

## 4.5 CULTURAL RESOURCES

This section provides a discussion of the existing cultural resource environments and an analysis of potential impacts from implementation of the proposed Project. Cultural resources are sites, buildings, structures, objects, and districts over 50 years old that may have traditional or cultural value for the historic significance they possess. This section summarizes information obtained from a record search at the Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS), a search of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF), and Native American outreach. In addition, a site visit of the Project area was conducted to assess the current conditions of the property and the previously recorded cultural resources.

This section is based on the Updated Cultural Resource Study for the Menifee Valley Specific Plan Project, prepared in March 2022 by PaleoWest to verify whether the results in a prior cultural resource assessment (Applied EarthWorks Inc., 2019) remain valid. In addition, a Supplemental Cultural Resource Study of Off-Site Improvement Areas for the Menifee Valley Specific Plan Project was prepared in November, 2022 by PaleoWest and a second Supplemental Cultural Resource Study of Additional Off-Site Improvement Areas for the Menifee Valley Specific Plan Project was prepared in July, 2023 by PaleoWest. These studies are contained in **Appendix E-1, Appendix E-2, Appendix E-3, Appendix E-4** of this Environmental Impact Report (EIR).<sup>1,2,3,4</sup>

### 4.5.1 Scoping

The City received ten comment letters during the public review period of the Notice of Preparation (NOP). For copies of the NOP comment letters, refer to **Appendix A-1** of this EIR. One comment letter included comments related to Cultural Resources.

- The letter from the NAHC (March 10, 2022) recommended that the City consult with the Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources, and the letter also recommended measures for conducting cultural resources assessments.

### 4.5.2 Methodology

A cultural resource assessment was conducted for the 590.3-acre project site in April 2019.<sup>3</sup> This 2019 assessment consisted of a cultural resource literature and records search, a search of the NAHC's SLF, and an intensive cultural resource pedestrian survey.

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<sup>1</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2022. Updated Cultural Resource Study for the Menifee Valley Specific Plan Project.

<sup>2</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2022. Supplemental Cultural Resource Study of Off-Site Improvement Areas for the Menifee Valley Specific Plan Project.

<sup>3</sup> Tiffany Clark, PhD, RPA and Dennis McDougall, Applied Earthworks, Inc. 2019. Cultural Resource Assessment of the Brookfield Minor Ranch Project in the City of Menifee, Riverside County, California.

<sup>4</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2023. Supplemental Cultural Resource Study of Additional Off-Site Improvement Areas for the Menifee Valley Specific Plan Project.

An updated cultural resource assessment was conducted in 2022 and consisted of an updated records search, a search of the NAHC's SLF, and Native American outreach. The NAHC provided a list of 24 contacts from 20 Native American groups on April 9, 2021. The records search results were received on June 1, 2021.

In addition, a site visit of the Project area was conducted in September 2021 to assess the current conditions of the property and the two previously recorded cultural resources. During the revisit, the Project area was recorded with digital photographs that included general views of the topography and vegetation density. In addition, photographs were taken of each previously identified cultural resource. A complete resurvey of the Project area was determined to be unwarranted as an intensive pedestrian survey of the Project area was completed for the Applied Earthworks 2019 study, and the conditions of the Project area have not changed significantly in the intervening years. Therefore, PaleoWest's field survey focused on revisiting the two previously identified archaeological sites (CA-RIV-3429 and CA-RIV-12345) to assess their current condition.

Additionally, on May 3, 2022, a Phase 1 field survey was conducted to determine potential impacts of the proposed Project to the off-site improvement areas. The area was recorded with digital photographs that included general views of the topography and vegetation density. Photographs were also taken of each identified cultural resource. A photo log was maintained to include, at a minimum, photo number, date, orientation, photo description, and comments (refer to **Appendix E-2**).

