

## 3.18 TRIBAL CULTURAL RESOURCES

### 3.18 Tribal Cultural Resources

This section presents the environmental setting and impacts on tribal cultural resources resulting from implementation of the Proposed Project. This section includes existing tribal cultural resource information present in the Proposed Project area, applicable regulations, environmental impacts, and mitigation measures to reduce or avoid significant effects.

#### 3.18.1 Definitions

##### Tribal Cultural Resources

Assembly Bill (AB) 52, enacted in September 2014, recognizes that California Native American tribes have expertise with regards to their tribal history and practices. The bill established a new category of cultural resources known as *tribal cultural resources* to consider tribal cultural values when determining impacts on cultural resources. CEQA now requires an analysis of impacts on tribal cultural resources to consider Native American tribes' knowledge and concerns. *Tribal cultural resources* is defined as follows under PRC §21074(a):

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the CRHR; or
2. Included in a local register of historical resources as defined in PRC §5020.1(k).
  - i. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC §5024.1(c). In applying the criteria set forth in PRC §5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.
  - ii. A cultural landscape that meets the criteria of PRC §21074(a) is also a tribal cultural resource if the landscape is geographically defined in terms of the size and scope.
  - iii. A historical resource as described in PRC §21084.1, a unique archaeological resource as defined in PRC §21083.2, or a non-unique archaeological resource as defined in PRC §21083.2 may also be a tribal cultural resource if it meets the criteria of PRC §21074(a).

#### 3.18.2 Environmental Setting

##### Regional Setting

##### Ethnography

The *area of potential effect/area of potential impact* (APE/API) is located within the shared/transitional ethnographic territory of the Yokut, Kitanemuk, Kawaiisu, Interior/Emigdio Chumash, and Tatavium groups of Native Americans. The following section briefly summarizes characteristics of each group.

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#### *Yokuts*

Portions of the Proposed Project alignment runs parallel to the ancestral territory for Yokuts, specifically Southern Valley Yokuts (Yowlumne) (Material Culture Consulting [2021] 2019). The Yokuts population have historically inhabited the San Joaquin Valley as well as the lower Sierra Nevada foothills and are usually divided into three large general groups—Northern Valley, Southern Valley, and Foothills—that comprise approximately sixty tribelets (Moratto 1984). Southern Valley Yokuts are stated to traditionally occupy the areas within Kern, Buena Vista, and Tulare Lakes, along with some rivers that originate from the southern Sierra Nevada Mountain range (Latta 1949; Monastero, Lloyd, and Armstrong 2014; Pearce et al. 2016). There are more than 40 autonomous, linguistically related tribelets, with the Yokuts languages part of the Penutian family of languages (Harvey 2011). At the time of European contact, it is believed at least 15 different Yokut groups inhabited the southern San Joaquin Valley (Kroeber [1925] 1976). Known villages of the southern Valley Yokuts include their central village, known as *Woilu*, geographically overlapping downtown Bakersfield, and *Wawcoye*, located on the Rio Bravo Ranch property (Latta 1949). Yokuts lived in high-ground, permanent villages and practiced a mixed subsistence strategy based on fishing, hunting, and gathering (Wallace 1978; Moratto 1984; Harvey 2011). Yokut basketry is highly developed and is distinguished by the coiled jar-like vessel with flat shoulder and constricted or re-flaring neck commonly referred to as a “Tulare bottleneck”. Pottery work is sporadic, with some regions making pottery and others with limited or no information regarding pottery. Social organization appears centered in moiety-based unilineal kin groups (Kroeber [1925] 1976). Tribal groups that surrounded the Yokuts often engaged in socialization, trade, intermarriage, and conflict, with a long history of trade and interaction between Yokuts and the Kawaiisu tribe (Latta 1949; Orfila 2011; Pearce et al. 2016). Warfare, both internal and with neighboring tribes, appears infrequent, with the Yokuts being described as “on the whole a peaceable people”.

