

4.5.1 INTRODUCTION

The purpose of this Section is to identify and assess potential program-related impacts to cultural and paleontological resources as a result of Project implementation. For purposes of this document, the term “cultural resources” includes historical and archaeological resources. Cultural and paleontological resources analyzed in this Section include resources located within the Project area or, for purposes of assessing potential cumulative impacts, resources located within a definable radius of a minimum of 1 mile beyond the boundaries of the Project area. Throughout this Section, historical and archaeological resources (or cultural resources) are intentionally separated from paleontological resources due to the large difference in the types of resources they entail; paleontological resources are fossilized biotic remains of ancient environments, while cultural resources include evidence of past human activities that have become important due to scientific, historic, and/or religious values.

Mitigation measures are recommended to preserve and/or mitigate for potential resources as future implementing projects proceed pursuant to the provisions of the Project. The information used in this section is derived variously from the 2003 *Riverside County General Plan* (GPA No. 618), Multipurpose Open Space Element (Preservation Section), and *County General Plan EIR No. 441* (2003), Volume I, Chapter 4.7 (Cultural Resources), the Open Space and Conservation Element of the *City of Temecula General Plan* (Historical and Cultural Resources), the *Southwest Area Plan*, proposed Temecula Valley Wine Country Policy Area (2011), Wine Country zones of Ordinance No. 348, and the *Temecula Valley Wine Country Design Guidelines*. Additional resources used to prepare this section include area historical summaries provided by the Temecula Valley Winegrower’s Association, the Vail Ranch Restoration Association, the records of the Temecula Historical Society, and the historical and archaeological records of the Pechanga Cultural Resources Department, as summarized in the Tribe’s NOP comment letter, Pechanga Band of Luiseño Mission Indians in addition to cultural resources assessments prepared in connection with individual developments in the general vicinity of the Project site.

CULTURAL RESOURCES

4.5.2 EXISTING CONDITIONS

ENVIRONMENTAL SETTING

Physical Site Conditions

The Project site covers an area of approximately 18,990 acres located in the Temecula Valley east of the City of Temecula, south of the Lake Skinner Policy Area, west of the Riverside Extended Mountain Area Plan and the Vail Lake Policy Area in the southwestern portion of unincorporated Riverside County near the San Diego/Riverside County line. The Project area is characterized by flat to gently sloping foothill terrain and has long been in use for agricultural production associated primarily with viticulture, citrus orchards, and ranching. Development within the area includes a mix of residential development, including large residential estates and ranches, equestrian facilities and ranches, vineyards and wineries with ancillary commercial and production facilities, orchards, and both passive and active open space uses.

Ethnographic Setting

Prehistory Setting

The Pechanga Band of Luiseño Mission Indians has called the Temecula Valley home for more than 10,000 years. The Luiseño history originates with the creation of all things at 'exva Temeeku,' the present day City of Temecula. The ancestral home village of Temeeku is located under what is now Redhawk, where Margarita Road cuts south through a bluff. The Native Americans of the Pechanga Band are one of six bands of the Luiseño, which also include the Soboba Band near San Jacinto, the Rincon Band near Valley Center, the La Jolla Band near Palomar, and a vestige of the old Pala Band at the Pala Reservation. The name Luiseño comes from the Mission San Luis Rey de Francia in present-day Oceanside, which was founded in 1798 to support the ranchos in the Temecula Valley. Aboriginally, each of the Luiseño bands identified itself along village lines but acknowledged tribal identity by language, with distinctions made using the four cardinal directions. The Pechanga Band, located at the western boundary of the traditional Luiseño tribal area, distinguished themselves as the Payomkawichm, or Western People.¹ The Project area is a part of the Luiseño's aboriginal territory as evidenced by the existence of Luiseño place names, rock art, petroglyphs, and pictographs as well as an extensive Luiseño artifact record in the vicinity of the Project and is considered highly sensitive for Luiseño-related cultural resources.² The Temecula/Pechanga people had usage/gathering rights to an area extending from Rawson Canyon on the east to Lake Matthews on the northwest, down Temescal Canyon to Temecula, eastward to Aguanga, and then along the crest of the Cahuilla range back to Rawson Canyon. The Project area is located within the southeastern area of this culturally affiliated territory.

Historic Setting

Spanish missionaries arrived in San Diego in 1769 and made contact with Native American populations within the Temecula Valley. The area became one of the chief grain producing stations for the mission, and a granary, chapel, and home for the overseer were built. San Antonio de Pala Asistencia, a submission of San Luis de Rey, is located approximately eight miles south of the Project area, within the Pala Reservation and is the only mission-related structure still ministering to a Native American population.

In 1834 the missions were secularized and responsibility for the administration of the area fell to the Mexican government. Mission holdings were granted to Mexican citizens. In 1844, Felix Valdez received the Big Temecula Rancho of 26,608 acres, Vincente Moraga received the 26,597-acre Rancho Pauba, and Juan Moreno received title to the 45,000-acre Santa Rosa Rancho. Pablo Apis, a Native American who was schooled at the mission, made application for a deed to the Little Temecula Rancho, a small holding of approximately 2,283 acres.

Apis built an adobe home, planted a vineyard, fields, and orchards and grazed sheep, cattle and horses on his land. He also established a trading post and stagecoach stop, which eventually became the Overland Mail Station.

In the mid-1860s, new immigrants John McGee and Louis Wolf set up stores near the Apis trading post. Louis Wolf bought the Little Temecula Rancho between 1866 and 1876. Wolf's Store became the center

¹ Pechanga Band of Luiseno Indians, *Culture and People*, <http://www.pechanga-nsn.gov/page?pagelid=7> accessed August 12, 2011.

² Pechanga Tribe Comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) and Tribal SB18 Consultation for General Plan Amendment 1077, Temecula Valley Wine Country Community Plan, January 21, 2010.



4.5 Cultural Resources and Paleontological Resources

of the town known as Temecula. Wolf's property was subsequently sold off in parcels, most of which were purchased by Jacob Ludy, who sold it to the Vails in 1905. The Vails also acquired large portions of Rancho Temecula, Rancho Pauba, and Rancho Santa Rosa. The four ranchos together formed a massive ranch of 87,000 acres and spanned the area south of the present Highway 79 south (as distinguished from Highway 79 north or Winchester Road) that defines the eastern edge of the Project area, to Clinton Keith Road west to Camp Pendleton and east of Vail Lake Resort and contained the entirety of the Project area.

Of the original Vail Ranch buildings, only the Wolf story adobe is still standing adjacent to Kohls Department Store on Highway 79, approximately one mile south of the Project area boundary. Every trace of the Apis adobe and the surrounding Luiseño village is gone with the exception of a raised mound of earth marking the site of the old Indian cemetery.³ In 1948, the Vail family dammed the Temecula River and created Vail Lake, west of the Project area. The Vail Lake Dam is considered a historic resource. In 1964, the Vail family sold Vail Ranch to the Kaiser Development Company, which built the Rancho California housing development that triggered a wave of transformational growth in the area, ultimately leading to the incorporation of the City of Temecula on December 1, 1989. Incorporation of the nearby City of Murrieta followed in July, 1991.

In 1968, the Rancho California Track and Training Center, a 234-acre horse training facility, was built by the developers of the Valle de Los Caballos community, which has been included in the Project area. Wine Country's first vineyards and wineries were established to draw potential homebuyers to the area. When the I-15 freeway between San Bernardino and San Diego County was completed, real estate development accelerated and the area's wine industry grew. Temecula became a popular California wine destination. Today, the Project area is home to approximately 40 wineries.

RESOURCE SENSITIVITY

Archaeological Resources

Archaeological resources are defined as material remains of any area's pre-historic (aboriginal/Native American) or historic (aboriginal/Native American, European, and Euro-American) human activity. Native American ethnographic resources as well as archaeological resources, rock art, prominent topographical areas, features, habitats, plants, animals, and minerals that are of contemporary Native American value and may be considered essential for the preservation of their traditional values and/or way of life.

The most-recent review of ethnographic literature and relevant archaeological resources in the Project area was conducted in 2007, in connection with the development of the Europa Villages Wineries, Resort and Spa, which is located near the intersection of Butterfield Stage Road and Rancho California Road within the Project area. The results of that survey and a summary of the findings of similar surveys within one mile of the site are contained in the project's Final EIR (FEIR) dated June 2010. This FEIR indicates that a total of 12 cultural resources studies had been conducted on or within 0.25 miles of the Europa site, none of which identified cultural resources. However, the report does indicate that one cultural resource was identified within one-mile of the project. This site, CA-RIV-1726, was identified in 2004.⁴

³ Vail Ranch Restoration Association, *Ranch History*, <http://www.vailranch.org/3322.html>, accessed August 11, 2011.

⁴ ESA, Europa Village FEIR (SCH No. 2008071004), Section 3.5, Cultural Resources, page 3.5.5 (June 2010).

