

## 3.5 Cultural Resources and Native American Values

This section contains a description of the environmental setting, regulatory setting, and potential impacts associated with the construction and operation of the proposed project and alternatives with respect to cultural resources. This section includes background data compiled from cultural resources records searches conducted at the San Bernardino County Archaeological Information Center, located at the San Bernardino County Museum in Redlands, California; the Harry Reid Center for Environmental Studies at the University of Nevada, Las Vegas; and online with the Nevada Cultural Resources Information System. Additional data included in this section was acquired from an intensive cultural resources field survey of the project area following the records searches. A full report of the cultural resources findings for this project is documented in *A Class III Cultural Resources Inventory Southern California Edison Eldorado – Ivanpah Transmission Project San Bernardino County, California and Clark County, Nevada* (Chambers Group 2009).

### 3.5.1 Environmental Setting

The environmental setting section characterizes the terrain and resources immediately surrounding the right-of-way (ROW) of the project, including data from the nearby surrounding landforms, since they may influence the nature and quantity of cultural resources in the area. A more expansive description of the cultural setting is provided, since cultural resources occur intermittently throughout time and space.

#### 3.5.1.1 Physiography and Geology of Proposed Route and All Alternatives

The EITP is in southern Nevada and southeastern California in the Mojave Desert geologic province of the Great Basin. This linear project passes through the Eldorado Valley, McCullough Mountains, Jean Valley, Ivanpah Valley, and Clark Mountains. The proposed route skirts the eastern edge of Roach Dry Lake and passes through the northern portion of Ivanpah Dry Lake. The Mountain Pass and Golf Course alternatives for the Telecommunication Route are located south of the proposed transmission line route. These alternatives pass through Eldorado Valley between the McCullough and Highland mountain ranges, through Big Tiger Wash between the McCullough and New York ranges, through Ivanpah Valley transecting the southern edge of Ivanpah Dry Lake, and through Mountain Pass near Wheaton Springs.

The geology of the project area consists of alluvial deposits in the valleys and bedrock in the mountains. The alluvial deposits were deposited during the Holocene (which began 11,000 years ago), whereas stream deposits date to the early to late Pleistocene (1.8 million to 11,000 years ago). The bedrock is volcanic rock, primarily basalt. Some of the alluvial fan surfaces exhibit poorly to moderately well developed desert pavement with desert varnish. Recent research displaced an earlier view that desert pavements formed in an erosional environment, finding instead that the "... desert pavement surface is a single layer of clasts borne upward on an ever-accreting layer of eolian silt" (Hill 2008). This new view of desert pavement led to testing that yielded artifacts to a depth of 2.6 feet below the surface throughout the column of cobble-free eolian silt that typically makes up the substrate of desert pavements. It was concluded from this testing that artifacts worked into an older desert pavement can predict subsurface archaeological deposits, and that the occupation surface of a site on a terminal Pleistocene or early Holocene alluvial fan is likely to be several feet below the current pavement (CH2M Hill and Carrier 2008).

The alluvial deposits can be more than 80 inches deep in portions of the project area and could have buried cultural resources within them (SCE 2009).

#### 3.5.1.2 Cultural History

This section describes human occupation of the general project area over the Prehistoric, Protohistoric or Ethnographic, and Historic periods. The division between Historic and Prehistoric time is marked by the keeping of

1 written records. The Protohistoric period occurred before European settlement in the area; however, the Native  
2 American culture was influenced in the Protohistoric period by European culture through intertribal trade networks.  
3

#### 4 **Prehistoric**

5 The Prehistoric period encompasses the time of the first peopling of the Americas until the arrival of the first  
6 Europeans who began keeping written records of the area. The Prehistoric period is subdivided into the Paleo-Indian,  
7 Archaic, and Late Prehistoric eras. The Paleo-Indian occupation (12,000 to 10,000 calibrated years before the  
8 present [cal BP]) is thought to have occurred throughout North America and represents the first influx of people into  
9 the Mojave during the end of the last ice age. Several sites throughout the Americas have hinted at an earlier human  
10 occupation of the continents; however, no sites found in the Mojave can be attributed to pre-Clovis (a culture that first  
11 appeared 11,500 radiocarbon years cal BP). There are arguments for an even earlier occupation; however,  
12 chronological indicators for these sites are disputed.  
13

