed water flow within the larger drainages. The features were mainly associated with Pershing Creek and its tributaries located within the eastern half of the Development Site.

Site RIV-7544 was revisited during the field survey, and it was determined that the previous recording of this cultural resource was mis-plotted. As such, field survey staff updated the feature locations of Site RIV-7544. All previously recorded features except Features 12, 13, 16, 25, and 35 were located during the field survey at the Development Site. When recorded in 2003, Features 12, 13, and 16 were noted as having fallen into the drainage and partially buried; Feature 25 consisted of two isolated pipes that could easily have been removed; and Feature 35 was described as being situated dangerously on the edge of the embankment of Pershing Wash. Therefore, it is likely that these features have been moved or completely buried due to erosion within the drainages. The location of Feature 36 (marine shell scatter) was revisited during the field survey at the Development Site; however, only four fragments of shell could be located, and the scatter appears to have further dissipated as a result of clearing and grazing of the Development Site. Some of the “weir type” features (Features 31, 32, and 39) were not fully accessible at the time of this field survey; however, their locations were noted from a distance. In addition, two of the previously recorded features associated with Site RIV-7544 (Features 37 and 38) are located within the future Sun Lakes Boulevard extension, which is not part of the Development Site. Regardless, Features 37 and 38 are contributing features to Site RIV-7544 and therefore are considered in this analysis.

During the Brian F. Smith and Associates survey, three additional features associated with Site RIV-7544 were identified on the Development Site. The features consist of one additional “pour-off” (Feature 40) and two “weir type” features (Features 41 and 42). Feature 40 consists of a corrugated metal spout set into a concrete wingwall meant to direct water into an unnamed tributary of Pershing Wash in the southeast corner of the Development Site. Feature 41 is a cobble and mortar check dam situated at the northern extent of the same drainage. Feature 42 consists of a stone and mortar check dam and was identified just northeast of Feature 22. All three of the newly identified features are consistent with those previously recorded for Site RIV-7544. Features 40 to 42 have been added to the Site RIV-7544 form, and the boundary of Site RIV-7544 has been extended due to the inclusion of approximately 1,400 feet of access road; however, their inclusion does not change or alter the previous significance evaluation of the site.

4.5.3.2 *Riverside County*

Riverside County lies in the Peninsular Ranges Geologic Province of southern California. The range, which lies in a northwest to southeast trend through the County, extends 1,000 miles from the Raymond-Malibu Fault Zone in western Los Angeles County to the southern tip of Baja California. The Development Site is a low-lying floodplain. During the prehistoric period, vegetation in the general area of the Development Site provided sufficient food resources to support prehistoric human occupants. The animals that inhabited the Development Site during prehistoric times included mammals such as rabbits, squirrels, gophers, mice, rats, deer, and coyotes, in addition to a variety of reptiles and amphibians. Intermittent streams found throughout the area, the Highland and Pershing washes and Smith Creek within the Development Site, the San Gorgonio River to the east, and the San Jacinto River to the south, would have provided easily accessible sources of fresh water.



4.5.3.3 City of Banning

The Development Site is within the City of Banning, which historically was influenced by the “Smith Ranch” and “Rancho de San Gorgonio.” Rancho de San Gorgonio was never actually formally recorded as a Mexican land grant due to paperwork being lost in transit on the way to Washington, D.C.⁵ Paulino Weaver, a trapper from Tennessee, was one of the first occupants to reside within the area of the San Gorgonio Pass, petitioning Governor Pio Pico for the land grant. Weaver lived in an adobe north of present-day Beaumont into the 1850s.⁶ Weaver and Colonel Isaac Julian Williams owned much of the land within the San Gorgonio Pass.⁷ Although they did not have an official land grant, Weaver and Williams maintained ownership by selling off portions of the land in the mid-1800s.⁸ Dr. Isaac Smith purchased a portion of Weaver’s holdings in 1853, establishing Smith Ranch.⁹ Smith was elected to the California State Assembly in 1857. Smith, along with Stephen St. John and Alfred Bybee, were appointed to lay out Bradshaw Trail. The goal of this task was to create a more reliable access route through the pass to connect with the Los Angeles Basin and the Colorado Desert.¹⁰ The road transected Smith’s property, and the Smith Ranch became known as Smith’s Station and functioned as a prominent stagecoach stop. Smith’s Station operated as a stage stop through the 1860s. From 1864 to 1866, the Bradshaw Trail through Smith’s Station was the single connecting line for passenger, mail, and express travel from southern California to the east. In 1871, James Marshall Gilman, a businessman from New Hampshire, married Smith’s daughter, Martha Benoist Smith. Gilman operated another large ranch also along the Bradshaw Trail just southeast of Smith’s Station. The Southern Pacific Railroad was built through the area in 1876, providing a more desirable mode of transportation. Although the railroad did diminish the number of people using the stage lines for travel, the railroad ultimately increased the overall traffic through the region.