Both the Pechanga Band and the Soboba Band have indicated that the Project area is part of their traditional activity area. The Pechanga Tribe has indicated that the entire Project area is considered to be a *highly sensitive* region of the Luiseño territory. The Tribe believes that the possibility of recovering cultural resources during ground disturbing activities is high and notes that cultural sites within the Project area could be connected to a larger network of extensively used village complexes/habitation areas that extend for many miles in every direction.⁵

In light of past studies in the vicinity of the Project area, and the known existence of cultural artifacts within and adjacent to the area, the likelihood of encountering potentially significant prehistoric archaeological remains would be considered moderate to high.

Historical Resources

Historical resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style or design. In general, resources greater than 50 years of age (defined for purposes of this EIR as having been built prior to 1962) have the potential to be considered a historic resource, although age alone is not the sole defining criteria and “younger” structures have obtained such status because of the uniqueness or quality of their design or the individuals or activities with which they were associated. There are numerous historic sites, including buildings, trails, railroad remains and even dams and rock quarries located in relatively close proximity to the Project area; however; there are no known sites located within the Project boundaries. The original wineries and equestrian centers that were founded in the 1960’s and gave this area its unique identity, are under 50 years of age and have the potential to become historic resources at some point in time during the life of the Project, but are not considered to be historic resources at this time. Note that the County of Riverside considers potential resources that have reached 45 years of age due to the length of the discretionary approval process which can sometimes last several years. Out of an abundance of caution, these resources would be considered potentially historic, until such time as they are evaluated and determined to be insignificant resources.

4.5.3 REGULATORY FRAMEWORK

EXISTING FEDERAL REGULATIONS

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, established a national policy of historic preservation, and encourages such preservation. The NHPA established the Advisory Council on Historic Preservation (ACHP) and provided procedures for the agency to follow if a proposed action affects a property that is included, or that may be eligible for inclusion, on the National Register of Historic Places (NRHP). The NRHP was developed as a direct result of the NHPA.

Section 106 requires that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or Federally-assisted undertaking in any state, and the head of any Federal department or independent agency having authority to license any undertaking, shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, take into account the effect of the undertaking on any district, site, building, structure, or object

⁵ Pechanga Comment Letter to the County of Riverside Re: Pechanga Tribe Comments on the NOP for a DEIR and Request for SB18 Consultation of GPA 1077, January 21, 2010, Page 5.

that is included in or eligible for inclusion in the National Register. The head of any such Federal agency is required to allow the ACHP a reasonable opportunity to comment with regard to such undertaking.

This Act is applicable to the Project, because implementing projects could potentially require a permit from a Federal agency (e.g., Clean Water Act Section 404 permit) or be located on federal land. The federal agency issuing the permit would determine if the implementing project is covered by Section 106 of the NHPA and, as described above, gather information to decide which properties in the area are listed in or eligible for the NRHP. The Section 106 review process is explained in further detail in the U.S. Code of Federal Regulations at 36 CFR Part 800.

National Register of Historic Places

The National Register of Historic Places is the official list of properties that have been recognized for their significance and worthiness of long-term preservation. The National Register Criteria for Evaluation establishes guidelines utilized by Federal, State, and local governments, private groups, and citizens to assess the significance of cultural resources and to identify those properties that should be considered for protection from demolition, destruction, or alteration. To be listed in the NRHP, or deemed eligible for listing, properties must meet certain criteria for historic or cultural significance. Qualities of significance may be found in aspects of American history, architectural design or theme (interpreted in the broadest sense to include landscape architecture and planning), archaeology, engineering, or culture. The following criteria are used to determine the eligibility of properties for listing on the NRHP:

- **Criterion A** – It is associated with events that have made a significant contribution to the broad patterns of our history.
- **Criterion B** – It is associated with the lives of persons who are significant in our past.
- **Criterion C** – It embodies the distinctive characteristics of a type, period, or method of construction, or it represents the work of a master or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction.
- **Criterion D** – It has yielded, or may be likely to yield, information important in prehistory and history.

Each resource eligible for listing on the NRHP must demonstrate qualities of integrity, measured by the degree to which the resource retains its historic location, design, setting, materials, workmanship, feeling, and/or association. To be considered for listing, the resource must (generally) be a minimum of 50 years of age; however, some exceptions and overriding considerations to this requirement do occur. Listing on the NRHP does not in and of itself provide protection for a historic resource. Listing on the NRHP instead allows owners of such resources eligibility for financial and tax incentives to assist in the rehabilitation or preservation of such resources.

Criteria Considerations. The National Register does not typically consider cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; properties primarily commemorative in nature; or, properties that have achieved significance within the past 50 years as eligible for the National Register; however, such properties may qualify if they are integral parts of districts that are determined to meet the criteria, or if they fall within any of the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life;
- A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.

Integrity. Integrity involves the ability of a resource to convey its cultural or historical significance. In order to be eligible for inclusion on the National Register, a property or resource must be shown to be significant consistent with National Register criteria, as well as demonstrating integrity. Evaluation of integrity can be subjective; however, it must always be fundamentally grounded in an understanding of a property's physical features and how such features relate to its overall significance.

The National Register criteria recognize seven aspects or qualities that define integrity. To retain historic integrity, a property needs to possess several (and usually most) of these aspects. Knowing why, where, and when a property is significant is essential in determining which of these aspects is most important to a particular property. The National Register considers the following aspects in evaluating the level of integrity of a particular resource:

1. Location is the place where the historic property was constructed or the place where the historic event occurred.
2. Design is the combination of elements that create the form, plan, space, structure, and style of a property.
3. Setting is the physical environment of a historic property.
4. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
6. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association is the direct link between an important historic event or person and a historic property.

Historic Rehabilitation and Tax Credits Program

The National Park Service (NPS) and the Internal Revenue Service (IRS), in partnership with State Historic Preservation Office (SHPO), are responsible for administering the Historic Rehabilitation Tax Credits program. This program rewards private financial investment in the rehabilitation of historic buildings that are listed in the National Register of Historic Places. Properties must be income-producing and

must be rehabilitated according to rehabilitation standards set by the Secretary of the Interior for historic properties. This funding source may be available to rehabilitate historic buildings in the Project area if they are listed on the NRHP. Currently, no such buildings are identified within the Project area. However, as the Project area builds out, there is the potential that one or more buildings may be placed on this list and, thus, funding for rehabilitation (in accordance with federal standards) might be made available.

National Historic Landmarks Program

The National Historic Landmarks Program, developed in 1982, and as authorized by the Historic Site Act, identifies and designates National Historic Landmarks (NHLs) to “encourage the long-range preservation of nationally-significant properties that illustrate or commemorate the history and prehistory of the U.S.” The program is administered by the Department of the Interior pursuant to 36 CFR Section 65.5. Unlike any of the other state or federal registries, sites listed on the NHL are explicitly preserved and protected from harm by federal law. Presently, no such NHLs are found within the Project area. According to the National Park Service, currently, only two sites in Riverside County are listed: (1) the Harada House and (2) the Mission Inn.⁶ However, it is possible that in the future as implementing projects within the Project area are proposed, a site could be placed on this Program’s list of landmarks. Due to the strict criteria required for designation under this program, the historic use of the Project area, and the relatively few sites that have, to date, met the program criteria, it is unlikely that a site in the Project area would be designated as a NHL prior to Project build-out. As stated above, the criteria requirements are listed under 36 CFG Section 65.5.

Native American Graves Protection and Repatriation Act (NAGPRA)

Enacted in 1990 under Title 25, Section 3001 of the U.S. Code, NAGPRA describes the rights of Native American lineal descendants, Indian Tribes and Native Hawaiian organizations with respect to treatment, repatriation and disposition of Native American cultural items for which they can show a relationship of lineal descent or cultural affiliation. The statute also requires federal agencies and museums receiving federal funds to inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. In an attempt to recognize the religious and cultural significance of such sites and to protect their sacred integrity, it also provides for greater protection of Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects and items of cultural patrimony on federal and tribal lands. The Project area is not located on tribal or federal lands and thus this provision of the NAGPRA would not apply to implementing projects within the boundaries of the Project area. However, the NAGPRA might apply to local government-owned properties that receive federal assistance including grants, loans, etc. This could potentially include public projects, such as museums, public buildings, roads, and parks.

Federal Antiquities Acts

The federal Antiquities Act of 1906 was enacted with the primary goal of protecting cultural resources in the United States. As such, it explicitly prohibits appropriation, excavation, injury and destruction of “any historic or prehistoric ruin or monument, or any object of antiquity” located on lands owned or controlled by the federal government, without permission of the Secretary of the federal department with jurisdiction. For further details regarding this Acts, refer to Section 4.5.9 below.

⁶ National Park Service, “Listing of National Historic Landmarks by State”, <http://www.nps.gov/nhl/designations/Lists/CA01.pdf>, accessed September 24, 2011.