14 The Paleo-Indian occupation in the Mojave Desert is poorly represented by artifacts, or at least has been poorly  
15 documented to date (Sutton 1996). Fluted Clovis points are the main diagnostic artifact representing this period, and  
16 they have been found in the region; however, such finds have generally been isolated surface finds (Sutton et al.  
17 2007). The dearth of Paleo-Indian sites and diagnostics may be more a function of sample bias than of actual  
18 absence. To date, the archaeological community has not searched beneath the surface of desert pavement surfaces  
19 for older occupations. Research into the age of desert pavements and the potential for subsurface cultural resources  
20 may lead to significant discoveries about the Paleo-Indian presence in the Mojave Desert.  
21

22 The Archaic period coincides with the early and middle Holocene epoch, a time when the climate was cooler and  
23 moister than currently. The Lake Mojave, Pinto, Deadman Lake, and Gypsum groups of artifacts (complexes)  
24 represent different shifts in technology and subsistence methods throughout the Archaic period. The Lake Mojave  
25 complex (10,000 to 8,000 cal BP), characterized by Great Basin stemmed series projectile points such as Lake  
26 Mojave and Silver Lake points, is the earliest complex represented during the Holocene. Chronologic indicators are  
27 uncommon for this complex, as many of the sites have been surface finds. Lake Mojave is well represented at Fort  
28 Irwin, China Lake, and Twentynine Palms. Lake Mojave complex sites offer evidence of long-distance trade networks  
29 to the coast and a wide foraging base for lithic raw materials (Sutton et al. 2007).  
30

31 The Pinto complex (8,000 to 5,000 cal BP) is thought to have begun in the early Holocene, overlapping with the end  
32 of the Lake Mojave complex. Sites with artifacts diagnostic to the Pinto complex are widespread and well represented  
33 in the Mojave Desert. Diagnostic artifacts from this complex include Pinto series projectile points and a marked  
34 increase in the use of groundstone implements, indicating a substantial shift to a greater emphasis on plant  
35 resources. Trade with coastal communities continued during this time, as evidenced by the presence of olivella shell  
36 beads (Sutton et al. 2007).  
37

38 The Gypsum complex (4,000 to 1,800 cal BP) is defined by the presence of Elko, Humboldt, and Gypsum series  
39 projectile points. The material culture from Gypsum complex assemblages implies increased trade activities and an  
40 increase in social complexity. Quartz crystals, paint, and rock art panels are commonly attributed to Gypsum  
41 components (Sutton et al. 2007).  
42

43 The onset of the Late Prehistoric is demarcated from the Archaic by the introduction of the bow and arrow and the  
44 phasing out of *atlatl* (spear thrower) technology. The Rose Spring complex (1,800 to 900 cal BP) coincides with a  
45 time of increased rainfall in at least some parts of the Mojave Desert. An increase in population, the presence of  
46 Eastgate and Rose Spring series projectile points, well developed midden remains, and a marked shift in material  
47 culture are all hallmarks of the Rose Spring complex. Sites attributed to this complex are commonly found near  
48 springs and along washes and lakeshores (Sutton et al. 2007). The Rose Spring complex is sometimes discussed  
49 along with the above-described Archaic complexes; however, the use of bow and arrow technology during the time  
50 tools in this complex were used makes it more suitable to be discussed in the Late Prehistoric period.  
51

1 In the post-Rose Spring complex time there appears to have been a decrease in population and the onset of a dryer,  
2 warmer climate. The habitation pattern from this era includes habitation sites with associated cemeteries surrounded  
3 by special-purpose and seasonal sites. Desert series projectile points, such as Cottonwood and Desert side-notched,  
4 and the introduction of ceramics, steatite beads, and slate pendants are hallmarks of this era. The Late Prehistoric  
5 era is not well understood in the Eastern Mojave due to a lack of both fieldwork and research (Sutton et al. 2007).  
6