#### *Kitanemuk*

The Kitanemuk are Takic language speakers, part of the Northern Uto-Aztec linguistic family (Blackburn and Sturtevant 1978; Shipley 1978; Moratto 1984; Harvey 2011). The Kitanemuk population have historically inhabited portions of the Tehachapi Mountains and the southwestern portion of the Mojave Desert/Antelope Valley, beginning with the proto-historic period. Consensus suggests the mountains have been the primary occupation areas, with the desert region utilized on a seasonal basis (Kroeber [1925] 1976; Blackburn and Sturtevant 1978; Sutton 1980) (Kroeber 1976; Blackburn and Bean 1978; Sutton 1980). It has also been suggested that the Kitanemuk have occupied lower elevation canyons in the western foothills of the Tehachapi Mountains as compared with the Kawaiisu, who have occupied higher elevations to the northeast. However, it should be stated that settlement patterns of the pre-contact Kitanemuk are not fully understood (Material Culture Consulting [2021] 2019).

Based on the known ethnographic data, it has been suggested the historic Kitanemuk subsistence pattern was based mostly on gathering, with minimal mammal hunting and a settlement pattern comprising semi-permanent villages located within the mountain region and small seasonal sites used for exploitation of specific resources. Acorn and pinyon harvest, along

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with seed, berry, root, and shoot collection were central in the Kitanemuk's subsistence strategy (Underwood and Cleland 2002). Large game, primarily deer, mountain sheep, and antelope, were hunted with bow and arrow while smaller game was trapped. The Kitanemuk have historically had a complex social organization. Two known villages of the Kitanemuk include Hihi keave, on Caliente Creek, and Na-kwalki-ve, located at the confluence of Chanac and Tejon creeks. The Kitanemuk have collectively been referred to as "Tejon Indians" along with other native people from the Tejon Ranch area. Known archaeological data suggests that, starting about BP 300, the territorial base of the Kitanemuk moved from Antelope Valley to the Tehachapi Mountains although reasons are currently undetermined (Sutton 1980).

#### *Kawaiisu*

The Kawaiisu are part of the Numic-speaking branch of the Uto-Aztecan, with their population occupying the southern Sierra Nevada, south of the Kern River; the northern Tehachapi Mountains, south of the Tehachapi Pass; and portions of the western Mojave Desert (Orfila 2011). It is believed that the Kawaiisu migrated out of the Mojave Desert sometime before contact and settled within the Tehachapi Mountains while still claiming the western Mojave Desert region (Zigmond 1986; Macko et al. 1993; Sutton 1996). Higher elevations to the south of the Tehachapi Valley have been noted as a boundary between the Kawaiisu and Kitanemuk, with a system of seasonal rounds throughout the Tehachapi Mountain valleys into the Antelope and San Joaquin valleys and permanent winter settlements at lower elevations (Macko et al. 1993). Winter homes made with willow poles covered with brush and mats of bark or tule, earth-covered sweat houses, and circular brush enclosures are some of the structures observed among the Kawaiisu settlements (Mason et al. 2001).

#### *Chumash*

At the time of European contact in 1542, the Chumash population inhabited an area of California that stretched from the coast to its inland extensions and the four northern Channel Islands. Eight distinct groups make up the Chumash population, with the interior Chumash inhabiting portions of the APE/API south of the Southern Valley Yokuts (Hudson and Blackburn 1984). The interior Chumash can be further divided into three groups—Emigidio, Castac, and Cuyam—with the APE/API straddling between the Emigidio and Castac Chumash (Grant 1978; Harvey 2011). Archaeological and historical data is sparse concerning the interior Chumash population compared to the wealth of knowledge on the coastal and island Chumash, due to few regional surveys and fewer intensive excavations documented; however, recent research is beginning to rectify this paucity of knowledge (Bernard 2008; Robinson 2006).