As previously stated, the Project area is not located on tribal or federal lands and thus the provisions of the Antiquities Act would not apply to implementing projects within the boundaries of the Project area. However, if a federal agency is determined to control a portion of a future implementing project site, such as through the 404 permit (Clean Water Act) process, the provisions of this Act would apply.

Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments.

President Clinton issued Executive Order (EO) 13175 in November 2000. Although EO 13175 was created during the Clinton Administration, it is rooted in the longstanding relationship found in the U.S. Constitution, the Indian treaties, and the federal trust relationship. Section 3 of the EO contains substantive policy-making criteria that require Agencies to “respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.” Section 3 specifically supports tribal self-government, directing federal agencies to “defer to Indian Tribes to establish standards, and preserve the prerogatives and authority of Indian Tribes.” EO 13175 establishes the “Government to Government” consultation process as regards numerous types of government actions, including treatment and preservation of Native American cultural resources. Also see Section 106 of the National Environmental Policy Act (NEPA).

EXISTING STATE REGULATIONS

California Historical Resource (CHR) Status Codes

In order to be considered as significant, a resource must meet at least one of the above-listed criteria and retain enough integrity to support its period of significance and association within a historical context. A resource is assigned a CHR status code following evaluation to identify its significance level. The following general categories represent the status codes assigned to such resources considered for significance:

1. Properties listed in the National Register or the California Register.
2. Properties determined eligible for listing in the National Register or California Register.
3. Appears eligible for National Register or California Register through survey evaluation.
4. Appears eligible for National Register or California Register through other evaluation.
5. Properties recognized as historically significant by local government.
6. Not eligible for listing or designation as specified.
7. Not evaluated for National Register or California Register or needs re-evaluation.

Generally, resources that are assigned a CHR code of 6 are determined ineligible for designation under any criteria and are not considered historical resources for the purposes of CEQA or the County Historical District Ordinance; however, several subcategories exist within each of the status codes that allow for various exemptions, such as whether or not a resource contributes to a Historic District.

California Register of Historical Resources (CRHR)

The California Office of Historic Preservation (OHP) established the California Register as an authoritative guide to historical resources in the State of California. Criteria used for inclusion of properties on this listing are as follows:

“While the significance criteria for the California Register are similar to those used by the NRHP this new

California Register will document the unique history of the Golden State.”

To qualify for listing in the California Register, the resource must retain integrity and meet at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in the NRHP program as a property’s ability to convey its significance. Evaluation of integrity may be a somewhat subjective judgment; however, it must be founded on *“an understanding of a property’s physical features and how they relate to its significance.”*

Traditional Tribal Cultural Places Law (also referred to as Senate Bill 18 or “SB 18”) (California Government Code 65352, et seq.)

The Traditional Tribal Cultural Places Law (also referred to as Senate Bill 18, or “SB 18”) was adopted in 2004 and made effective in 2005. It requires cities and counties to contact and consult with “California Native American Tribes” before adopting or amending a General Plan, Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places as defined in PRC Section 5097.9 and 5097.993. The Project requires an amendment of the County’s General Plan and is, therefore, required to offer government-to-government consultation with Tribes who request it. Consultation meetings occurred with the Pechanga Tribal staff on April 27, 2010 and the Soboba Tribal staff on April 18, 2010. Both tribes requested copies of draft documents when they are made available for public review. In addition, a consultation meeting with Ramona Tribal staff was conducted on April 28, 2010. Ramona staff indicated that they would review material and contact County Planning Staff if formal consultation is needed. No such request has been received by County Staff. Lastly, County Planning Staff contacted the Cahuilla Tribal staff on April 28, 2010; however, no consultation was requested by Cahuilla Tribal staff. Refer to Table 4.5-1, *Tribal Consultation Timeline*, for a list of the SB 18-related communication efforts occurring between the County and California Native American Tribes.



4.5 Cultural Resources and Paleontological Resources

Table 4.5-1
Tribal Consultation Timeline

Date	Action	Participant(s)/Correspondent(s)
12/22/09	Faxed consultation request to Native American Heritage Commission (NAHC).	
12/24/09	Received Native American Tribal Consultation List from NAHC.	Mr. Dave Singleton, Program Analyst
12/30/09	Received a second list from NAHC.	Mr. Dave Singleton
01/04/10	Sent out notification per NAHC's recommendation for consultation regarding the Project.	Tribal Consultation List: Pala Band of Mission Indians; Pechanga Band of Mission Indians; Ramona Band of Cahuilla Indians; Cahuilla Band of Mission Indians; Soboba Band of Mission Indians; Santa Rosa Band of Mission Indians; Morongo Band of Mission Indians; and Los Coyotes Band of Mission Indians
01/21/10	Received consultation request from Pechanga Tribe.	Ms. Anna Hoover, Cultural Analyst
02/03/10	Received consultation request from Soboba.	Mr. Joseph Ontiveros, Soboba Cultural Resource Department
02/04/10	Received comment from Pala Tribe which stated that the Project area is not in Tribes area of interest.	Ms. Shasta C. Gaughen, Tribal Historic Preservation Officer
03/03/10	Received comments from Cahuilla Band of Mission Indians.	Ms. Yvonne L. Markle, Tribal Environmental Office Manager
Pechanga Band of Luiseño Indians		
04/08/10	Staff confirmed SB 18 consultation meeting with Pechanga Tribal staff for Wine Country.	Ms. Anna Hoover
04/27/10	Staff conducted a Tribal Consultation meeting per SB 18 where Tribal staff requested to see Project materials when draft EIR is available.	Ms. Anna Hoover and Mr. Paul Macarro, Cultural Resources Coordinator
ACTION PENDING	Pechanga Tribal staff requests public hearing draft when available for review. Staff plans on transmitting the requested documents with EIR NOA.	
Soboba Band of Luiseño Indians		
04/08/10	Staff confirmed SB 18 consultation meeting with Soboba Tribal staff for Wine Country.	Mr. Joseph Ontiveros
04/19/10	Staff conducted Tribal Consultation meeting per SB 18 where Tribal staff requested to see Project materials when draft EIR is available.	Mr. Joseph Ontiveros and Mr. Sam Hough, Esq., Luebben, Johnson & Barnhouse.

Date	Action	Participant(s)/Correspondent(s)
ACTION PENDING	Soboba Tribal staff requests public hearing draft when available for review. Staff plans on transmitting the requested documents with EIR NOA.	
Cahuilla Band of Mission Indians		
4/28/10	Staff contacted Cahuilla Tribal staff for consultation. Staff also sent subsequent e-mails to Ms. Yvonne L. Markle.	Ms. Yvonne L. Markle
9/19/11	Staff received consultation meeting request from Ms. Markle.	Ms. Yvonne L. Markle
10/13/11	Staff conducted Tribal Consultation meeting per SB 18 where Tribal staff requested to see Project materials when draft EIR is available.	Mr. Brian Baharie, Environmental Director
ACTION PENDING	Staff plans on transmitting the requested documents with EIR NOA.	
Ramona Band of Cahuilla Indians		
4/8/10	Staff confirmed SB 18 consulting meeting with Tribal staff for Wine Country	Mr. John Gomez, Jr., Program Coordinator
04/28/10	County staff conducted a brief presentation and Tribal staff requested time to review the materials and contact Planning Staff if a formal consultation is desired per SB 18.	Mr. Joseph Hamilton, Chairman and Mr. John Gomez, Jr.
ACTION PENDING	Staff awaits hearing back from Tribal staff. Staff plans on transmitting the requested documents with EIR NOA.	

California Health and Safety Code Section 7050.5

California Health and Safety Code (CHS) Section 7050.5 requires 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 human remains are discovered has determined that the remains are not subject to the provision of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of death. If the coroner determines that the remains are that of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

California Public Resources Code Section 5097.98

PRC Section 5097.98 stipulates that whenever the NAHC receives notification of the discovery of Native American human remains from a county coroner pursuant to CHS Section 7050.5, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or

the person responsible for the excavation work means for treating or disposing, with the appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include the scientific removal and non-destructive analysis of human remains and items associated with Native American burials. The NAHC would designate the Most Likely Descendant (MLD) for any future human remains found in the Project area.

California Historic Building Code

The *California Historic Building Code (CHBC)* provides guidelines for the preservation, restoration, rehabilitation, relocation, and reconstruction of buildings or structures designated as qualified historical buildings or properties by a local, State, or Federal jurisdiction, as defined by *CHBC* Sections 8-218. The *CHBC* provides guidelines for long-term preservation efforts of qualified historical buildings or properties in order to allow owners to make improvements for access for persons with disabilities; to provide a cost-effective approach to preservation; and, to ensure overall safety of affected occupants or users.