The community of Banning was originally called “Moore City” after Ransom B. Moore. Moore operated a large cattle ranch in the area and the nearby San Gorgonio Mountains in the early 1860s. The community was eventually renamed “Banning” in the late 1870s in honor of General Phineas Banning, an influential southern California businessman and friend of Moore’s. It is generally thought that Moore dedicated the community to his friend in hopes that Banning “would do something nice for the town in return.” It is believed that in return for the town being named for him, Banning contributed to the building fund for the construction of the town’s Baptist church.

The Banning post office was established on October 11, 1877. In 1883, Moore sold all 500 acres of his holdings, including his water rights, to C.W. Filkes, Riverside’s postmaster, and George W. Bryant of Carson, Nevada. Included in the sale was Water Canyon, known then as Johnny Moore Canyon, as well as water flumes built previously by the San Gorgonio Fluming Company. Filkes and Bryant worked to bring water from Johnny Moore Canyon through 8 miles of pipes and flumes to the reservoirs in the valley for the residents of the area. In 1884, the town was subdivided, and the population continued to grow steadily throughout the late 19th century due to its prominent location to

⁵ Brian F. Smith and Associates, Inc. 2022. Phase I Cultural Resources Assessment for the Sunset Crossroads Project, August 1, page 2.0-23.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.



transportation routes such as the Bradshaw Trail and the Southern Pacific Railroad, which passed through the town, as well as its new access to convenient water sources. By 1890, the town had grown to include a school, a church, a hotel, two grocery stores, a meat market, several stables, a blacksmith, a post office, and a train depot; despite this, however, the economy of the town relied heavily on agriculture and cattle grazing. Deciduous fruit trees dominated the agricultural development of the area with a focus on almonds, peaches, apricots, plums, cherries, and prunes. The agricultural industry of the city of Banning continued to be a driving economic force into the 1940s; however, it rapidly declined during the second half of the twentieth century.^{11,12} Given the scope of the fruit industry in the area and the proximity to land held by Morongo, many Native Americans whose family members had initially gained farming experience at the Asistencia of San Bernardino worked within the agricultural industry of the region:

After learning how to farm at [the] Asistencia of San Bernardino nearly 100 years earlier, the Indians of the Morongo area remained prosperous farmers all the way through the early years of the reservation. As beans, melons, and barley were grown extensively on the newly established reservation, Indian management groups formed and successfully wholesaled, processed, shipped and packaged the Morongo-grown crops, making their presence felt in the Southern California agriculture industry.

In 1919, when Morongo became individually allotted, the established agricultural business model faulted considerably. As the large farming parcels of land became partitioned into smaller parcels, commercial farming became unfeasible. To address this issue, multiple property owners agreed to merge their lands in order to form areas big enough to accommodate large-scale farming. The Malki Fruit Association was the most successful of these adaptations. This cooperative group enabled allottees to continue living as farmers, by allowing them to pool their resources and maximize their assets.¹³ The Malki Fruit Association operated for nearly 20 years.¹⁴

The town of Banning was incorporated on February 6, 1913, but still relied heavily on rural industries. During World War II, the Desert Training Center located to the east of the city in the Sonoran Desert brought an influx of new supportive infrastructure, including Banning General military hospital constructed in 1943, which was used by the U.S. Army until 1944, when it was transferred to the U.S. Navy and renamed Naval Convalescent Hospital, Banning. Many of the service personnel who had been brought to the region stayed in the area, contributing to a postwar population growth. Banning continued to grow throughout the 20th century, transforming the rural community with the development of subdivisions for single-family homes. The growth in population continued through the early 2000s, turning the town into a burgeoning bedroom community.

¹¹ *Daily Banning Record*. 1959. Tomato time awaited by the “Pass” cannery. 22 Jan:7. Banning, California.

¹² Patterson, Tom. 1971. A Colony for California: Riverside’s First Hundred Years. *Press-Enterprise*, Riverside, California.

¹³ Bean, Lowell John, and Charles R. Smith. 1978. Gabrielino. In *California*, edited by R.F. Heizer. Handbook of North American Indians, Vol. 8. William C. Sturtevant, general editor, Smithsonian Institution, Washington, D.C. Pages 182–185.

¹⁴ Morongo Nation. n.d. Our Story. Electronic document. Website: <https://morongonation.org/our-story/> (accessed May 5, 2022).