### 4.5.3 Existing Environmental Setting

#### 4.5.3.1 Geology and Topography

In western Riverside County, the 590.3-acre Project site is located in the northeastern part of Menifee. The city lies in the northern part of the Peninsular Ranges Geomorphic Province, which is characterized by northwest-trending mountains and valleys extending from the Los Angeles Basin into Baja California. The province is bounded by the San Andreas fault zone on the east and extends offshore to the west, and movements along these fault zones have elevated the San Jacinto and Santa Ana Mountains blocks and dropped the Perris block (where Menifee is located). The nearest active fault zone to the Project site is the San Jacinto fault zone located approximately 9 miles northeast of the Project site. Topographically, the Project site elevation ranges from an elevation of approximately 1,465 feet above mean sea level (amsl) in the southwest corner of the Project site to an elevation of approximately 1,625 feet amsl at the southeast corner of the Project site, which contains a granitic hill approximately 120 feet in height. With the exception of this feature, the Project site is relatively flat and does not have any significant slopes. Site-specific geotechnical investigations conducted as a part of the Preliminary Geotechnical Evaluation and Design Recommendations have identified the following on-site geologic formations:<sup>5</sup>

- Quaternary Colluvium (Ocol)
- Quaternary Alluvium (Oal)

<sup>5</sup> LGC Geotechnical, Inc. May 25, 2018. Preliminary Geotechnical Evaluation and Design Recommendations for the Proposed Approximately 580-Acre "Menifee Valley" Residential Development, City of Menifee, California.

- Quaternary Old Alluvium (Oalo)
- Cretaceous Domenigoni Valley Granodiorite (Kdvg)

#### 4.5.3.2 Project Site and Surrounding Uses

Historically, the Project site has primarily been used for agricultural farming. The site currently contains no noticeable structures and is being used for grain crop production.

The site is bound to the north by State Route 74, to the east by Briggs Road, to the south by Matthews Road, and to the west by Menifee Road. The Southern California Edison (SCE) San Jacinto Valley Service Center and Heritage High School are located northwest and northeast of the site, respectively. There are single-family residential uses west of Briggs Road and south of Matthews Road at the Heritage Lake community. There is also a rail line immediately south of Matthews Road. The Project site and the surrounding existing land uses are shown in **Figure 3.3** in **Chapter 3.0** of this EIR.

#### 4.5.3.3 Project Site History

The EIC records search indicated that no fewer than 65 previous studies have been conducted within 1 mile of the Project area. Eleven of these studies include portions of the current Project area. The entirety of the Project area has been previously inventoried for cultural resources (Refer to Methodology above).

In total, 79 cultural resources have been identified within 1 mile of the Project site. Two of the previously documented cultural resources, a prehistoric bedrock milling site and a Prehistoric sparse scatter of flaked artifacts (P-33-003429/CA-RIV-3429 and P-33-024902/CA-RIV-12345), are located on the Project site.

CA-RIV-3429, which was first recorded on the Project site in 2000, is described as 14 meters by 4 meters in area containing a total of three grinding slicks. Each of the slicks exhibit an overall oval shape that ranges in length from 24 to 35 centimeters and shows signs of heavy weathering. No prehistoric artifacts were observed on the ground surface in the vicinity of the bedrock milling features. A series of five shovel test pits (STPs) and a test unit were excavated around the two bedrock outcrops to assess the potential for subsurface archaeological deposits, and no prehistoric artifacts were recovered as a result of the test excavations.

CA-RIV-12345 is located within a plowed field on-site. This resource was measured at 27 meters by 21 meters in area, and consisted of a very sparse scatter of flaked stone materials. Although eight artifacts were identified within the site area, the site displays a high level of disturbance. A total of five shovel probes were excavated within the known extent of the lithic scatter. The sediments encountered consisted of extremely hard and compacted, fine sandy-silt alluvium containing extremely small, angular gravels of granite, quartz, and schist. No cultural materials were recovered. Because the site is located within an agriculturally active field, it is likely that plowing activities have damaged the artifacts and moved them from their original locations.

#### 4.5.4 Regulatory Setting

This section includes applicable federal, State, regional, and City regulations.

##### 4.5.4.1 Federal Regulations

**The National Historic Preservation Act of 1966 (NHPA).** The NHPA requires that the federal government list significant historic resources on the National Register of Historic Places (National Register). Federal agencies must consult the National Register when planning to undertake or grant approval through permits for a project. Prior to the issuance of any license or implementation of any project, the federal agency must consider the effects of a project or license on any historical buildings, sites, structures, or objects that are included on, or eligible for inclusion on, the National Register (16 United States Code [USC] Section 470(f)). This typically includes consultation with the federal agency responsible for the undertaking; the State Historic Preservation Officer (SHPO); local Native American groups and individuals; local and State historical societies and organizations; and relevant archival sources, including the appropriate facility of the CHRIS.