Loose affiliation between towns and villages was achieved through political ties, ritual and ceremonial practices, and extensive trade relationships (McLendon and Johnson 1999; Arnold 2001). Coastal and island groups subsisted mostly on marine resources such as fish, shellfish, and marine mammals, in addition to terrestrial flora and fauna. In comparison, inland groups' subsistence strategies were based on localized terrestrial foods while still engaging in frequent trips to the coastal region for food, trade, and socialization. *Olivella* species beads were a highly valuable trading commodity within the Chumash region and beyond; their presence has been documented within the Proposed Project's boundary. Historical accounts characterized

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Chumash culture with hereditary inequality, high population density, regional village hierarchy and some religious integration. However, this form of culture is considered a later development starting within the Middle period (2600 BP to 1885 BP) to the Late period (700 BP to AD 1782) and did not crystallize until the latter period of Chumash history, forming during the time referred to as the Middle period, approximately 2600 BP to 850 BP (Arnold 2001; Bernard 2008).

Within the APE/API's boundary, the known geographical groups are Emigdiano and Castac Chumash. The Castac Chumash are considered the smallest of the interior Chumash population, with known occupation around Castac Lake and the Tejon Pass up to the mouth of the Grapevine Canyon (*Cañada de las Uvas*). Few historic village names are known within this region and what information is known of these villages comes after secularization of the area. The Emigdiano Chumash are believed to have occupied the mountains and north-flowing streams and drainages that extend from the San Emigdio Mountains, bordering the Castac Lake on the east. There is ethnographic research that places Emigdiano Chumash villages 2.9 miles south of the state park at Castac Lake and north within the Grapevine Creek region. Ethnographic data is limited for both groups, but knowledge of basic elements of daily life, material culture and ritual activities demonstrate an overall similarity between Chumash groups and some similarity with Kitanemuk culture (Bernard 2008).

#### *Tataviam*

Minimal information is known of the Tataviam. Located south of the Kitanemuk, the Tataviam spoke a language of the Takic family of Uto-Aztecan, which was closely related to the Serrano and to a lesser degree the Luiseño (Underwood and Cleland 2002). It has been suggested that the core territory of the tribe is north of the Los Angeles metropolitan area, overlapping the western part of the Angeles National Forest and including the northwest portion of Los Angeles County and parts of Ventura County (King and Blackburn 1978; BioSystems Analysis, Inc 1989; Johnson and Earle 1990). The Tataviam may have also inhabited the La Liebre area during the historic period (King et al. 1974; Sutton 1980; Johnson and Earle 1990). Based on mortuary data in the region, Tataviam possibly held only portions of the foothills and valley floors near Palmdale during the late prehistoric period (Sutton 1980). However, the precise extent of their territory has not been determined and the overlapping geographic area of the Castac Alliklik and Tatviam is known as the Castac/Alliklik/Tataviam problem (Bernard 2008).

One Tataviam site, Bowers Cave, located between present-day Newhall and Piru, is located approximately 4.9 miles south of the Gorman Substation. Bowers Cave contained ritual objects that appear to be identical to historically described Chumash ritual objects, leading evidence that the Tataviam participated in Chumash ceremonies (Harvey 2011). Due to their location within the mountains, it is likely that the Tataviam relied heavily on yucca (*Yucca whipplei*) as a major resource, as well as exploiting similar plant and animal resources like their neighbors (King and Blackburn 1978; Harvey 2011; Switalksi and Larkin 2013). The Tataviam were early victims of the Mission system, one of the first group of Native American recruited, with almost complete extinction by the mid-1800s and the few survivors being absorbed into larger Native

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American groups either at the mission or in the Tejon region (King and Blackburn 1978; Biosystems Analysis 1989; Switalski and Larkin 2013).

#### Native American Coordination

##### Overview

SCE and the CPUC contacted the Native American Heritage Commission (NAHC) and local Native American tribes in an effort to obtain information on tribal cultural resources in the Proposed Project area.

##### SCE Coordination

On January 23, 2020, a Sacred Lands File (SLF) search was requested within the Proposed Project area and was submitted to the Native American Heritage Commission (NAHC). On February 13, 2020, the NAHC responded stating that there are no Native American tribal cultural resources recorded in the NAHC Sacred Lands file within a 0.5-mile radius of the Proposed Project area. Along with the response, the NAHC enclosed a list of 26 local Native American individuals and/or organizations that might have further knowledge of cultural resources within or near the Proposed Project. Records of SCE’s written correspondence and phone notes are provided in Appendix E of their PEA.