As defined by the *CHBC*, a “qualified historical building” is “any building, site, structure, object, district, or collection of structures, and their associated sites, deemed of importance to the history, architecture, or culture of an area by an appropriate local, State, or Federal governmental jurisdiction. This includes designated buildings or properties on, or determined eligible for, official national, State, or local historical registers or official inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmark, State Points of Historical Interest, and officially adopted city or county registers, inventories, or surveys of historical or architecturally significant sites, places, or landmarks.”⁷

California Environmental Quality Act

PRC Statute 21083.2 governs the treatment of “unique archaeological resources” which are defined as “an archaeological artifact, object, or site about which it can be clearly demonstrated” as meeting any of the following criteria (it should be noted that ministerial permits are exempt from CEQA review):

- Contains information needed to answer important scientific research questions and that there is demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognize important prehistoric or historic event or person.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, appropriate mitigation measures shall be required to preserve the resource in place, in an undisturbed state. Mitigation measures may include, but are not limited to (a) planning construction to avoid the site; (b) deeding conservation easements, or (c) capping the site prior to construction. If a resource is determined to be a “non-unique archaeological resource” no further consideration of the resource by the lead agency is required.

Pursuant to *CEQA Guidelines* Section 15064.5(b)(3), a project that seeks to improve an historic resource in accordance with either of the following publications will be considered as mitigated to a level of less-

⁷ California Historic Building Code (Sections 18950 to 18961 of Division 13, Part 2.7 of California Health and Safety Code).

than-significant:

- Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings
- Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

While tribal consultation under CEQA is not required, it is recommended. The Notice of Preparation (NOP) and the Draft EIR public review process provide an opportunity for formalized tribal consultation to occur. The County has chosen to conduct outreach with the applicable California Native American Tribes. The following Tribes received notifications for consultation regarding the Project during the NOP process:

- Pala Band of Mission Indians
- Pechanga Band of Mission Indians
- Ramona Band of Cahuilla Indians
- Cahuilla Band of Indians
- Soboba Band of Mission Indians

The Pala Band of Mission Indians submitted a comment on January 21, 2010 stating that the Project area is not part of the Tribe's area of interest. Consultation requests were received from the Pechanga and Soboba Band of Mission Indians on January 21, 2010 and February 3, 2010, respectively. The Cahuilla Band submitted a comment stating that the Project area is within the Tribe's cultural interest area. In addition, through the SB 18 process described above, the following Tribes also received notification for consultation:

- Santa Rosa Band of Mission Indians
- Morongo Band of Mission Indians
- Los Coyotes Band of Mission Indians

EXISTING COUNTY REGULATIONS

County of Riverside Cultural Resources Review Requirements

The County of Riverside employs standard operating procedures for the study of potential development sites for historic and archaeological resources. Studies for the presence of historic and/or archaeological resources are managed by the Riverside County Planning Department and include requirements for certification of qualified cultural resource consultants, a Cultural Resources Investigations Standard Scopes of Work, Level of Significance Checklist, and Notification to County of Riverside of Consultant to Prepare Archaeological Report form. The County requires execution of a Memorandum of Understanding (MOU) between the County and certified consultants for the preparation and handling of archaeological reports, which are processed through the County Archaeologist.

County of Riverside Historical Commission

The Riverside County Historical Commission was established in 2005 to advise the Board of Supervisors on historical preservation matters. It is tasked with working to discover and identify persons, events and places of historical importance within Riverside County, and to make recommendations relating to the preservation of appropriate historic sites and structures. To accomplish this, the Commission

established criteria and procedures to identify and recognize historic landmarks in Riverside County. These criteria should be used when reviewing a potential historical or culturally significant site potentially affected by a proposed implementing project.

Planning Department Procedures

The Riverside County Archaeologist reviews all proposed land use projects subject to CEQA and not otherwise deemed categorically exempt. The County Archaeologist reviews various internal data bases for information that might pertain to the age of any buildings found on-site, grading permits, ground disturbance activities, and building permits. Where buildings are 45 years or older, the project applicant may be required to perform an architectural history evaluation for potential historic value as part of a Phase I Cultural Resources study. When a study is completed and if historic-period resources were identified during a survey, a copy of the report is transmitted to the County Historic Preservation Officer (CHPO) for review and comment. The CHPO sends relevant comments back to the County Archaeologist.

Vacant parcels within areas known to have prehistoric or historic resources may trigger a Phase I Cultural Resources study. Similarly, any parcels with environmental/geomorphological or vegetative features known to increase the likelihood of cultural resources being present may trigger a Phase I Cultural Resources study. Such studies are required to follow the current reporting formula found on the County Planning Department's website which mirrors the recommendations published by the State Historic Preservation Officer (SHPO) in 1987 and to contain information needed to answer important scientific research questions, as required under CEQA Section 21083.2(g)(1).

The County Archaeologist reviews all Phase I Cultural Resources studies for completeness and reasonable conclusions based on current industry standards in archaeology. The Phase I study serves to: 1) advise the County Archaeologist on matters relating to any identified prehistoric or historic resources that may be present, 2) provide the requisite information to complete the project related CEQA analysis, and 3) guide the County Archaeologist in determining which land use conditions of approval are appropriate for the proposed project. Copies of studies can be provided to Tribes participating in consultation with the County, upon their request, to aid in consultation efforts.

There are also listed standardized conditions of approval pertaining to cultural resources. Based on the forgoing information, the County Archaeologist may tailor these conditions or apply additional conditions as the individual project-specific circumstances dictates and Phase 1 Cultural Resources study recommends. Other sources of information, including site inspections by the County Archeologist, may be factored into recommendations for mitigation and/or preservation.

EXISTING COUNTY GENERAL PLAN POLICIES

The Riverside County General Plan (General Plan) Land Use Element provides policies relative to cultural resources. In addition, Chapter 5 of the Riverside County General Plan contains the County's Multipurpose Open Space Element. The Preservation Section of the Element includes goals and policies for the conservation of cultural resources within the County. The General Plan defines cultural resources as places (historic and prehistoric archaeological sites), structures or objects that provide evidence of past human activity. They are important for scientific, historic, and/or religious reasons to cultures, communities, groups or individuals. The cultural history of Riverside County is divided chronologically into two periods: prehistory and history. Native American cultures predominate in the

prehistoric periods of County history. The historic period includes settlement from 1774, with the expedition of Juan Bautista de Anza into the region, to 45 years before the present as defined by the California Environmental Quality Act (CEQA). An inventory of Historical Resources in some areas of the County was conducted in the 1980s and mapped, as shown in General Plan Figure OS-7. However, it has been demonstrated over the years that significant and unique cultural resources are found in many areas of the County, rendering the ability to rank areas for their sensitivity—without having the appropriate surveys completed—impractical. Applicable General Plan policies related to the identification and preservation of archaeological and historical resources are contained below.

Land Use (LU) Element Policies

Policy LU 4.3 Create programs to ensure historic preservation

Multipurpose Open Space (OS) Element Policies

Policy OS 19.2 Review all proposed development for the possibility of archaeological sensitivity.

Policy OS 19.3 Employ procedures to protect the confidentiality and prevent inappropriate public exposure of sensitive archaeological resources when soliciting the assistance of public and volunteer organizations.

Policy OS 19.4 Require a Native American Statement as part of the environmental review process on development projects with identified cultural resources.

Policy OS 19.5: Transmit significant development proposals to the History Division of the Riverside County Regional Park and Open-Space District for evaluation in relation to the destruction/preservation of potential historical sites. Prior to approval of any development proposal, feasible mitigation shall be incorporated into the design of the project and its conditions of approval.

Policy OS 19.6: Enforce the Historic Building Code so that historical buildings can be preserved and used without posing a hazard to public safety.

Policy OS 19.7: When possible, allocate resources and/or tax credits to prioritize retrofit of County historic structures, which are irreplaceable.

4.5.4 SIGNIFICANCE THRESHOLD CRITERIA

CEQA Guidelines Section 15064.5 includes significance criteria relative to archaeological and historical resources. The requirements, including potential mitigation measures, are contained in Section 4.5.3, *Regulatory Framework*, of this Chapter and are incorporated herein.

Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist form. The Checklist includes questions relating to cultural resources, based on the considerations described in the Section cited above. These have been utilized as thresholds of significance in this Section and, accordingly, the Project would have a significant environmental impact if it would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 10564.5

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064-5;
- c) Disturb any human remains, including those interred outside of formal cemeteries.

Based on these significance thresholds and criteria, the Project's effects may have *Potentially Significant Effects*, as identified and explained in the December 2009 Initial Study prepared by the County of Riverside. Feasible mitigation measures that could avoid (through design) or treatments that would minimize potentially significant impacts may be identified in the analysis that follows. Additionally, Section 21083.2(c) provides an additional mitigation option, which allows the Project applicant to provide a guarantee to the Lead Agency to pay one-half the estimated cost of mitigating the significant effects of the project or unique archaeological resources. In the case of the Project, the Project Applicant (the County) is the lead agency; however, if mitigation is required of future implementing project applicants, they may be required to comply with this provision.