**The Native American Graves Protection and Repatriation Act (NAGPRA).** The NAGPRA (Public Law 101-601; 25 USC 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. It requires that federal agencies and museums receiving federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items.<sup>6</sup>

##### 4.5.4.2 State Regulations

**California Environmental Quality Act (CEQA) 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 California Register of Historical Resources (California Register); (2) listed in a local register of historical resources as defined in 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 *State 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)).

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<sup>6</sup> National Park Service (NPS). The Native American Graves Protection and Repatriation Act (NAGPRA). Website: <https://www.nps.gov/archeology/tools/laws/nagpra.htm>. (accessed February 15, 2022).

In accordance with *State CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is considered 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 (*State 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 *State 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 *State CEQA Guidelines* Section 15126.4. 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 PRC Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will 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 PRC Section 21083.2. 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 (*State CEQA Guidelines* Section 15064.5(c)(4)).

**California Public Resources Code (PRC).** The PRC protects archaeological, paleontological, and historical sites and recognizes cultural and paleontological resources as nonrenewable, therefore granting them protection under the PRC and CEQA. Specifically, 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 Health and Safety Code (HSC) Section 7050.5.** California HSC 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 County Coroner must notify the NAHC within 24 hours of this identification. The NAHC will 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.

**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 *State CEQA Guidelines* Section 15064.5(a). These criteria are nearly identical to those for the National Register, which are listed above.

The SHPO maintains the California Register. Properties listed, or formally designated eligible for listing, on the National Register are nominated to the California Register and then selected to be listed on the California Register, as are State Landmarks and Points of Interest.

The California Register criteria are based on National Register criteria. For a property to be eligible for inclusion in the California Register, 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 California Register 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 California Register 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".<sup>7</sup> 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.<sup>8</sup>

**Senate Bill 18.** Senate Bill 18 (SB 18) (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to "provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places".<sup>9</sup>

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<sup>7</sup> California Office of Historic Preservation. 2011. Technical Assistance Series #6 California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register). Website: <https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf> (accessed August 19, 2022).

<sup>8</sup> California Office of Historic Preservation. 2011. Technical Assistance Series #6 California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register). Website: <https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf> (accessed August 19, 2022).

<sup>9</sup> Governor's Office of Planning and Research. November 14, 2005. Tribal Consultation Guidelines. Website: [https://opr.ca.gov/docs/011414\\_Updated\\_Guidelines\\_922.pdf](https://opr.ca.gov/docs/011414_Updated_Guidelines_922.pdf) (accessed August 19, 2022).

According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines, the following are the contact and notification responsibilities of local governments:<sup>10</sup>

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter time frame has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city's or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process. Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

For further information regarding tribal consultation, refer to Section 4.18, Tribal Consultation Resources.

**Assembly Bill 52.** Signed into law in September 2014, California Assembly Bill 52 (AB 52) created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the California Register, included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing in the California Register. AB 52 requires that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less than significant level.

For further information regarding tribal consultation, refer to **Section 4.18**.

#### 4.5.4.3 Regional Regulations

There are no regional regulations that are applicable to cultural resources relevant to the proposed Project.

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<sup>10</sup> Ibid.

#### 4.5.4.4 Local Regulations

**City of Menifee General Plan.** The City of Menifee General Plan identifies goals and policies related to Land Use, Housing, Circulation, Open Space and Recreation, Community Design, Economic Development, Safety, and Noise. The following goals and policies from the Open Space and Conservation Element apply to the proposed Project relative to the protection of archaeological, historical, and cultural resources:<sup>11</sup>