##### CPUC Coordination

The CPUC contacted the NAHC for an updated list of local Native American tribal groups on August 27, 2021. The NAHC responded to CPUC’s request on October 4, 2021, and provided an updated contact list for the Proposed Project area identifying the tribes listed in Table 3.18-1 as affiliated with the geographic region (see Appendix E for a copy of the NAHC response and initial outreach letters).

On January 11, 2022, the CPUC sent letters to the tribes identified by the NAHC to notify the tribe that SCE had filed an application for the Proposed Project, request the tribes’ response if they wished to consult with the CPUC on the Proposed Project in the future, and establish initial lines of communication.

**Table 3.18-1 Tribes Contacted During Native American Coordination**

Tribes	CPUC outreach	Tribal response
Big Pine Paiute Tribe of the Owens Valley	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Chumash Council of Bakersfield	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Coastal Band of Chumash Nation	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Fernandeno Tataviam Band of Mission Indians	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	Email received 1/27/22 requesting additional consultation

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Tribes	CPUC outreach	Tribal response
Gabrieleno Band of Mission Indians – Kizh Nation	Pre-consultation notice issued on 2/7/22; Follow-up on 2/21/22	None
Kern Valley Indian Community	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Kitanemuk & Yowlumne Tejon Indians	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Morongo Band of Mission Indians	Pre-consultation notice issued on 2/7/22; Follow-up on 2/21/22	None
Quechan Tribe of the Fort Yuma Reservation	Pre-consultation notice issued on 1/11/22	No/Denied further consultation (email 1/21/22)
San Fernando Band of Mission Indians	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	No/Denied further consultation (email 1/27/22)
San Manuel Band of Mission Indians	Pre-consultation notice issued on 1/11/22	No/Denied further consultation (email 1/19/22)
Santa Ynez Band of Chumash Indians	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Tejon Indian Tribe	Pre-consultation notice issued on 1/11/22	No/Denied further pre-consultation (email 1/24/22)
Tubatulabals of Kern Valley	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Tule River Indian Tribe	Pre-consultation notice issued on 1/11/22; Follow-up on 1/27/22	None
Twenty-Nine Palms Band of Mission Indians	Pre-consultation notice issued on 2/7/22; Follow-up on 2/21/22	None

#### 3.18.3 Applicable Regulations, Policies and Standards

##### Federal Regulations, Policies, and Standards

There are no federal regulations applicable to tribal cultural resources.

##### State Regulations, Policies and Standards

###### Native American Heritage Commission

Public Resources Code (PRC) Section 5097.91 established the Native American Heritage Commission (NAHC), the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. Section 5097.98 of the Public Resource Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

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#### **Assembly Bill 52**

AB 52 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that tribal cultural resources must be considered under CEQA and provided for additional Native American consultation requirements for the lead agency. PRC Section 21074 describes a tribal cultural resource as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American tribe. A tribal cultural resource meets either of the following criteria:

- On the California Register of Historical Resources or a local historic register or eligible for the California Register of Historical Resources or a local historic register.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c).

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with a project site, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a proposed project. Section 1(a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation must include those topics (PRC § 21080.3.2(a)). The environmental document and the mitigation monitoring and reporting program (where applicable) must include any mitigation measures that are adopted (PRC Section 21082.3(a)).

#### **Senate Bill 18**

Senate Bill 18 (SB 18) (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to “provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places” (OPR 2005). The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005. According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines (Governor’s Office of Planning and

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Research, 2005), the following are the contact and notification responsibilities of local governments (OPR 2005):

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

#### **Local Regulations, Policies and Standards**

The CPUC has sole and exclusive State jurisdiction over the siting and design of the Proposed Project because it authorizes the construction, operation, and maintenance of investor-owned public utility facilities. Pursuant to GO 131-D section XIV.B, "Local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the CPUC's jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters." Consequently, public utilities are directed to consider local regulations and consult with local agencies, but the counties' and cities' regulations are not applicable as the counties and cities do not have jurisdiction over the Proposed Project. Accordingly, the following discussion of local land use laws, regulations, and policies is provided for informational purposes only.