4.5.3.4 *Development Site*

The Development Site is situated in an area previously part of the Stewart Ranch and adjacent to the west of the Barker Ranch; however, studies of adjacent properties indicate that at least a portion of the Barker Ranch extended west onto the Development Site. Reznor Stewart was known as one of the first farmers in the San Timoteo area. Stewart and his parents immigrated to California during the Gold Rush. Stewart came to the area in 1878 with “two cartloads of horses.” Stewart’s ranch complex was located just under 1 mile west of the Development Site. Originally, Stewart leased land from the Morongo Band of Mission Indians for dry farming and the raising of hogs. Stewart would eventually purchase land on the Banning Bench to the north. In addition, Stewart purchased 1,800 acres of land from the Southern Pacific Railroad. According to Roger Mason, who conducted extensive archival research on the Stewart Ranch holdings, the Development Site is situated within land purchased by Stewart. The Stewart family owned the property until 1967 when they began to sell off sections to investors. The Stewart Ranch complex was removed in the mid-1980s; however, some of the original ranch buildings, including the blacksmith shop and privy, were moved to the Gilman Ranch and Wagon Museum.

Although the Development Site is within land primarily associated with the Stewart Ranch, the subject site is located just west of the Barker Ranch, which appears to have extended somewhat into the southeastern portion of the current Development Site. Charles Omar Barker came to the region in 1883 and originally worked for the Banning Colony Land Company before becoming a schoolteacher, and later the manager of the Banning Land Company. Barker was influential in the acquisition of land from the Morongo Band of Mission Indians, the United States government, and the Southern Pacific Railroad to establish adequate “water-bearing land” for the newly established Banning Water Company. After being elected to the California Assembly, Barker introduced Assembly Bill No. 130 which, after passing, created Riverside County. In the early 20th century, Barker subdivided land for sale throughout the San Gorgonio Pass region, as well as raised cattle and planted fruit trees, eventually forming the Banning Canning Company and the Banning Almond Growers Association. Barker continued to be part of the development of Banning until his death in 1935.

Based on the photo archives at the Banning Library, Barker had a large home on Murray Street, north of the Development Site, with much of his fruit and almond operations having originally been located east of the Development Site at the intersection of Westward and Lovell Avenues. However, based upon research conducted by David Brunzell for the adjacent Rancho San Gorgonio Specific Plan to the east, the Barker Ranch also operated out of buildings originally situated immediately east of the Development Site at 3144 Westward Avenue. Based upon the EIC archaeological record search results, the headquarters would have also included 3190 Westward Avenue (P-33-009176) located at what is now the intersection of Sunset and Westward Avenues. During the original survey of the subject property, the survey recorded remnant foundations for ancillary features (P-33-013778) within the Development Site, which, based upon historical imagery, appear to be associated with the Barker Ranch buildings found at the intersection of Sunset and Westward Avenues. These structures were occupied by the Barker Ranch foreman, Albert Clevis Durham, and his wife until 1964, when the Dysart family bought the ranch. The standing structures within the Development Site were demolished in the early 2000s for the installation of the adjacent City of Banning wastewater pipeline and facilities, while the elements located to the east (outside of the Development Site) were



demolished in 2010 for the construction of the Mt. San Jacinto Community College, San Geronio Pass Campus.

4.5.4 Regulatory Setting

4.5.4.1 Federal Regulations

Section 106 of the National Historic Preservation Act. The eligibility for inclusion on the NRHP is determined by applying the Secretary of the Interior’s criteria, developed by the National Park Service as per provisions of the National Historic Preservation Act, which are essentially identical to the CRHR criteria. The Code of Federal Regulations (CFR) provides the NRHP criteria (36 CFR 60.4) as follows:

The quality of significance in American history, architecture, archaeology, 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 lives of persons significant 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 prehistory or history.

4.5.4.2 State Regulations

California Environmental Quality Act Requirements. CEQA defines a “historical resource” as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the CRHR; (2) included in a local register of historical resources as defined in California Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project’s Lead Agency (PRC Section 21084.1 and *CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

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.... 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 (State CEQA Guidelines Section 15064.5(a)(3)).

In accordance with *CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource may be a significant effect on the environment.