4.5.5 IMPACT ANALYSIS AND MITIGATION

IMPACT METHODOLOGY

The Project itself will not directly result in any specific development project. The Project includes a General Plan Amendment, and its goals and policies are generally consistent with the County General Plan (2003) and the General Plan EIR No. 441. The proposed changes in land use would not result in a project that would be inconsistent with the plans and policies of the Cultural Resources Section of the Plan's Multipurpose Open Space Element. Accordingly, evaluation of potential impacts to cultural resources in the Project area is based primarily upon an evaluation and incorporation of the relevant information presented in the General Plan, the current Southwest Area Plan, the current affected Policy Areas, and the information available through other sources, identified in the introduction of this Section.

For each topic below, programmatic, construction, operational, and infrastructure improvement-related impacts associated with the proposed Project have been identified and analyzed. When considering the significance of an individual impact, the EIR considers the existing local, State and Federal regulations, laws and policies in effect, including applicable County General Plan policies. In addition, the impact analysis considers the Project Design Features that have been incorporated into the Project to avoid, reduce or offset potential impacts. In cases where existing regulations and policies and Project Design Features may not adequately reduce Project impacts, the County has proposed additional mitigation measures in its 2003 General Plan EIR No. 441 to reduce, avoid or offset Project-related impacts. These mitigation measures will be incorporated into the Project Mitigation Monitoring and Reporting Program, which will be adopted as part of the Project approval process.

PROJECT DESIGN FEATURES

The following Project Design Features are incorporated into the Project to avoid, reduce or offset potential significant environmental impacts, as reflected in the Project proposal materials, including the proposed General Plan Amendment, Zoning Ordinance Amendment, and Temecula Valley Wine Country Design Guidelines:

1. Refer to Aesthetics/Light and Glare, Project Design Features #3, 4, 7, 8, and 9 in Chapter 3.0, *Project Description*, which will require large minimum lot sizes from 5 to 20 acres. This would

make it reasonable to preserve more open space and reduce the amount of deep excavation and grading within the Project site, reducing the potential for impacts to cultural resources. This would allow more physical space to design to avoid and preserve cultural resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Impact 4.5-1: Historical Resources

Threshold: *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

Determination: *Less than Significant with Mitigation*

Wine Country Community Plan Overview of Programmatic Impacts

Implementation of the Project could result in the development of vacant land for agricultural, residential, incidental commercial development, and/or equestrian uses. Ground-disturbing activities associated with implementing projects within the Project area could unearth previously unknown historic resources, including historic infrastructure or buried resources.

While substantial historical resources exist in the vicinity of the Project area, no known historical-era resources are identified within the boundaries of the Project. The first vineyards were planted in the late 1960's and the oldest equestrian facility in the Valley de los Caballos development was built at approximately the same time. All these uses are less than 50 years of age and do not meet the established criteria for historical landmarks or historic resources pursuant to federal, State, or County criteria at this time. However, over the life of the Project, original structures and features associated with winery and equestrian uses or other potentially significant structures and sites, may attain historic status, or become eligible for historic status. Were that to occur, existing provisions of federal, State, and local regulation would provide means for protecting such resources. Portions of the original Wolf Ranch and Vail Ranch are included in the Project area, and there is potential for historic artifacts associated with these ranches, or the ranchos that preceded them, to be unearthed within the Project area.

The area has a long history of Native American occupation, and includes physical features such as natural watercourses and granitic bedrock outcrops that indicate the potential for extensive exploitation of the area by Native Americans both before and after the Mission period and extending through the present day. Although not a part of the Pechanga Reservation, communication from the Tribe indicates that the entire Project area is considered to be a highly sensitive region of the Luiseño territory. The Tribe believes that the possibility of recovering cultural resources during ground disturbing activities is high and notes that cultural sites within the Project area could be connected to a larger network of extensively used village complexes/habitation areas that extend for many miles in every direction. Accordingly, although the Project area would be considered to have a low sensitivity for cultural resources derived from the European and Euro-American historic period, historic era resources derived from historic era usage of the area by its original inhabitants remains a strong possibility.

Construction-related Impacts (of Implementing Projects)

Development resulting from the adoption of the Project is expected to occur over a 25-year period. Temporary construction-related impacts are anticipated to involve grading to construct building pads,

access roads, walls or other fencing, signage, lighting, landscaping, onsite utilities, trails and necessary infrastructure improvements necessary to support implementing projects. Any ground-disturbing activity have the potential to disturb or destroy existing or future historic resources. This would be considered a potentially significant impact unless mitigated. Implementation of Mitigation Measures CUL-1 and CUL-2 will reduce potential impacts to a less than significant level by requiring the site-specific, project-level field surveys and records review to determine the significance and contingency measures in the event unexpected historic resources are unearthed.

Operational Impacts (of Implementing Projects)

Development facilitated by the Project could introduce agricultural activities into areas that are not currently under cultivation, resulting in continuous ground-disturbing activity. This activity could result in the disturbance or destruction of existing historic resources as part of standard agricultural operations. Each implementing project will be evaluated for consistency with applicable regulatory requirements summarized above. In addition, it will be subject to project-specific discretionary review and CEQA compliance. In the case of those uses allowed by right under the proposed Zoning Ordinance Amendment, the implementing project will be required to comply with the Administrative Plot Plan process as described in Mitigation Measure LU-1. Project Design Features, and Mitigation Measure CUL-2, have been developed to further reduce the Project's potential impact upon presently unidentified historic resources to less than significant levels.

Infrastructure Impacts (of Implementing Projects)

Most infrastructure, including sewer lines, domestic water lines, and dry utilities, would be placed underground, necessitating excavation that, in some cases, would reach considerable depths. This activity could result in the destruction or disturbance of previously undiscovered buried historic resources, including as yet unidentified irrigation systems and wells. In addition, foreseeable near-term projects may include the development of roundabouts for Project area roadway intersections. These roundabouts are anticipated to require additional right-of-way and would involve grading and excavation outside of existing roadways. This is a potentially significant impact unless mitigated.

Policies contained in the County's General Plan are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources. Further, the County implements a County Historic Landmark Program, requires appropriate cultural resource surveys where evidence suggests the potential for historic resources, and has a Historical Commission, which reviews projects within designated Historic Districts and considers nominations to Landmark status and proposals to alter potentially historic structures. To further ensure that the adoption of the Project does not result in the disturbance or destruction of historic resources, compliance with the following mitigation measure would reduce potential impacts to historic resources to a less than significant level.

Summary of Applicable Existing Regulations and Policies

- a) Policies contained in the County's General Plan, including LU 4.3 and OS 19.5 and 19.6, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.
- b) The County administers a County Historic Landmark Program and a Historic Preservation District Program through the County Historical Commission. Historic resources identified under these two programs require appropriate cultural resource review.

Mitigation Measures

Refer to Mitigation Measures LU-1 in Section 4.10, *Land Use and Relevant Planning*.

CUL-1 For all implementing projects, the necessary archeological field surveys/studies/monitoring shall be required as part of the County's permitting approval process. Prior to discretionary project approval or issuance of a grading permit for ministerial projects, the County Archaeologist and/or architectural historian shall do the following:

- Review, and if evidence suggests the potential for historic resources on a future implementing project site, require a County-certified qualified archaeologist (retained by the future project applicant) to conduct a field survey for historical resources on specific sites not previously surveyed for cultural resources.
- Review, and if evidence suggests the potential for historic resources on a future implementing project site, require a County-certified qualified archaeologist to conduct an appropriate records search to obtain information on historical property records.
- Review, and if evidence suggests that potential for subsurface cultural deposits, consider archaeological monitoring during grading, trenching, and related construction activities, to facilitate appropriate mitigation treatment.
- Consider Tribal observation and consultation during archaeological monitoring when requested by local tribal government(s) or individual(s) recognized by the Native American Heritage Commission (NAHC), when that entity provides specific information suggesting the potential for subsurface cultural deposits may be present. Tribal monitoring shall not replace archaeological monitoring as they serve different purposes and have different responsibilities under different authorities.
- Review, and if evidence suggests the potential for sacred land or cultural places resources, contact the Native American Heritage Commission.
- Evaluate the significance and integrity of all historical resources identified on implementing project sites within the Project area, using criteria established in the CEQA Guidelines for important archaeological resources (eligibility for listing on the California Register of Historical Resources [CRHR]), and/or 36 CFR 60.4 for eligibility for listing on the National Register of Historic Places.
- Propose recommended mitigation measures and conditions of approval for implementing projects (if a local government action is required) to reduce adverse project effects on significant, important, and/or unique historical resources, following appropriate CEQA and/or National Historic Preservation Act Section 106 guidelines.
- Require from the designated project-specific County-certified Project Archaeologist documentation of all required mitigation treatments and the results of those treatments for previously known and inadvertent finds according to current County reporting requirements to document environmental mitigation compliance.

CUL-2 If previously unknown unique cultural resources are identified during grading activities associated with the implementing projects, the following procedures shall be followed. For this Project, unique cultural resources are defined 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.

- 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 Native

American tribal representative and the Planning Director to discuss the significance of the find.