#### **Kern County**

No Kern County regulations are applicable to tribal cultural resources.

#### **Los Angeles County**

The Los Angeles County General Plan was adopted by the Board of Supervisors on October 6, 2015, and provides the policy framework for how and where the unincorporated County will grow through the year 2035. The Conservation and Natural Resources Element provides strategies and policies regarding historic, cultural and paleontological resources. The following

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policies may be applicable to the Proposed Project (Los Angeles County Department of Regional Planning 2015):

- Policy C/NR 14.1: Mitigate all impacts from new development on or adjacent to historic, cultural, and paleontological resources to the greatest extent feasible.
- Policy C/NR 14.4: Ensure proper notification procedures to Native American tribes in accordance with Senate Bill 18 (2004).
- Policy C/NR 14.6: Ensure proper notification and recovery processes are carried out for development on or near historic, cultural, and paleontological resources.

#### 3.18.4 Applicant Proposed Measures and CPUC Measures

SCE has proposed measures (i.e., APMs) to reduce environmental impacts. The significance of a given impact is considered, and a significance determination made, prior to application of any APMs. The implementation of the APMs is then considered as part of the design of proposed project when determining whether impacts would be significant and thus require mitigation. APMs would be incorporated as part of any CPUC project approval, and SCE would be required to adhere to the APMs as well as any additional imposed mitigation measures. The APMs are included in the MMRP for the Proposed Project, and the implementation of the measures would be monitored and documented in the same manner as mitigation measures. The APMs that are applicable to tribal cultural resources are provided in Table 3.18-2.

#### CPUC Environmental Measures

The CPUC has developed additional standard measures to reduce potential impacts on tribal cultural resources. The CPUC standard measures will be included in the MMRP for the Proposed Project and implemented during Proposed Project construction. The CPUC measure applicable to tribal cultural resources is listed in Table 3.18-3.

**Table 3.18-2 Applicant Proposed Measure**

APM Number	Requirements
CUL-1	<p><b>Develop a Cultural Resource Management Plan (CRMP).</b> SCE will prepare and submit for approval a Cultural Resource Management Plan (CRMP) to guide all cultural resource management activities during project construction. Management of cultural resources will follow all applicable federal and state standards and guidelines for the management of historic properties/historical resources, including as identified or determined through the Section 106 review process. The CRMP will be submitted to the CPUC for review and approval at least 90 days prior to the start of construction. The CRMP will be prepared by a qualified archaeologist who meets the Secretary of Interior’s standards for archaeology and include, but not be limited to, the following sections:</p> <ul style="list-style-type: none"> <li>• Cultural Resources Management Plan: The CRMP will define and map all known NRHP- and CRHR-eligible properties in or within 100 feet (30.5 meters) of the</li> </ul>