CEQA requires a Lead Agency to determine whether an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether



an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, it is treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. Historical resources have the full advantage of mitigation measures, and treatment of historical resources can include documentation of the resource, avoidance measures, measures for preservation in place, and, as a last resort, data recovery for consequential information about the resource. If the archaeological cultural resource does not meet the definition of a historical resource, then the Lead Agency determines whether it meets the definition of a unique archaeological resource as defined in *CEQA Guidelines* Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource would also meet the definition of a historical resource. Should the archaeological cultural resource meet the definition of a unique archaeological resource, it must be treated in accordance with *CEQA Guidelines* Section 21083.2. If it can be demonstrated that a project would cause damage to a unique archaeological resource, the Lead Agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Treatments for archaeological resources can include, but are not limited to, avoidance measures, capping or covering sites adequately, or planning parks or open space to incorporate archaeological sites. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, the effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

California Health and Safety Code Section 7050.5. California Health and Safety Code Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification. The NAHC would identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Public Resources Code Section 5097.5. PRC Section 5097.5 provides for the protection of cultural resources and prohibits the removal, destruction, injury, or defacement of archaeological features on any lands under the jurisdiction of State or local authorities.

California Register of Historical Resources (PRC Section 5020 et seq.). State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in *CEQA Guidelines* Section 15064.5(a). These criteria are nearly identical to those for the NRHP, which are listed above.

The State Historic Preservation Officer (SHPO) maintains the CRHR. Properties listed, or formally designated eligible for listing, on the NRHP are nominated to the CRHR and then selected to be listed on the CRHR, as are State Landmarks and Points of Interest.



The CRHR criteria are based on NRHP criteria. For a property to be eligible for inclusion in the CRHR, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the CRHR requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resource." Fifty years is used as a general estimate of time needed to develop the perspective to understand the resource's significance (California Code of Regulations [CCR] 4852[d][2]).

The CRHR also requires that a resource possess integrity, which is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance" (CCR 4852[c]). To retain integrity, a resource should have its original location, design, setting, materials, workmanship, feeling, and association. Which of these factors is most important depends on the particular criterion under which the resource is considered eligible for listing.

4.5.4.3 Local Regulations

Riverside County General Plan Policies. The Multipurpose Open Space Element of the Riverside County General Plan discusses cultural resources that can be found in Riverside County and presents policies to ensure that cultural resources are preserved. The following policies pertaining to cultural resources would be applicable to the Development Project:

Policy OS 19.1: Cultural resources (both prehistoric and historic) are a valued part of the history of the County of Riverside.

Policy OS 19.2: The County of Riverside shall establish a Cultural Resources Program in consultation with Tribes and the professional cultural resources consulting community that, at a minimum would address each of the following: application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation; application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation and the descendant community consultation requirements of local, state and federal law.



- Policy OS 19.3:** Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.
- Policy OS 19.4:** To the extent feasible, designate as open space and allocate resources and/or tax credits to prioritize the protection of cultural resources preserved in place or left in an undisturbed state.
- Policy OS 19.5:** Exercise sensitivity and respect for human remains from both prehistoric and historic time periods and comply with all applicable laws concerning such remains.

City of Banning General Plan. The Archaeological and Cultural Resources Element of the City of Banning General Plan describes the documented pre-history and history of the City, including its 20th century development. The following policies pertaining to cultural resources would be applicable to the Development Project:

- Policy 1:** The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposal development projects and other activities.
- Policy 2:** The City shall expand and enhance its prehistoric preservation efforts.
- Policy 3:** Establish and maintain a confidential inventory of archaeological and historical resources within the City, including those identified by the Eastern Information Center (EIC) at the University of California, Riverside and in focused cultural resources studies.
- Policy 4:** Sensitive archaeological and historic resources shall be protected from vandalism and illegal collection, to the greatest extent possible.
- Policy 5:** Encourage public participation in and appreciation of the City's cultural heritage.
- Policy 6:** Support the listing of eligible structures or sites as potential historic landmarks and their inclusion in the National Register of Historic Places.
- Policy 7:** The City shall consider offering economic or other incentives, such as direct subsidies or application/permitting fee reductions or waivers, to property owners to encourage the maintenance and enhancement of significant cultural buildings and sites.

City of Banning Municipal Code. The City of Banning Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City's General Plan and proposed development projects. The following provision addresses cultural resources:

- **Section 17.24.070 (Environmental Resources/Constraints):** Requires all development proposals to be reviewed for compliance with CEQA. The project proponent may be required to submit specialized studies, including biological resources, cultural resources, geotechnical hazards, hydrology, noise, and traffic, to determine the project's environmental effects.



It should be noted that the local regulations described above would not be applicable to the Development Project because the property will be annexed. However, the analysis and mitigation measures provided below are consistent with the City's General Plan policies.

4.5.5 Thresholds of Significance

The City has not established local CEQA guidance thresholds for this impact area as described in Section 15064.7 of the *CEQA Guidelines*. Therefore, significance determinations utilized in this section are from Appendix G of the *CEQA Guidelines*. According to Appendix G to the *CEQA Guidelines*, the Development Project would result in a significant impact to cultural resources if the Development Project or any Development Project-related component would:

Threshold 4.5.1: Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

Threshold 4.5.2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Threshold 4.5.3: Disturb any human remains, including those interred outside of dedicated cemeteries.