- **Goal OSC-5:** Archaeological, historical, and cultural resources are protected and integrated into the city's built environment.
  - **Policy OSC-5.1:** Preserve and protect archaeological and historic resources and cultural sites, places, districts, structures, landforms, objects and native burial sites, traditional cultural landscapes and other features, consistent with state law and any laws, regulations or policies which may be adopted by the city to implement this goal and associated policies.
  - **Policy OSC-5.3:** Preserve sacred sites identified in consultation with the appropriate Native American tribes whose ancestral territories are within the city, such as Native American burial locations, by avoiding activities that would negatively impact the sites, while maintaining the confidentiality of the location and nature of the sacred site.
  - **Policy OSC-5.4:** Establish clear and responsible policies and best practices to identify, evaluate, and protect previously unknown archaeological, historic, and cultural resources, following applicable CEQA and NEPA procedures and in consultation with the appropriate Native American tribes who have ancestral lands within the city.
  - **Policy OSC-5.5:** Develop clear policies regarding the preservation and avoidance of cultural resources located within the city, in consultation with the appropriate Native American tribes who have ancestral lands within the city.
  - **Policy OSC-5.6:** Develop strong government-to-government relationships and consultation protocols with the appropriate Native American tribes with ancestral territories within the city in order to ensure better identification, protection and preservation of cultural resources, while also developing appropriate educational programs, with tribal participation, for Menifee residents.

#### 4.5.5 Thresholds of Significance

The thresholds for cultural resources impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed Project may be deemed to have a significant impact with respect to cultural resources if it would:

**Threshold 4.5-1: Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.**

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<sup>11</sup> City of Menifee General Plan. 2013. Website: [https://www.cityofmenifee.us/DocumentCenter/View/1085/ExhibitOSC-4\\_Paleologic\\_Resource\\_Sensitivity\\_HD0913?bidId=](https://www.cityofmenifee.us/DocumentCenter/View/1085/ExhibitOSC-4_Paleologic_Resource_Sensitivity_HD0913?bidId=) (accessed February 17, 2022)



**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 Project Impacts

##### 4.5.6.1 Historic and Archaeological Resources

**Threshold 4.5-1: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

**Threshold 4.5-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

**On-Site Improvements.** Historical resources are defined in the **Section 4.5.4.2** above as 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. According to the 2019 cultural resource assessment, the site does not contain a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines. The 2022 cultural assessment confirms this conclusion and affirms that a finding of no impact to *historic* resources would be appropriate for the proposed Project.

The 2019 cultural resource assessment prepared for the proposed Project identified two prehistoric archaeological resources on the Project site (CA-RIV-3429 and CA-RIV-12345).<sup>12</sup> The updated 2022 cultural resource assessment confirmed the results and conclusions that were made in the prior report.<sup>13</sup> According to the specific plan design, Granite Hill and the area where CA-RIV-3429 is located will be preserved and remain as passive open space with limited trail development. Construction activity in the vicinity of CA-RIV-3429 would be avoided. As previously stated, CA-RIV-3429 contains no artifacts, no segregated special use areas beyond the bedrock milling function, and no unique elements. The cultural resource assessments concluded that CA-RIV-3429 does not meet any of the four criteria for listing on the NRHP or CRHR. Under Criterion A/1, CA-RIV-3429 is not associated with events that have made a significant contribution to the broad patterns of history. Under Criterion B/2, this site is not associated with the lives of persons significant in the past. Under Criterion C/3, the resource does not embody the distinctive characteristics of a type, period, or method of construction, and thus is not recommended eligible for listing. The absence of artifacts and chronologically indicative material indicates that the site is not likely to yield any additional information that can address research issues related to chronology, technology, and settlement organization and land use. Furthermore, the shallowness of the grinding features makes it unlikely that specialized protein and starch residue analyses will produce positive results with which to obtain data on subsistence behavior; thus, CA-RIV-3429 lacks potential to provide important new

<sup>12</sup> Tiffany Clark, PhD, RPA and Dennis McDougall, Applied Earthworks, Inc. 2019. Cultural Resource Assessment of the Brookfield Minor Ranch Project in the City of Menifee, Riverside County, California.

<sup>13</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2022. Updated Cultural Resource Study for the Menifee Valley Specific Plan Project.

information about local or regional prehistory. For these reasons, the site is not considered significant under NRHP/CRHR Criterion D/4. The updated 2022 cultural resource assessment confirmed the results and conclusions made in the 2019 report.