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APM Number	Requirements
	<p>proposed project APE/API. A cultural resources protection plan will be included that details how NRHP- and CRHR-eligible properties will be avoided and protected during construction. Measures will include, at a minimum, designation and marking of Environmentally Sensitive Areas (ESAs), archaeological monitoring, personnel training, and reporting. The plan will also detail which avoidance measures will be used, where and when they will be implemented, and how avoidance measures and enforcement of ESAs will be coordinated with construction personnel.</p> <ul style="list-style-type: none"> <li>• Cultural Resource Monitoring and Field Reporting: The CRMP will detail procedures for archaeological monitoring and Tribal participation, define the reporting matrix, and establish criteria for when the monitoring effort should increase or decrease if monitoring results indicate that a change is warranted. The CRMP will also include guidelines for monitoring in areas of high sensitivity for the discovery of buried NRHP- and/or CRHR eligible cultural resources, burials, cremations, tribal cultural resources, or sacred sites.</li> <li>• Unanticipated Discovery Protocol: The CRMP will detail procedures for temporarily halting construction, defining work stoppage zones, notifying stakeholders (e.g. agencies, Native Americans, utilities), and assessing NRHP and/or CRHR eligibility in the event unanticipated discoveries are encountered during construction. It will include methods, timelines for assessing NRHP and/or CRHR eligibility, formulating mitigation plans, and implementing treatment. Mitigation and treatment plans for unanticipated discoveries will be reviewed by tribal stakeholders and approved by the CPUC, prior to implementation.</li> </ul> <p>Data Analysis and Reporting: The CRMP will detail methods for data analysis in a regional context, reporting of results within one year of completion of field studies, curation of artifacts and data (maps, field notes, archival materials, recordings, reports, photographs, and analysts' data) at a facility that is approved by CPUC, and dissemination of reports to appropriate repositories.</p>
CUL-2	<p><b>Avoid Environmentally Sensitive Areas (ESA).</b> SCE will perform cultural resource surveys for any portion of the proposed project APE/API not yet surveyed (e.g. new or modified staging areas, pull sites, or other work areas). Cultural resources discovered during surveys will be subject to APM CUL-1 (Develop CRMP). Where operationally feasible, all NRHP- and CRHR-eligible resources will be protected from direct project impacts by project redesign (i.e., relocation of the line, ancillary facilities, or temporary facilities or work</p>

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APM Number	Requirements
	<p>areas). In addition, all historic properties/historical resources will be avoided by all project construction, operation and maintenance, and restoration activities, where feasible. Avoidance measures will include, but not be limited to, fencing off ESAs for the duration of the proposed project or as outlined in the CRMP.</p>
CUL-5	<p><b>Cultural Resources Awareness Worker Training.</b> Prior to initiating construction, all construction personnel will be trained by a qualified archaeologist regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources (i.e., fossils), and protection of these resources during construction. Training will also inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel will be instructed that unauthorized removal or collection of artifacts is a violation of federal and state laws. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) will include clauses that require construction personnel to attend a Workers Environmental Awareness Training Program (WEAP). The WEAP will include the project’s potential for the post-discovery review of archaeological deposits, how to operate adjacent to and avoid all ESAs, and procedures to treat post-discovery reviews.</p>
TCR-1	<p><b>Tribal Monitoring.</b> An archaeological monitor, and tribal monitor that is culturally affiliated with the project area, may be present for all ground-disturbing activities within or directly adjacent to identified TCR(s). The archaeological and tribal monitors will consult the CRMP to determine when to increase or decrease the monitoring effort should the monitoring results indicate a change is warranted. Monitoring reports will be prepared and submitted to the CPUC on a monthly basis.</p>
TCR-2	<p><b>Tribal Engagement Plan.</b> A tribal engagement plan shall be prepared, which will detail how Native American tribes will be engaged and informed throughout the proposed project. The tribal engagement plan will be included in the CRMP (MM Cultural -1).</p>

**Table 3.18-3 CPUC Environmental Measures**

CPUC Draft Environmental Measure	Requirement
Human Remains (Construction and Maintenance)	<p>Avoidance and protection of inadvertent discoveries that contain human remains shall be the preferred protection strategy with complete avoidance of such resources ensured by redesigning the project. If human remains are</p>

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CPUC Draft Environmental Measure	Requirement
	<p>discovered during construction or maintenance activities, all work shall be diverted from the area of the discovery, and the CPUC shall be informed immediately. The Applicant shall contact the County Coroner to determine whether or not the remains are Native American. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will then identify the person or persons it believes to be the most likely descendant of the deceased Native American, who in turn would make recommendations for the appropriate means of treating the human remains and any associated funerary objects.</p> <p>If the remains are on federal land, the remains shall be treated in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA). If the remains are not on federal land, the remains shall be treated in accordance with Health and Safety Code Section 7050.5, CEQA Section 15064.5(e), and Public Resources Code Section 5097.98.</p>

#### 3.18.5 Environmental Analysis

##### Summary of Impacts

Table 3.18-4 presents a summary of the CEQA significance criteria and impacts on tribal cultural resources that would occur during construction, operation, and maintenance of the Proposed Project.