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

Conclusion

Adherence to the existing ordinances, and General Plan policies, Project Design Features, standard conditions or requirements listed above, and Mitigation Measures LU-1, CUL-1, and CUL-2 would ensure that impacts remain less than significant.

Impact 4.5-2: Archaeological Resources

Threshold: *Would the Project cause a substantial adverse change in the significance of an archaeological resource?*

Determination: *Less than Significant with Mitigation*

Wine Country Community Plan Overview of Programmatic Impacts

The entire Project area is considered highly sensitive for the presence of prehistoric Native American archaeological resources and has a high potential for buried and surficial archaeological sites as advised by the Cultural Resources Department of the Pechanga Band of Luiseño Mission Indians in their January 21, 2011 response to the Project's Notice of Preparation and the Soboba Band of Luiseño Mission Indians letter dated February 3, 2010. Historic period archaeological resources associated with Native Americans and non-Native Americans may also be present within the Project area.

A long, well-documented cultural history of Native American occupation has been established, with various tribes asserting Traditional Tribal Use Area within the Project boundaries. Accordingly, there is a high probability that additional archaeological resources would be identified within the boundaries of the Project area.

For proposed implementation projects subject to applicable environmental review laws, technical archaeological studies may be required, where warranted, to identify and evaluate all cultural resources during the planning review process. Avoidance and preservation in place of significant or unique cultural resources is the preferred alternative. Proposed implementation projects may be conditioned with mitigation measures that ensure specific treatments to previously identified cultural resources, determined to be significant or unique under legal criteria, that would reduce the implementing project's impacts to a less than significant level. Proposed implementation projects may also be conditioned with mitigation measures requiring archaeological monitoring measures to treat any previously unknown cultural deposits inadvertently exposed during construction-related activities. Documentation by the designated project-specific County-certified Project Archaeologist of all required mitigation treatments and the results of those treatments for previously known and inadvertent finds shall be required according to the current County reporting requirements to document environmental mitigation compliance.

Proposed implementation projects shall be considered for their potential subsurface cultural deposits and the need for archaeological monitoring during grading, trenching, and related construction activities, to facilitate appropriate mitigation treatment. Similarly, tribal observation and consultation during archaeological monitoring shall be considered when requested by a local tribal government(s) or individual recognized by the NAHC, when that entity provides specific information suggesting the potential for subsurface cultural deposits may be present. Tribal observation addresses a tribe's concerns and facilitates consultation for any significant prehistoric or historic Native American cultural resources that may be inadvertently found during construction or for those instances when prehistoric human remains are found. Tribal monitoring would not replace archaeological monitoring as they serve different purposes and have different responsibilities under different authorities. Non-Native American historic period cultural resources discovered during construction activities shall be reviewed by the County Archaeologist and County Historic Preservation Officer for appropriate treatments.

Ministerial actions are not considered "projects" under CEQA and are, therefore, not subject to environmental review as discussed above. However, each implementing project, ministerial or discretionary, will be required to submit a Change of Zone application with the County. Through the Change of Zone development approval process, Mitigation Measure LU-1 will require that ministerial actions implementing mitigation for archaeological resources. Implementation of the above considerations and actions may mitigate potential future impacts to inadvertently found archaeological resources from implementation projects within the Project boundaries to less than significant levels.

Construction-related Impacts (of Implementing Projects)

As previously noted, ground-disturbing activities, including excavation for subsurface utilities, associated with project and infrastructure construction both on and off-site could result in the disturbance or destruction of archaeological resources. This is a potentially significant impact unless mitigated.

Operational Impacts (of Implementing Projects)

As previously noted, implementing projects facilitated by the adoption of the Project could result in the introduction of agricultural activity into areas not currently in agricultural use, and development associated with commercial, equestrian and residential uses. Standard agricultural operations including tilling, excavation and installation of irrigation systems, and construction of agricultural facilities could result in ground-disturbing activity that could disturb or destroy archaeological resources (note that future agricultural operations would be allowed by right in all proposed zones with approval of this Project and therefore would require only a ministerial permit which is exempt from CEQA review pursuant to CEQA Section 15268). This is a potentially significant impact unless mitigated.

As cited in Section 4.5-3, *Regulatory Framework*, the County of Riverside has in place procedures and regulations governing the identification and treatment of archaeological resources. Mitigation Measure CUL-2 provides further protection to these resources. Consistent with the policies of the Riverside County General Plan and existing County policies and regulations, all future implementing projects within the Project area shall comply with the following mitigation measure outlined below. With compliance, impacts would be reduced to a less than significant level.

Infrastructure Impacts (of Implementing Projects)

As noted, implementing projects that could be facilitated by the adoption of the Project could result in ground-disturbing activities, including excavation for site development, grading, and trenching. This would occur with implementation of infrastructure master plans, including the General Plan Circulation

Element Circulation Network, sewer, water and flood control master planned facilities, and the *Traffic Impact Study* (Appendix I) recommended roadway improvements (including roundabout construction). In addition to impacts resulting from initial construction, maintenance operations may also include excavation and trenching. Given the well-documented occupation of the area by Native American Luiseño bands, such excavation and trenching could result in disturbance or destruction of archaeological resources. This is a potentially significant indirect impact unless mitigated.

Summary of Applicable Existing Regulations and Policies

- a) Policies contained in the County's General Plan, including OS 19.2 and 19.3, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of historic resources.
- b) In accordance with PRC Section 65352, the Traditional Tribal Cultural Places Law (also referred to as "Senate Bill 18") requires the County to contact and consult (as defined in PRC Section 65352.4) with applicable California Native American Tribes who request consultation that are on the contact list maintained by the California Native American Heritage Commission before amending the County's General Plan for the purpose of protecting Native American cultural places (as defined in PRC Section 5097.9 and 5097.993). Because the Project proposes a General Plan Amendment, the County is required to contact and consult with California Native American Tribes who request consultation pursuant to Government Code 65352.3.

Mitigation Measures

Refer to Mitigation Measures LU-1 in Section 4.10, *Land Use and Relevant Planning*.

Conclusion

In sum, adoption of the Project could facilitate development that has the potential to disturb or destroy archaeological resources, and thus the Project could indirectly result in impacts to these resources. As cited in Section 4.5-3, *Regulatory Framework*, the County of Riverside complies with procedures and regulations codified in the State CEQA Guidelines and the Traditional Tribal Cultural Places Law ("Senate Bill 18") as defined in California Government Code 65352 governing the identification and treatment of archaeological resources. Mitigation Measures CUL-1 and CUL-2 provide protection to these resources. Consistent with the policies of the Riverside County General Plan and existing County policy and regulations, future implementing projects within the Project area shall comply with the following mitigation measure outlined above. With the mitigation listed above, the County's relatively extensive development review process, mandatory CEQA statutes, compliance with "Senate Bill 18", and other regulation identified above, future implementing projects allowed pursuant to the Project are anticipated to result in less than significant impacts.

Impact 4.5-3 Human Remains

Threshold: *Would the Project disturb any human remains, including those interned outside of formal cemeteries?*

Determination: *Less than Significant with Mitigation*

Wine Country Community Plan Overview of Programmatic Impacts

As previously noted, the Project area has a long history of occupation by Native American peoples and may include areas of prehistoric habitation where human remains may have been interred. Accordingly,

ground-disturbing activities in the Plan area such as grading, excavation, or tilling have the potential to disturb as yet unidentified human remains. If human remains are found, those remains would require proper treatment in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describes the general provisions for treatment of human remains. Specifically, HSC Section 7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during excavation of a site. As required by State law, the procedures set forth in PRC Section 5087.98 would be implemented, including evaluation by the County Coroner and notification of the Native American Heritage Commission. The Native American Heritage Commission would then designate the “Most Likely Descendent” (MLD) of the unearthed human remains. If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Compliance with State regulations would ensure that impacts in this regard would be less than significant and no additional mitigation measures are required.

Construction-related Impacts (of Implementing Projects)

As noted above, ground-disturbing activities, including excavation for subsurface utilities, associated with future implementing projects and infrastructure construction both on and off-site could result in the disturbance or destruction of human remains resources. This is a potentially significant impact unless mitigated.

Operational Impacts (of Implementing Projects)

As noted, implementation of the Project proposed policies would result in the extension of agricultural activities as well as new winery, equestrian, and residential-related activities into areas not currently in use, resulting in ground-disturbing activities. Maintenance activities associated with future onsite implementing projects could result in additional ground-disturbing activities such as additional excavation that could result in the disturbance or destruction of human remains resources. This is a potentially significant impact unless mitigated.

Infrastructure Impacts (of Implementing Projects)

As noted, future implementing projects would result in ground-disturbing activities. In addition, maintenance activities associated with future infrastructure installed to support implementing projects facilitated by the Project could result in additional ground-disturbing activities such as additional excavation that could result in the disturbance or destruction of human remains resources. This is a potentially significant impact unless mitigated.