4.5.6 Impact Analysis

4.5.6.1 *Historic and Archaeological Resources*

Threshold 4.5.1: Would the Development Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Threshold 4.5.2: Would the Development Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The record searches and field surveys that were conducted on the Development Site revealed two previously recorded historic resources within the boundary of the Development Site. Site P-33-013778 contains historic ranch foundations/features, and Site RIV-7544 consists of historic erosion control feature(s)/water conveyance systems. Additional, previously unrecorded features of Site RIV-7544 were discovered during the field survey conducted on the Development Site between August 31 and September 2, 2020. Both of these historical resources (including the additional features found on the Development Site as part of RIV-7544) were re-evaluated to determine if either one would meet the criteria for listing on the NRHP or CRHR. The results of the cultural resource evaluations for P-33-013778 and RIV-7544 are summarized below according to the criteria for listing on the NRHP or CRHR. Note that the criteria for listing are detailed further below.

Site P-33-013778. This site was recorded in 2004 and identified as the remains of a ranch complex which extended east outside of the Development Site area across Sunset Avenue. The standing structures associated with the remnant foundations within the Development Site were demolished in 2003. The features located within the Development Site were numbered Features 1 to 5, while the



associated standing structures located “outside of the Development Site”¹⁵ were identified as Features A to C (previously recorded as Site P-33-009176)¹⁶. The five features recorded within the boundaries of the Development Site were characterized as three foundations (Features 1, 2, and 3), one barn foundation (Feature 4), and a cattle feeding or trough foundation complex (Feature 5). In addition, associated tractors, water tanks, and piles of building debris were noted within the Development Site boundaries in 2004. Features of Site P-33-013778 within the Development Site (Features 1 to 5) and outside the Development Site (Features A to C) are visible on historic aerial photographs from the mid- to late 1930s, with all recorded features associated with Site P-33-013778 (both on site and off site) visible on the 1953 aerial photograph. Ownership of Site P-33-013778 could not be traced during the 2004 recording; however, it was assumed the site could potentially be associated with the Stewart Ranch, which was located just to the west of the Development Site. Given that the original Stewart Ranch complex was demolished in the late 1980s, a loose association between the features at P-33-009176 and P-33-013778 could be drawn during the 2004 recording. More recent research, however, has indicated the features associated with Sites P-33-009176 and P-33-013778 were more likely originally part of the Barker Ranch. Regardless of their association, given that all standing structures within the Development Site had been demolished and only the foundations remained, the 2004 recording determined that the integrity and overall condition of the site was poor, and P-33-013778 was not significant under CEQA criteria and did not qualify for inclusion in the NRHP or the CRHR under any of their respective criteria. Specifically, no direct link between significant historic events or individuals could be established, and it was determined that the site lacked any distinctive characteristics or artistic value and was unlikely to yield any further information.

- **NRHP Criterion 1/CRHR Criterion A:** *It is associated with events that have made a significant contribution to the broad patterns of history and cultural heritage.*

New information derived through research of adjacent properties in 2015 indicates the Barker Ranch may be associated with P-33-013778 and not the Stewart Ranch as originally postulated. Therefore, Site P-33-013778 potentially can be loosely tied to the fruit industry in Banning, which may be considered locally significant. However, the removal of all associated standing structures has left the site as a hodge-podge of remnant foundation features that cannot directly be tied to any events. As such, the resource does not possess the level of integrity necessary to qualify for Criterion 1 of the NRHP or Criterion A of the CRHR.

- **NRHP Criterion 2/CRHR Criterion B:** *It is associated with the lives of persons important in our past.*

Although Charles Barker could be considered locally significant, a direct link between Barker and P-33-013778 cannot firmly be established. Based upon historic aerial photographs, portions of the ranch complex were potentially constructed during Barker’s lifetime, but Site P-33-013778 appears to have been primarily utilized well after Barker’s death in 1935, with most of the

¹⁵ Brian F. Smith and Associates, Inc. 2022. Phase I Cultural Resources Assessment for the Sunset Crossroads Project, August 1, see Plates 4.1-1, 4.1-2, and 4.1-3.

¹⁶ Elements of the P-033-013778 ranch complex located outside of the Development Site “consisted of an early 20th century Craftsman home, previously recorded as P-33-009176, at 3190 Westward Street (Feature A), a Craftsman home at 3176 Westward Street (Feature B), and a small barn situated just south of the two residences (Feature C).



remnant elements found on the Development Site not fully being constructed until after the mid-to late 1930s. As such, no direct association with Charles Barker and his various exploits can be tied to the site, and the previous evaluation of the resource is still accurate. Therefore, the resource is not eligible for designation under NRHP Criterion 2 or CRHR Criterion B.