According to the 2019 study, CA-12345 consisted of a sparse surface scatter of eight flaked stone artifacts that likely represent the remains of a temporary lithic reduction site. The absence of substantial archaeological deposits at CA-RIV-12345 indicates limited use of the site for an isolated or small number of production episodes. Pursuant to the 2019 assessment, this site is not associated with events that have made a significant contribution to the broad patterns of history and therefore is not recommended as eligible to the NRHP/CRHR under Criterion A/1. It is not associated with the lives of persons significant in the past and therefore is not recommended as eligible for listing on the CRHR under Criterion B/2. CA-12345 does not embody the distinctive characteristics of a type, period, or method of construction, and thus is not recommended eligible under Criterion C/3. The site consists of a small, flaked stone assemblage containing one biface fragment and seven pieces of lithic debitage. The artifacts are not temporally diagnostic, and no organic material suitable for radiocarbon dating or other chronologically indicative material was found. The lack of chronological control, low quantity of artifacts, and lack of assemblage diversity mean that temporal or cultural components cannot be defined at the site. Thus, the 2019 site evaluation determine this site lacked the potential to provide important new information about local or regional prehistory. For these reasons, the site is not considered significant under NRHP/CRHR Criterion D/4. At the time of the updated survey, ground visibility at CA-RIV-12345 was extremely low (0-10%) with the ground surface covered with a moisture fabric and vegetation. No artifacts were observed during the revisit. The 2022 update confirmed the earlier findings and eligibility determinations.

The project as represented in the Specific Plan has been designed to avoid the cultural resources associated with CA-RIV-12345; there is an absence of substantial archaeological deposits at resource CA-RIV-3429 and it is not eligible for the NRHP/CRHR under Criterion A/1, B/2, C/3, or D/4 and therefore, there is no potential for encountering any known archaeological materials and/or historical resources. **RCM CUL-1, RCM CUL-2, and RCM CUL-3** have been identified to reduce impacts to archaeological resources that may inadvertently be found during construction activities. **RCM TCR-1, RCM TCR-2, RCM TCR-3, and RCM TCR-4** which are listed under **Section 4.18** have also been identified to reduce impacts to tribal cultural resources that may inadvertently be found during construction activities.

**Significance Determination Prior to Mitigation:** Less Than Significant.

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

**RCM CUL-1: Inadvertent Archaeological Find.** If during ground-disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of

significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).

All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s), and the Community Development Director to discuss the significance of the find.

At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

Grading or further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.

Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan (CRMP) and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or reburial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.

If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project archeologist, in consultation with the Tribe, and shall be submitted to the City for review and approval prior to implementation of the said plan.

Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the Project archaeologist, and shall take into account the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.

**RCM CUL-2: Archaeologist Retained.** Prior to issuance of a grading permit the Project applicant shall retain a Riverside County qualified archaeologist to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground-disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition, etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special-interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the Project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52. Details in the Plan shall include:

- Project grading and development scheduling.
- The Project archaeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work, and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis.

- The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

**RCM CUL-3: Archaeology Report – Phase III and IV.** Prior to final inspection, the developer/permit holder shall prompt the Project Archaeologist to submit two copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department’s requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

**RCM TCR-1: Cultural Resources Disposition.** In the event that Native American cultural resources are discovered during the course of ground-disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- One or more of the following treatments, in order of preference, shall be employed with the Tribes. Evidence of such shall be provided to the City of Menifee Community Development Department:
  - **Preservation-in-Place of the Cultural Resources, If Feasible.** Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
  - **Reburial of the Resources on the Project Property.** The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods, and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the City under a confidential cover and will not be subject to Public Records Requests.
  - If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic

Preservation Guidelines for the Curation of Archaeological Resources, thereby ensuring access and use pursuant to the Guidelines. 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 of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, items of Native American Cultural Patrimony, burial goods, and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

- RCM TCR-2: Non-Disclosure of Location Reburials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), parties and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).
- RCM TCR-3: Native American Monitoring (Pechanga Band of Indians).** Tribal monitor(s) shall be required on site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-named Tribe and the land divider/permit holder for the monitoring of the Project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.
- RCM TCR-4: Native American Monitoring (Soboba Band of Luiseño Indians).** Tribal monitor(s) shall be required on site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseño Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-named Tribe and the land divider/permit holder for the monitoring of the Project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

**Significance Determination After Mitigation:** No mitigation is required, and impacts are considered less than significant.