### 7 **Protohistoric and Ethnographic**

8 The Southern Paiute have been the recorded occupiers of the project area since the Protohistoric period. They are  
9 defined as a hunter-gatherer foraging culture and are particularly known for their skilled manufacture of baskets,  
10 brownware pottery, and sketched and engraved petroglyphs in the southern Great Basin. The Southern Paiute are  
11 subdivided into the Chemehuevi, Las Vegas, Moapa, Pahrnagat, Gunlock, Saint George, Shivwits, Uinkaret, Cedar,  
12 Beaver, Panguitch, Kaibab, Kaiparowits, Antarianunts, and San Juan.

13  
14 The habitation pattern of the Southern Paiute was largely based on the seasons, to take advantage of seasonal food  
15 resources. Winters were generally spent at higher elevations, and summers were spent in the lowland areas. The  
16 Chemehuevi lived in earth-covered dwellings and relied heavily on agave, pine nuts, other seeds, and small and  
17 large game for subsistence (Sander et al. 2009).  
18

### 19 **Historic**

20 Francisco Garces, Francisco Atanasio Dominguez, and Silvestre Velez de Escalante were the first documented  
21 Europeans to come into contact with the Paiute, in 1776. Colonization of the Paiutes did not commence until 1810,  
22 when Spanish settlers along the upper Rio Grande began baptizing the natives. By the 1830s, the Paiute were being  
23 traded as slaves along the Old Spanish Trail. The Paiute slave trade came to an end in the 1850s due in large part to  
24 the influence of Mormon expansion into Nevada and Utah. In the 1860s the American government began resettling  
25 the Southern Paiutes onto reservations (Sander et al. 2009).  
26

27 The Old Spanish Trail was established as an overland supply route from New Mexico to California. The trail passes  
28 through the southern tip of Nevada. Other than the trail, the Spanish did not have an economic interest in southern  
29 Nevada. The Goodsprings (Yellow Pine, Petosi) mining district in the Spring Mountains north of Clark Mountain was  
30 consistent from 1893 to 1905 when completion of the San Pedro, Los Angeles, and Salt Lake Railroad (SPLA&SL)  
31 stimulated increased mining development and the district became a principal source of zinc with peak production  
32 during World War 1 (Longwell et al. 1965). Mining drew many into the southern portion of the state long before the  
33 Hoover Dam was proposed. In addition to mining, the completion of the SPLA&SL in 1905 created a land boom in  
34 Las Vegas (Longwell et al. 1965). The construction of the Hoover Dam began in 1931 and was completed in 1936.  
35 The Boulder (Hoover) Dam transmission line was constructed from 1930 to 1931 over eight months. The dam  
36 required electricity, which came from 226 miles away in San Bernardino, California, through the first transmission  
37 lines in the area. Once the dam was constructed, the flow of electricity was reversed to provide hydroelectric power  
38 to the Los Angeles area. The line is still in use and is currently owned by Southern California Edison (Sander et al.  
39 2009).  
40

41 The project area crosses the boundary between California and Nevada. The first official border between the two  
42 states was established by Alexy W. Von Schmidt, a U.S. astronomer and surveyor, in 1873. Von Schmidt used solar  
43 observations to approximate the dividing line between the two states, which resulted in an error in the placement of  
44 the line by three quarters of a mile to the south of where it was supposed to be. Von Schmidt had marked the  
45 boundary with cast-iron columns and thus the line can still be seen today. The Von Schmidt line has been designated  
46 as a California Registered Historical Landmark (No. 859; Sander et al. 2009).

47 The San Pedro, Los Angeles, and Salt Lake Railroad Company constructed a railway line from Salt Lake City to San  
48 Pedro, California. This line crosses the current project area. The line was purchased by Union Pacific in 1921 and is  
49 still operated by that company (Sander et al. 2009).