Summary of Applicable Existing Regulations and Policies

- a) Policies contained in the County’s General Plan, including OS 19.2, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of human remains.
- b) California Health and Safety Code (CHS) Section 7050.5 and Public Resources Code (PRC) Section 5097.98 require that discovery of any human remains shall result in a ceasing of further excavation or disturbance until the Most Like Descendant, assigned by the NAHC, is allowed to inspect the site, negotiate with the landowner, and recommend proper treatment and ultimate disposition of the remains.

Mitigation Measures

CUL-3 If previously unknown cultural resources, including human remains, are identified during grading activities associated with implementing projects, a County-certified qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The MLD may recommend reburial somewhere within the Project boundaries where they can be protected in perpetuity.

Conclusion

Adherence to Mitigation Measure CUL-3 would ensure that impacts remain less than significant. It should be noted that the provided analysis is consistent with the requirements of a program EIR and future site-specific implementing projects proposed within the Project area will require additional site-specific CEQA analysis at a later date. With implementation of Mitigation Measure CUL-3, the potential impacts associated with the Project would be less than significant.

4.5.6 CUMULATIVE IMPACTS

Regionally and locally, continuing development throughout California is adversely affecting cultural resources through grading, infrastructure and related improvements. Cumulative impacts to cultural resources are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. The Project is not anticipated to result in greater cumulative cultural resource impacts than addressed in this EIR.

Threshold: *Would the project result in cumulative impacts associated with implementation of the Wine Country Community Plan?*

Determination: *Less than Significant with Mitigation*

While future implementing projects facilitated by the Project within the Project area boundaries would likely involve grading, tilling, subsurface excavation, and other ground-disturbing activities that could uncover cultural resources, it is expected that existing applicable federal, State, and local laws and regulations protecting Native American archaeological resources would be complied with and that appropriate studies would be conducted and mitigation measures implemented on a project-by-project basis to ensure that significant resources, if encountered, would be preserved through avoidance or preservation in an appropriate repository or by other measures deemed appropriate. Accordingly, implementing projects facilitated by the proposed Project are not anticipated to result in potential cumulative impacts to historic or archaeological resources within the region.



4.5.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the above mitigation measures and compliance with existing applicable federal, State, and local laws and regulations would reduce potential impacts to cultural resources to a less than significant level.

PALEONTOLOGICAL RESOURCES

4.5.8 EXISTING CONDITIONS

ENVIRONMENTAL SETTING

According to the Omnibus Public Land Management Act of 2009 (Subtitle D, Section 6301), the term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include:

- a) any materials associated with an archaeological resource (as defined in Section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or
- b) any cultural item (as defined in Section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

Soil types present within the Project area and previous paleontological studies indicate a high probability that paleontological resources are present within the Project area. According to the County's General Plan Multipurpose Open Space Element (Cultural and Paleontological Resources) Figure OS-8, *Paleontological Resources Sensitivities Map*,⁸ some areas of the Project area are considered Ha (High A), or highly sensitive at a shallow depth for non-renewable paleontological resources, while some areas have an undetermined or low sensitivity.

The Project area is generally underlain by fossiliferous rock units, which include the Pauba formation, Mid- to Late-Pleistocene surficial deposits and potentially other sandstone formation. Soils include old surficial deposits such as Qoa (approximately 500,000 years of age or less from the Pleistocene) and Qp, or Pauba Sandstone. Near Lake Skinner, immediately adjacent to the Project area, a fossil horse was discovered. The middle Pleistocene deposits (Qoa) are known to contain diverse Ice Age fauna and have a high potential for containing significant, non-renewable paleontological resources. Pauba Sandstone (Qp) from the early to late Pleistocene provides an important record of early Rancholabrean taxa, which is rarely represented in California and has yielded at least 24 taxa of fossil vertebrates. It is also considered to have a high potential for containing significant, non-renewable paleontological resources.⁹

Formations in the Project region have yielded extensive fossil remains that include mammoth, mastodon, ground sloth, dire wolf, short-faced bear, saber-toothed cat, tapir, camel, llama, and pronghorn. Known deposits have also yielded smaller vertebrate fossils that contribute significant data, which assist in deciphering temporal constraints under which sediments were deposited. Smaller vertebrate fossils found in the area include rabbit, rodent, bat, shrew, bird, amphibian, lizard, tortoise, and turtle.

⁸ County of Riverside General Plan, Multipurpose Open Space Element, Paleontological Resources, Figure OS-8, Paleontological Sensitivities Map, http://www.rcip.org/Documents/general_plan/gen_plan/05_c_06.pdf accessed August 24, 2011.

⁹ Master Environmental Assessment for the City of Murrieta (1992) and Geologic Map of the Temecula 7.5' Quadrangle prepared and published by the U.S. Geological Survey, 2000 (USGS 2000).

4.5.9 REGULATORY FRAMEWORK

EXISTING FEDERAL REGULATIONS

Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act of 2002 (PRPA) was specifically intended to codify the generally-accepted practice of limiting collection on public (federal) land of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who obtain a permit from the appropriate State or federal agency and agree to donate any materials recovered to recognized public institutions where they will remain accessible to the public and to other researchers. Since, the Project area is not located on federal lands, the provisions of this Act are not applicable to implementing projects within the boundaries of the Project area, unless a federal agency is determined to control a portion of a implementing project site, as described above.

Federal Antiquities Act

The federal Antiquities Act of 1906 was enacted with the primary goal of protecting cultural resources in the United States. As such, it explicitly prohibits appropriation, excavation, injury and destruction of “any historic or prehistoric ruin or monument, or any object of antiquity” located on lands owned or controlled by the federal government, without permission of the Secretary of the federal department with jurisdiction. It also establishes criminal penalties, including fines and/or imprisonment, for these acts. Neither the Antiquities Act itself nor its implementing regulations (Title 43, Code of Federal Regulations [CFR], Part 3) specifically mentions paleontological resources. However, several federal agencies—including the National Park Service, the Bureau of Land Management, and the U.S. Forest Service—have interpreted objects of antiquity as including fossils. Consequently, the Antiquities Act also represents an early cornerstone for efforts to protect the nation’s paleontological resources. As previously stated, the Project area is not located on tribal or federal lands and thus the provisions of the Antiquities Act would not apply to implementing projects within the boundaries of the Project area. However, if a federal agency is determined to control a portion of a future implementing project site, such as through the 404 permit (Clean Water Act) process, the provisions of this Act would apply.

EXISTING COUNTY REGULATIONS

County of Riverside Paleontological Resources Review Requirements

The County of Riverside has adopted standards for the study of potential development sites for paleontological resources. The Chief Engineering Geologist has responsibility for the review of Paleontology reports.

Planning Department Procedures

In order to ensure the review and protection of paleontological resources for projects subject to CEQA and not otherwise categorically exempt, the County Geologist performs an initial review the County’s database and mapped information for the subject site. When existing information indicates that a site proposed for development has high paleontological sensitivity, a paleontological resource impact mitigation program (PRIMP) is required of the project proponent. The PRIMP shall specify the steps to be taken to mitigate impacts to paleontological resources. If the site warrants protection, then an “Environmental Constraint” is placed on the approved map for the project that indicates:

“This site, as delineated on this ECS map and, as indicated in the County’s General Plan, has been mapped as having a high potential for containing significant nonrenewable fossil material. The proposed project’s potential to impact paleontological resources have been determined to be possible. Therefore, mitigation of this potential impact in the form of monitoring of all site earth-moving activities and collection/curation of all significant fossils unearthed is required unless proven unnecessary through comprehensive literature research and site inspection.”

When existing information indicates that a site proposed for development has low paleontological sensitivity, no direct mitigation is required unless a fossil is encountered during site development. Should a fossil be encountered, the County Geologist must be notified, and the developer must retain a paleontologist. The paleontologist documents the extent and potential significance of the paleontological resources on the site and establishes appropriate mitigation measures for further site development.

When existing information indicates that a site proposed for development has undetermined paleontological sensitivity, a report is filed with the County Geologist documenting the extent and potential significance of the paleontological resources on site and identifying mitigation measures for the fossil and for impacts to significant paleontological resources.

Professional Standards

The Society of Vertebrate Paleontology (SVP) has published standard guidelines for acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, etc. Most California regulatory agencies accept the SVP standard guideline as a measure of professional practice.

EXISTING COUNTY GENERAL PLAN POLICIES

Riverside County has been inventoried for geologic formations known to potentially contain paleontological resources. Lands with low, undetermined or high potential for finding paleontological resources are mapped on General Plan Figure OS-8, Paleontological Resources Sensitivity map. Chapter 5 of the Riverside County General Plan contains the County’s Multipurpose Open Space Element. The Preservation Section of the Element includes goals and policies for the conservation of paleontological resources within the County. Applicable General Plan policies related to the identification and preservation of paleontological resources are contained below.