**Off-Site Improvements.** Implementation of the Project would result in physical disturbance to up to 59.0 acres for the installation of off-site improvements including roadway improvements to existing roadways (e.g. Menifee Road, SR-74, and Briggs Road), utility connections (e.g. water, sewer, stormwater, electricity, internet, and natural gas), landscaping, and construction of a non-vehicular bridge to connect the Specific Plan site to the Heritage Lake community to the south. A supplemental assessment of the potential cultural resource impacts to off-site areas was prepared for the proposed project.<sup>14</sup> The supplemental cultural resource study consisted of a review of existing EIC record search data, an NAHC SLF search, and a Phase 1 survey that included a reconnaissance survey followed by an intensive pedestrian survey, resource updates, and significance evaluations. As a result of this assessment, three historic period cultural resources were identified. Two of these resources, Menifee Road and Briggs Road, were evaluated for listing on the California Register, and neither resource meets the criteria for listing on the California Register.

The third cultural resource is a 590-foot-long segment of the San Jacinto Railroad starting at Matthews Road and extending southeast. The railroad provided transportation of products from the San Jacinto Valley to markets in San Diego and Los Angeles as well as passenger services to Los Angeles. The resource has been previously determined eligible for listing on the California Register under Criterion 1 due to its importance in the development of Riverside County's agri-business from 1888 until 1950. The portion of the railroad within the proposed off-site improvement area retains sufficient integrity to convey its significance, and thus, must be avoided by project construction activities. The proposed pedestrian bridge would cross over the railroad and would not physically impact the railroad or result in significant impacts to the railroad. However, to ensure that impacts remain less than significant **MM CUL-1** is proposed.

**Off-Site Roadway Improvements.** Implementation of the Project would also result in off-site roadway improvements to address traffic impacts in conflict with the General Plan Circulation Element policies that strive to maintain desired LOS. These roadway improvements, which include widening and additional turn lanes as required, include Matthews Road/Case Road (between McLaughlin Road and Ethanac Road), McLaughlin Road (between Matthew/Case Road and Menifee Road), and McCall Boulevard (between Encanto Drive and Menifee Road). These roadway improvements were identified in the General Plan Circulation Element and included in the Final General Plan Environmental Impact Report (EIR) certified by the City on December 18, 2013 (Certified 2013 EIR).

The Certified 2013 EIR determined that implementation of the General Plan, which includes the off-site roadway improvements, would result in less than significant impacts on historical resources. The General Plan EIR also indicated that the entire City is considered sensitive for archaeological resources and the potential to uncover undiscovered archaeological resources in the City is high. A supplemental assessment of the potential cultural resource impacts to off-site areas was prepared for the proposed project.<sup>15</sup> The supplemental cultural resource study for the off-site roadway improvement areas along Matthews Road (Case Road), McCall Boulevard, and McLaughlin Road

<sup>14</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2022. Supplemental Cultural Resource Study of Off-Site Improvement Areas for the Menifee Valley Specific Plan Project.

<sup>15</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2023. Supplemental Cultural Resource Study of Off-Site Improvement Areas for the Menifee Valley Specific Plan Project.

consisted of a review of existing EIC record search data, an NAHC SLF search, and a Phase 1 survey that included a reconnaissance survey followed by an intensive pedestrian survey, resource updates, and significance evaluations. The supplemental cultural resource study identified no cultural resources within the off-site roadway improvement areas. Two cultural resources, a prehistoric lithic scatter and a historic railway, are mapped adjacent to the off-site improvement areas along McCall Boulevard and Matthews Road, respectively. However, the survey of these areas found no evidence that cultural materials associated with the resources extended into the proposed off-site improvement areas. As such, Project activities within the proposed off-site improvement areas are not expected to impact these identified cultural resources.

**RCM CUL-1, RCM CUL-2, and RCM CUL-3**, which have been identified to reduce impacts to archaeological resources that may inadvertently be found during construction activities, would also be applicable to the off-site roadway improvement areas.