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**Table 3.18-4 Summary of Proposed Project Impacts to Tribal Cultural Resources**

Would the Proposed Project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>a. Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> <li>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC §5020.1(k)?, or</li> <li>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence and with consideration of the significance of the resource to a California Native American tribe, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Impact Discussion

**a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

#### Construction

No tribal cultural resources, as defined in Public Resources Code Section 21074, have been identified in the Proposed Project area through archival research, field survey, or subsurface survey. However, based on initial discussions with the Fernandeno Tataviam Band of Mission

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Indians, the Proposed Project may contain sensitive tribal resources along Segment 3, and therefore construction may impact tribal cultural resources listed or eligible for listing in the California Register or a local register of historical resources.

The Proposed Project would involve ground-disturbing activities that may extend into undisturbed soil. It is possible that such activities could unearth, expose, or disturb subsurface archaeological resources that have not been identified on the surface. Because previously unrecorded archaeological deposits could be present in the Proposed Project area, and they could be found to qualify as tribal cultural resources, pursuant to Public Resources Code section 21074, impacts of the Proposed Project to tribal cultural resources could be potentially significant.

Mitigation Measure Cultural -1 would require the development of a CRMP that would include a cultural resources protection plan, designation and marking of *environmentally sensitive areas* (ESAs) (APM CUL-2), archaeological monitoring, personnel training (APM CUL-5), and reporting. In addition, Mitigation Measure Tribal-1 and APM CUL-2 would also help reduce any potential impacts to undocumented archaeological resources that could qualify as tribal cultural resources by requiring adherence to a protocol in the event of the discovery of any such resources during Proposed Project implementation. Adherence to these APMs and Mitigation Measures, as well as the CPUC Environmental Measure Human Remains (Construction and Maintenance) (see Table 3.18-3) would reduce impacts to less than significant.

#### Operation and Maintenance

Operation and maintenance activities associated with the Proposed Project would be conducted in areas that would be disturbed during construction activities. Operation and maintenance activities would not differ from those currently conducted for the existing line. Maintenance vehicles would use access routes, and all maintenance activities would be conducted within previously disturbed areas. There would be no potential to impact tribal cultural resources from project operation and maintenance. No impact would occur.

**Required APMs and MMs:** Mitigation Measure Cultural-1, APM CUL-2, APM CUL-5, APM TCR-2, Mitigation Measure Tribal -1 and CPUC Environmental Measure Human Remains (Construction and Maintenance)

#### Mitigation Measure

##### Mitigation Measure Tribal-1: Native American Monitoring

Interested Tribes shall be invited to conduct Native American monitoring during all ground-disturbing activities associated with portions of or the entirety of Segment 3 of the project. A Native American monitor shall be invited to be onsite daily to coordinate with the archaeological monitors and to provide tribal perspectives in the event a discovery occurs. The Native American monitor shall be free to visit different activity areas throughout the course of a given day, notwithstanding any limitations based on safety concerns. Native American monitors shall be afforded a minimum of 1 weeks' notice prior to the commencement of project-related ground-disturbing activities. During project activities, Native American monitors shall be provided with weekly work forecasts to facilitate scheduling of monitors. Because project implementation activities are often unpredictable, there may be changes in work activities. Native American monitors shall be notified by the Construction Contractor of any scheduling

### 3.18 TRIBAL CULTURAL RESOURCES

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changes as soon as possible. The Construction Contractor will use daily field meetings, telephone, and email as methods of communicating work schedules. Native American monitors shall be alerted at the end of each workday whether work activities will be taking place the following day. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery and a qualified archeologist meeting Secretary of Interior standards, as well as the Native American monitor shall assess the find.

SCE shall, in good faith, consult with the Tribes on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

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**Applicable locations:** Segment 3

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**Performance Standards and Timing:**

**Before construction:** Native American monitors notified no less than 10 days before construction.

**During construction:** Native American monitors shall be alerted at the end of each workday whether work activities will be taking place the following day.

**After construction:** N/A

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## 3.18 TRIBAL CULTURAL RESOURCES

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