- **NRHP Criterion 3/CRHR Criterion C:** *It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.*

No information could be found concerning any of the architects or builders formerly located within Site P-33-013778. All that remains of the site are the remnant foundations and associated features found within the Development Site, which are not unique and were previously evaluated as ineligible for the CRHR or NRHP. Therefore, Site P-33-013778 is not eligible for designation under NRHP Criterion 3 or CRHR Criterion C.

- **NRHP Criterion 4/CRHR Criterion D:** *It has yielded, or may be likely to yield, information important in prehistory or history.*

The research conducted for this study revealed that Site P-33-013778 had been impacted and through a lack of integrity is unable to convey any potential association with individuals or events. Therefore, what remains of the resource is unlikely to yield any new information beyond the already-established use of the site for ranching and agriculture. Therefore, Site P-33-013778 is not eligible for designation under NRHP Criterion 4 or CRHR Criterion D.

The results of the current survey have confirmed the previous assessment of the site as not significant under Section 106 or CEQA criteria and ineligible for listing on the CRHR or NRHP. As such, the implementation of the Development Project would not cause a significant impact to P-33-013778, as the resource does not retain sufficient integrity, does not retain further research potential, is not significant under any State or local criteria, and is not eligible for the CRHR or the NRHP.

Site RIV-7544. Site RIV-7544 was also recorded during the previous survey of the property in 2003. The site was characterized as a “series of small and large water control features utilized to control runoff through the main intermittent stream channels and the erosion of pasture.” When recorded, the features were described in detail, sketched, and extensively photo-documented. The features were numbered during the recording as Features 6 to 39 (Features 1 to 5 were not used), with the two main types of features noted consisting of “pour-off” types, which utilized spouts to divert water into drainages, and “weir types,” or check-dams, which slowed water flow within the larger drainages. The features were mainly associated with the Pershing Wash and its tributaries located within the eastern half of the Development Site. Based upon aerial imagery, it was determined that the features likely were constructed after World War II but before 1953 and were associated with a series of man-made berms utilized to direct water into the natural drainages and reduce erosion within the pasture lands. The features are clearly visible in aerial photographs taken in 1967¹⁷. Four of the recorded

¹⁷ Brian F. Smith and Associates, Inc. 2022. Phase I Cultural Resources Assessment for the Sunset Crossroads Project, August 1, see Plate 4.1-4 and Figure 4.2-2.



features deviated from the two main “pour-off” and “weir type” features: Feature 14, a cylindrical water tank; Feature 25, two isolated steel pipes; Feature 30, an erosion control structure with an associated gas pipeline and two metal fences; and Feature 36, a large (90-foot by 65-foot), very sparse scatter of clam, oyster, and scallop shell fragments. Given the unknown origin of the shell fragments, additional subsurface investigations were conducted at Feature 36 by removing 2 to 3 inches of soil with a trowel. No further material was found below the surface, and it was determined that the sparse surface lens represented the vertical extent of the scatter. Based upon the lack of any observable prehistoric material, such as flakes, milling stones, or other artifacts, the 2003 recording determined the shell scatter was representative of recent or historic refuse and not associated with any prehistoric occupation of the area. As with Site P-33-013778, a potential loose association with the Stewart Ranch to the west of the Development Site was postulated. However, no direct link between significant historic events or individuals could be established, it was determined that the site lacked any distinctive characteristic or artistic value, and the site was unlikely to yield any further information. Therefore, Site RIV-7544 was evaluated as not significant under CEQA criteria and not eligible for the NRHP or the CRHR under any of their respective criteria.

Site RIV-7544 was revisited during the current survey. It was discovered while in the field that many of the feature locations mapped during the previous 2003 recording were mis-plotted; instead, the features were identified by their photographs and locational descriptions. All previously recorded features except for Features 12, 13, 16, 25, and 35 were located during the current survey. When recorded in 2003, Features 12, 13, and 16 were noted as having fallen into the drainage and partially buried; Feature 25 consisted of two isolated pipes that could easily have been moved; and Feature 35 was described as being situated dangerously on the edge of the embankment of Pershing Wash. Therefore, it is likely that these features have been moved or completely buried due to erosion within the drainages. The location of Feature 36 (marine shell scatter) was revisited; however, only four fragments of shell could be found, and the scatter appears to have further dissipated as a result of clearing and grazing. Further, some of the “weir type” features (Features 31, 32, and 39) were not fully accessible at the time of the survey; however, their location was noted from a safe distance. In addition, two of the previously recorded features, Features 37 and 38, are located within the “Future Sun Lakes Boulevard Extension” which is designated as “Not a Part” of the Development Project. Regardless, Features 37 and 38 are contributing features to Site RIV-7544 and therefore have been analyzed for significance under Section 106 and listing on the CRHR or NRHP.