**Significance Determination Prior to Mitigation:** Potentially Significant Impact.

**Regulatory Compliance Measures and Mitigation Measures: RCM CUL-1, RCM CUL-2, and RCM CUL-3**, as outlined above, are applicable to the Project to reduce impacts to archaeological resources during construction. **MM CUL-1** is proposed to ensure that impacts to the San Jacinto Valley Railroad remain less than significant.

**MM CUL-1** Prior to the construction of any bridge structure over the existing San Jacinto Valley Railroad, the developer shall submit evidence to the City for review and approval that any such construction activity avoids physical impacts to the existing rail feature. Furthermore, prior to any bridge construction, the developer shall submit to the City for review and approval plans detailing (but not limited to) the location, orientation, design, and/or materials proposed for any bridge construction to ensure bridge features to not adversely affect the integrity of the existing rail feature.

**Significance Determination After Mitigation:** Less Than Significant.

#### 4.5.6.2 Human Remains

**Threshold 4.5-3:** **Would the project disturb any human remains, including those interred outside of dedicated cemeteries?**

**On-Site Improvements.** No known human remains, including Native American, have been identified or otherwise known to be present on site. In the unlikely event that human remains are encountered during project construction, the proper authorities (i.e., Riverside County Coroner) shall be notified, and standard procedures for the respectful handling of human remains during the earthmoving activities will be followed. Construction contractors are required to adhere to CCR Section 15064.5(e), PRC Section 5097, and Section 7050.5 of the State's Health and Safety Code. In the event of an unanticipated discovery of a human burial, human bone or suspected human bone, or funerary objects associated with a human burial, the law requires all excavation or grading in the vicinity of the find halt immediately, the area of the find be protected, and the contractor immediately notify the County Coroner of the find. The construction contractor, project proponent,



and County Coroner are required to comply with the provisions of CCR Section 15064.5(e), PRC Section 5097.98, and Section 7050.5 of the State’s Health and Safety Code. Furthermore, the Pechanga Band of Indians, the Agua Caliente Band of Cahuilla Indians, the Soboba Band of Luiseño Indians, the Rincon Band of Luiseño Indians, and the Pala Band of Mission Indians requested to remain informed and updated on the project’s progress. The Pechanga Band of Indians (Pechanga) and the Soboba Band of Luiseño Indians (Soboba) have requested site-specific mitigation to address potential unanticipated encounters with human remains in accordance with PRC 21080.3.2, and **RCM TCR-1, RCM TCR-2, RCM TCR-3, and RCM TCR-4** identified in **Section 4.18** and listed under thresholds 4.5-1 and 4.5-2 above, were identified to ensure that human remains, if found during Project construction, would be protected. Compliance with CCR Section 15064.5(e), PRC Section 5097.98, and Section 7050.5 of the State’s Health and Safety Code, and implementation of **RCM CUL-4 and RCM CUL-5**, would ensure that any potential impacts to unknown buried human remains would be *less than significant*.

**Significance Determination Prior to Mitigation:** Less Than Significant.

**Regulatory Compliance Measures and Mitigation Measures: RCM CUL-4 and RCM CUL-5** are provided to reduce impacts of encountering human remains during construction.

**RCM CUL-4** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. This measure shall be implemented to the satisfaction of the County.

**RCM CUL-5** The site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The County Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r). This measure shall be implemented to the satisfaction of the City Planning Department.

**Significance Determination After Mitigation:** No mitigation is required, and impacts are considered Less Than Significant.

**Off-Site Improvements.** Implementation of the Project would result in physical disturbance to up to 59.0 acres for the installation of off-site improvements including roadway improvements to existing

roadways (e.g. Meniffee Road, SR-74, and Briggs Road), utility connections (e.g. water, sewer, stormwater, electricity, internet, and natural gas), landscaping, and construction of a non-vehicular bridge to connect the Specific Plan site to the Heritage Lake community to the south. A supplemental assessment of the potential off-site impacts on human remains was prepared for the proposed project that assessed the project-related off-site improvement area.<sup>16</sup> As a part of this assessment, the NAHC completed a search of its SLF. The SLF search resulted in negative results, and no known Native American resources were located within the off-site improvement areas. The construction contractor, project proponent, and County Coroner are required to comply with the provisions of CCR Section 15064.5(e), PRC Section 5097.98, and Section 7050.5 of the State's Health and Safety Code. Furthermore, both the Pechanga Band of Indians (Pechanga) and the Soboba Band of Luiseño Indians (Soboba) have requested site-specific mitigation to address potential unanticipated encounters with human remains in accordance with PRC 21080.3.2. **RCM CUL-4 and RCM CUL-5** were identified to ensure that human remains, if found during Project construction, would be protected. Compliance with CCR Section 15064.5(e), PRC Section 5097.98, and Section 7050.5 of the State's Health and Safety Code, and implementation of **RCM CUL-4 and RCM CUL-5** would ensure that any potential impacts to unknown buried human remains would be *less than significant*.