Multipurpose Open Space (OS) Element Policies

Policy OS 19.8 Whenever existing information indicates that a site proposed for development may contain biological, paleontological, or other scientific resources, a report shall be filed stating the extent and potential significance of the resources that may exist within the proposed development and appropriate measures through which the impacts of development may be mitigated.

Policy OS 19.9 When existing information indicates that a site proposed for development may contain paleontological resources, a paleontologist shall monitor site grading activities, with the authority to halt grading to collect uncovered paleontological resources, curate any resources collected with an appropriate repository, and file a report with the Planning

Department documenting any paleontological resources that are found during the course of site grading.

4.5.10 SIGNIFICANCE THRESHOLD CRITERIA

The requirements, including potential mitigation measures, are contained in Section 4.5.9, *Regulatory Framework*, of this Chapter and are incorporated herein. Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist form. The Checklist includes questions relating to paleontological resources, based on the considerations described in the Section cited above. These have been utilized as thresholds of significance in this Section and, accordingly, the Project would have a significant environmental impact if it would:

- a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and/or

Based on these significance thresholds and criteria, the Project's effects may have *Potentially Significant Effects*, as identified and explained in the December 2009 Initial Study prepared by the County of Riverside. Feasible mitigation measures that could avoid (through design) or treatments that would minimize potentially significant impacts may be identified in the analysis that follows.

4.5.11 IMPACT ANALYSIS AND MITIGATION

The Project itself will not directly result in any specific development project and, although the Project includes a General Plan Amendment, its goals and policies are generally consistent with the County General Plan (2003) and the General Plan EIR No. 441. The proposed changes in land use would not result in a project that would be inconsistent with the plans and policies of the Paleontological Resources Section of the Plan's Multipurpose Open Space Element. Accordingly, evaluation of potential impacts to paleontological resources in the Project area is based primarily upon an evaluation and incorporation of the relevant information presented in the General Plan, the current Southwest Area Plan, the current affected Policy Areas, and the information available through other sources, identified in the introduction of this Section.

For each topic below, programmatic, construction, operational, and infrastructure improvement-related impacts associated with the proposed Project have been identified and analyzed. When considering the significance of an individual impact, the EIR considers the existing local, State and Federal regulations, laws and policies in effect, including applicable County General Plan policies. In addition, the impact analysis considers the Project Design Features that have been incorporated into the Project to avoid, reduce or offset potential impacts. In cases where existing regulations and policies and Project Design Features may not adequately reduce Project impacts, the County has proposed additional mitigation measures in its 2003 General Plan EIR No. 441 to reduce, avoid or offset Project-related impacts. These mitigation measures will be incorporated into the Project Mitigation Monitoring and Reporting Program, which will be adopted as part of the Project approval process.

PROJECT DESIGN FEATURES

The following Project Design Features are incorporated into the Project to avoid, reduce or offset potential significant environmental impacts, as reflected in the Project proposal materials, including the

proposed General Plan Amendment, Zoning Ordinance Amendment, and Temecula Valley Wine Country Design Guidelines:

1. Refer to Aesthetics/Light and Glare, Project Design Features #3, 4, 7, 8, and 9 in Chapter 3.0, *Project Description*, which will require large minimum lot sizes from 5 to 20 acres. This would preserve more open space and reduce the amount of deep excavation and grading within the Project site, reducing the potential for impacts to paleontological resources. This would allow more physical space to design to avoid and preserve paleontological resources.

IMPACT ANALYSIS AND MITIGATION MEASURES

Impact 4.5-4: Paleontological Resources

Threshold: *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature*

Determination: *Less Than Significant with Mitigation*

Wine Country Community Plan Overview of Programmatic Impacts

The Project area has been identified as an area with high sensitivity for the presence of paleontological resources in the County's General Plan. Additionally, significant resources have been uncovered within or abutting the Project area. The Project area is underlain by soil formations with significant potential for containing substantial fossil vertebrate specimens.

Construction-related Impacts (of Implementing Projects)

As noted above, implementing projects facilitated by the adoption of the Project could indirectly result in ground-disturbing activities, including excavation for site development, grading, and trenching. Given the underlying geology of the area, such excavation required for implementing projects could result in disturbance or destruction of paleontological resources. This is a potentially significant impact unless mitigated.

Operational Impacts (of Implementing Projects)

As noted, implementation of the Project would result in the extension of agricultural activities as well as new development into areas not currently in agricultural use, resulting in ground-disturbing activities. In addition, maintenance activities associated with future infrastructure installed to support implementing projects facilitated by the Project could result in additional ground-disturbing activities such as additional excavation that could result in the disturbance or destruction of paleontological resources. This is a potentially significant impact unless mitigated.

Infrastructure Impacts (of Implementing Projects)

As noted above, implementing projects facilitated by the adoption of the Project could indirectly result in ground-disturbing activities, including excavation for site development, grading, and trenching. This would occur with implementation of infrastructure master plans, including the General Plan Circulation Element Circulation Network, sewer, water and flood control master planned facilities, and the *Traffic Impact Study* (Appendix I) recommended improvements (including roundabout construction). In addition to impacts resulting from initial construction, maintenance operations may also include excavation and trenching. Given the underlying geology of the area, such excavation and trenching

could result in disturbance or destruction of paleontological resources. This is a potentially significant impact unless mitigated.

Summary of Applicable Existing Regulations and Policies

- a) Policies contained in the County's General Plan, including OS 19.8 and 19.9, are intended to ensure that development within the County does not result in the avoidable disturbance or destruction of paleontological resources.

Mitigation Measures

CUL-4 For all implementing projects, the necessary paleontological field surveys/studies/monitoring would be required as part of the permitting approval process. Prior to grading for ministerial projects, and prior to approval of discretionary projects, the County Geologist shall do the following:

- Review and, if evidence suggests the potential for paleontological resources on a future implementing project site, require a County-certified qualified paleontologist (retained by the future project applicant) to conduct a field survey for paleontological resources on specific sites not previously surveyed for paleontological resources.
- Review and, if evidence suggests the potential for paleontological resources on a future implementing project site, require a County-certified qualified paleontologist to conduct an appropriate records search to obtain information on paleontological resource records.
- Review and, if evidence suggests that potential for subsurface paleontological deposits, consider paleontological monitoring during grading, trenching, and related construction activities, to facilitate appropriate mitigation treatment.
- Evaluate the significance and integrity of all paleontological resources identified on implementing project sites within the Project area, using criteria established in the CEQA Guidelines for important paleontological resources.
- Propose recommended mitigation measures and recommend conditions of approval for implementing projects (if a local government action is required) to reduce adverse project effects on significant, important, and/or unique paleontological resources.
- Require from the designated project-specific County-certified Project Paleontologist documentation of all required mitigation treatments and the results of those treatments for previously known and inadvertent finds according to current County reporting requirements to document environmental mitigation compliance.

CUL-5 If previously unknown paleontological resources are identified during grading activities associated with the implementing projects, the following procedures shall be followed:

- All ground disturbance activities within 100 feet of the discovered paleontological resources shall be halted until a meeting is convened between the developer, the project paleontologist, and the Planning Director to discuss the significance of the find.
- At the meeting, the significance of the discoveries shall be discussed and after consultation with the paleontologist, a decision shall be made, with the concurrence of the Planning Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the paleontological resources.
- Grading of further ground disturbance shall not resume within the area of the discovery until the fossil has been properly recovered/removed from the area to be graded and/or the fossil has been determined to be insignificant.

Conclusion

The County of Riverside has in place existing policies and regulations intended to protect the integrity of paleontological resources. These policies and regulations correspond to policies contained in the County's General Plan and would be applied to all implementing projects, both public and private, that could arise out of the adoption of the proposed Project.

4.5.12 CUMULATIVE IMPACTS

Regionally and locally, continuing development throughout California is adversely affecting paleontological resources through grading, infrastructure and related improvements. Cumulative impacts to paleontological resources are addressed in the Riverside County General Plan Final EIR No. 441, which is incorporated by reference into this EIR. The Project is not anticipated to result in greater cumulative paleontological resource impacts than addressed in this EIR.

Threshold: *Would the project result in cumulative impacts associated with implementation of the Wine Country Community Plan?*

Determination: *Less Than Significant with Mitigation*

While future implementing projects facilitated by the Project within the Project area boundaries would likely involve grading, tilling, subsurface excavation, and other ground-disturbing activities that could uncover paleontological resources, it is expected that existing applicable federal, State, and local laws and regulations protecting paleontological resources would be complied with and that appropriate studies would be conducted and mitigation measures implemented on a project-by-project basis to ensure that significant resources, if encountered, would be preserved through avoidance or preservation in an appropriate repository or by other measures deemed appropriate. Accordingly, implementing projects facilitated by the proposed Project are not anticipated to result in potential cumulative impacts to paleontological resources within the region.

4.5.13 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the above mitigation measures and compliance with existing applicable federal, State, and local laws and regulations would reduce potential impacts to paleontological resources to a less than significant level.