- **NRHP Criterion 1/CRHR Criterion A:** *It is associated with events that have made a significant contribution to the broad patterns of history and cultural heritage.*

As with Site P-33-013778, a potential loose association with the Stewart Ranch to the west of the Development Site was recorded in 2004. However, the features are primarily common water/erosion control features that lack integrity and a direct link to any significant historic events. As such, Site RIV-7544 does not possess the level of integrity necessary to qualify for Criterion 1 of the NRHP or Criterion A of the CRHR.

- **NRHP Criterion 2/CRHR Criterion B:** *It is associated with the lives of persons important in our past.*



The features that comprise Site RIV-7544 are primarily common water/erosion control features that lack integrity and a direct link to any significant individuals. Therefore, the resource is not eligible for designation under NRHP Criterion 2 or CRHR Criterion B.

- **NRHP Criterion 3/CRHR Criterion C:** *It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.*

No information could be found concerning any of the architects or builders for Site RIV-7544, and the site has been impacted through lack of maintenance and the removal of some of the features, which are not unique and previously evaluated as not eligible for the NRHP or CRHR. Therefore, Site RIV-7544 is not eligible for designation under NRHP Criterion 3 or CRHR Criterion C.

- **NRHP Criterion 4/CRHR Criterion D:** *It has yielded, or may be likely to yield, information important in prehistory or history.*

The research conducted for this analysis revealed that Site RIV-7544 has been extensively impacted and lacks integrity. Therefore, what remains of the resource is unlikely to yield any new information. Therefore, Site RIV-7544 is not eligible for designation under NRHP Criterion 4 or CRHR Criterion D.

The results of the re-evaluation for Sites P-33-013778 and RIV-7544 have confirmed the previous assessment of the potential historic resources as not significant under Section 106 or CEQA criteria and ineligible for listing on the NRHP or CRHR. As such, the implementation of the Development Project would not cause a significant impact to Site P-33-013778 or Site RIV-7544, as the resources do not retain sufficient integrity, do not retain further research potential, are not significant under any State or local criteria, and are not eligible for the NRHP or CRHR.

Feature 36 associated with Site RIV-7544 on the Development Site contained very sparse scatters of clam, oyster, and scallop shell fragments. Given the unknown origin of the shell fragments, additional subsurface investigations were conducted near Feature 36 by removing up to 3 inches of soil with no further material found below the surface, and it was determined that the sparse surface scatter represented the vertical extent of Feature 36. Based upon the lack of any observable prehistoric material, such as flakes, milling stones, or other artifacts, it was determined the shell scatter (Feature 36 associated with Site RIV-7544) was representative of recent or historic refuse and not associated with any prehistoric occupation of the area. No other historical or archaeological resources were discovered on the Development Site, nor were any previously recorded on the Development Site.

Ground disturbances at depths up to 12 feet below existing grade on the Development Site is required to accommodate the development of buildings, infrastructure, and ancillary features. While known historic and archaeological features have been determined not to be significant pursuant to CEQA, as multiple resources have been identified within the Development Site, and due to the dense vegetation and other constraints that inhibited ground visibility during the survey, along with the presence of multiple natural sources of water which extend through the property, there still remains the potential that other unobserved resources may exist within the Development Site. If significant historic or



archaeological deposits or resources were to be unearthed during Development Project construction, a substantial adverse change in the significance of a resource could occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired through loss of information important in understanding Banning's prehistory (*CEQA Guidelines* Section 15064.5(b)(1)). When a project will impact a historic or archaeological site, a Lead Agency shall first determine whether the site is a historical resource. Those archaeological sites that do not qualify as historical resources shall be assessed to determine if they qualify as "unique archaeological resources" (California PRC Section 21083.2). Implementation of the Development Project would have a potentially significant impact on historic or archaeological resources unless mitigation described under **Mitigation Measures CUL-1 through CUL-6** are incorporated. These measures would: (1) require the retention of a qualified archaeologist during all ground disturbance activities and the conduct of a pre-construction archaeological sensitivity training; (2) mandate development of an archaeological monitoring treatment plan; (3) establish a Native American monitoring agreement detailing the presence, extent, and authority of Native American monitoring during ground disturbance activities; (4) identify the notification process related to human burials; (5) establish a process for the treatment and disposition of archaeological or Native American cultural material (including human remains); and (6) ensure disclosure of all project-related cultural data to consulting Native American parties. Implementation of these measures would ensure that if any historic or archaeological resources are identified during excavation, these resources would be evaluated, documented, and studied in accordance with standard historic or archaeological practice, and these resources (including human remains) would be treated in accordance with appropriate State codes and regulations.