According to the updated review of the SLF provided by the NAHC on March 29, 2021, the consultation with Native American tribes, and the supplemental assessment of on- and off-site impacts on human remains, the site does not contain any known human remains. While the NAHC responded that the SLF search indicated "negative results," it did not preclude the presence of unknown cultural resources in the Project area. On September 21, 2021, pursuant to provisions of SB 18 and AB 52, the City provided consultation requests (via certified mail) to Native American entities identified in **Table 1.C** located in **Sections 1.0 and 4.18** of this EIR.

**RCM CUL-4 and RCM CUL-5** have been identified to ensure that any potential impacts to unknown buried human remains would be *less than significant*.

**Off-Site Roadway Improvements.** Implementation of the Project would also result in off-site roadway improvements to address traffic impacts in conflict with the General Plan Circulation Element policies that strive to maintain desired LOS. These roadway improvements, which include widening and additional turn lanes as required, include Matthews Road/Case Road (between McLaughlin Road and Ethanac Road), McLaughlin Road (between Matthew/Case Road and Meniffee Road), and McCall Boulevard (between Encanto Drive and Meniffee Road). These roadway improvements were identified in the General Plan Circulation Element and included in the Certified 2013 EIR.

The Certified 2013 EIR determined that implementation of the General Plan, which includes the off-site roadway improvements, could result in the discovery of previously unknown human remains. However, Public Resources Code Section 5097.98, mandates the process to be followed in the event

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<sup>16</sup> Tiffany Clark, PhD, RPA, PaleoWest. 2022. Supplemental Cultural Resource Study of Off-Site Improvement Areas for the Meniffee Valley Specific Plan Project.

of a discovery of any human remains. With adherence to this regulation, potential impacts to human remains would be less than significant.

A supplemental assessment of the potential off-site impacts on human remains was prepared for the proposed project that assessed the project-related off-site improvement area.<sup>17</sup> As a part of this assessment, the NAHC completed a search of its SLF. The SLF search resulted in negative results, and no known Native American resources were located within the off-site improvement areas. The construction contractor, project proponent, and County Coroner are required to comply with the provisions of CCR Section 15064.5(e), PRC Section 5097.98, and Section 7050.5 of the State's Health and Safety Code. Furthermore, both the Pechanga Band of Indians (Pechanga) and the Soboba Band of Luiseño Indians (Soboba) have requested site-specific mitigation to address potential unanticipated encounters with human remains in accordance with PRC 21080.3.2. RCM CUL-4 and RCM CUL-5 have been identified to ensure that any potential impacts to unknown buried human remains would be less than significant.

#### 4.5.7 Cumulative Impacts

Potential impacts of the proposed Project to unknown cultural resources, when combined with the impacts of past, present, and reasonably foreseeable projects in Menifee, could contribute to a cumulatively significant impact due to the overall loss of historical and archaeological resources unique to the region. As discussed above, the proposed Project would not have an impact on historic resources.

Each discretionary development proposal received by the City is required to comply with the requirements of CEQA, including an environmental review if applicable to determine if a project subject to CEQA would have a significant impact on a cultural resource. If there is any potential for significant impacts to archaeological or historical resources as a result of present or reasonably foreseeable projects in Menifee, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When archaeological or historical resources are assessed and/or protected as they are discovered, impacts to these resources are less than cumulatively significant. The regulatory compliance and mitigation measures included in this section and **Section 4.18** would lessen any potential impacts to archaeological resources by ensuring that proper oversight is provided in the event that any significant resource is uncovered during construction, and to ensure that adverse impacts to any known cultural or historical resources are mitigated.

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<sup>17</sup> Ibid.

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