Although no significant historical or archaeological resources have been identified following earlier and current studies of the Development Site, there still remains the potential that other unobserved resources may exist within the Development Site due to the identification of multiple resources within the Development Site, the dense vegetation and other constraints that inhibited ground visibility during the survey of the Development Site, and the presence of multiple natural sources of water which extend through the Development Site. Implementation of the following mitigation measures would reduce the Development Project's potential impacts to archaeological and historical resources to a **less than significant** level.

Level of Significance Prior to Mitigation: Potentially Significant Impact to undiscovered historic and archaeological resources.

Regulatory Compliance Measures and Mitigation Measures: The following Mitigation Measures would be implemented to reduce potential impacts to undiscovered historical or archaeological resources during Development Project construction:

MM CUL-1 The applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior (SOI) Standards. The monitor shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training "Sensitivity Workshop," in conjunction with the Consulting Tribe(s)'s Tribal Historic Preservation Officer (THPO). The training session will focus on the archaeological and tribal cultural resources that may be



encountered during earthmoving activities and the procedures to be followed in such an event.

MM CUL-2 The qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing, and responsibility of all archaeological and cultural resource activities that occur on the Development Site, in coordination with the Consulting Tribe(s).

MM CUL-3 Prior to the issuance of grading permits, the applicant shall enter into a Native American monitoring agreement with one of the Consulting Tribes for the Development Project. The Native American Monitor shall be on site during all initial ground-disturbing activities, including clearing, grubbing, vegetation removal, grading, and trenching, within native soils. The Native American Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities in accordance with MM CUL-5 to allow identification, evaluation, and potential recovery of cultural resources. The applicant shall meet and confer with the Tribe on the consideration of a “Sensitivity Workshop” training on possible things that could come up in case a Native American Monitor is not on site to monitor at certain times.

MM CUL-4 In the event of discovery of human remains during grading or other ground disturbance, work in the immediate vicinity (within a 100-foot buffer of the discovery) shall cease and the applicant shall comply with State Health and Safety Code § 7050.5 and Public Resources Code (PRC) § 5097.98. In the event human remains are found and identified as Native American, the applicant shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed.

MM CUL-5 In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within a 100-foot buffer of the discovery) or shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist. A treatment plan shall be developed by a qualified archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:

- A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe or band. This reburial area should be away from any future impacts. Reburial shall not occur until all cataloguing, analysis, and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a final report.
- Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further



study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

MM CUL-6 Any and all cultural documents created as a part of the Development Project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Consulting Tribe.

Level of Significance After Mitigation: Less Than Significant Impact.

4.5.6.2 Human Remains

Threshold 4.5.3: Would the Development Project disturb any human remains, including those interred outside of dedicated cemeteries?

There are no known human remains at the Development Site, although the potential to unearth such remains during construction cannot be ruled out. In the event that human remains¹⁸ are identified during Development Project construction, these remains would be treated in accordance with Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98, as appropriate.

Section 7050.5 of the California Health and Safety code states that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Riverside County in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Riverside County coroner must notify the NAHC within 24 hours of this identifications. The NAHC would identify a Native American MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Should any human remains be identified, as established in MM CUL-4, stoppage of work in the vicinity of any such discovery, establishment of a buffer of 100 feet around the discovery, and notification pursuant to Health and Safety Code § 7050.5 is required. The treatment of any Native American burial may include the nondestructive removal, in-place preservation, relinquishment to the MLD, and/or other culturally appropriate treatment. MM CUL-5 requires preparation of a treatment plan that addresses any archaeological or Native American cultural material (including human remains) that may be discovered during implementation of the Development Project. Any treatment plan mandated by MM CUL-5 would be prepared in consultation with consulting Native American Tribe(s), satisfying applicable provisions of Public Resources Code § 5097.98. This impact would be **less than significant**.

¹⁸ Human remains of a Native American may be an inhumation (burial) or cremation in any state of decomposition or skeletal completeness. Items placed or buried with such Native American remains are treated in the same manner as the remains, but by themselves do not constitute human remains.



Level of Significance Prior to Mitigation: Less Than Significant Impact.

Regulatory Compliance Measures and Mitigation Measures: Regulatory Compliance and Mitigation Measures are required.

Level of Significance After Mitigation: Less Than Significant Impact.