1  
2 The mountains in the project area offered mineral resources that were desirable for early miners. Gold, copper, silver,  
3 and lead were available in the region. While the records search did not yield data pertaining to mining inside the  
4 project area, closed mines are located about 1,000 feet outside both sides of the proposed and alternative EITP  
5 routes (Appendix F-1). The first mine in the area was established in 1869 in the Clark Mountains. Ivanpah Spring  
6 became the supply center to service the mine, and mills were built at Ivanpah by the mid-1870s. In 1898, the Copper  
7 World Mine was developed at Rosalie Wells. The mine was in operation until World War I. Mountain Pass was the  
8 site of gold and silver finds in 1879. The Mescal Mine was developed in 1882 and was active until 1887. Gold was  
9 discovered near Vanderbilt Spring in the New York Mountains in 1891. By 1892, there had been major development  
10 of the Gold Bronze and Boomerang mines (Fergusson 2007). It is likely that associated cultural resources such as  
11 trails, campsites, and other features associated with mining were in the general project area outside the current Area  
12 of Potential Effects (APE) and may prove to be National Register of Historic Places (NRHP)-eligible resources.

13  
14 The town of Nipton is a historic community located at the intersection of two wagon trails. One of the trails runs east–  
15 west from Colorado to the Ivanpah Mine; the other runs north–south from Goodsprings to the railroad and mining  
16 settlement, Goffs, near present-day Needles. A Pennsylvania man, Samuel Dunc Karns, staked a mining claim in the  
17 area in 1900 that he called Nippeno. The town's name was derived from the name of the mine. Rail lines were routed  
18 through the crossroads at the town as part of the San Pedro, Los Angeles, and Salt Lake Railroad Company line in  
19 1905, which continued in operation until the 1950s.

20  
21 Gambling was legalized in Nevada in the 1930s. This helped shape the state's economy and increase the population,  
22 as did the military's establishment of Nellis Air Force Base, Fallon Naval Air Station, and an army base at Tonopah.  
23 During Prohibition (1920 to 1933), a man local to the project area, Pete McIntyre, began a lucrative bootlegging  
24 operation. "Whiskey Pete," as he came to be known, owned a local gas station and produced moonshine in local  
25 mountain caverns. Pete's property was purchased in the 1950s by Ernie Primm, who developed a casino on the  
26 property (Sander et al. 2009).

### 27 28 **3.5.1.3 Cultural Sites**

29  
30 The survey of the EITP proposed route resulted in the discovery or re-recording of cultural resources along the EITP  
31 proposed route, telecommunications route, and alternative routes. These resources are described below. No  
32 previously recorded or newly discovered cultural resources were located during the background research or field  
33 survey of the Ivanpah Substation site.

#### 34 35 **Eldorado–Ivanpah Transmission Line Route**

36 **Cultural Resource 36-1910 (CA-SBR-1910H)/26CK5685** is the historic Union Pacific Railroad constructed from  
37 1903 to 1904. The site has retained its physical location and overall attributes as a linear transportation system. It  
38 was determined by the Harry Reid Center for Environmental Studies at the University of Nevada to be a significant  
39 linear structure and is eligible for the NRHP under Criteria A and D (see Section 3.5.3, "Impact Analysis.") It is listed  
40 as a significant frontier railroad with urban industrial centers at either terminus. The railroad connected mining  
41 communities, homesteads, and numerous towns along its path between Barstow and Salt Lake City. This line aided  
42 in furthering western expansion and the exploration and settlement of the southwestern region of the United States.  
43 The rail line is also associated with Senator William A. Clark of Montana, who became famous and wealthy from his  
44 mining ventures in Montana. He invested in the completion of the railroad and furthered his empire in mining and  
45 exploration in the Eastern Mojave and Nevada deserts.

46 Although this site as a whole is eligible for listing in the NRHP (Chambers 2009), the short sections of the railroad line  
47 located within the proposed project corridor are not recommended as contributing elements of the structure. has been  
48 designed to avoid affecting the resource. Regular maintenance and upgrades to the gravel track bed, rails and ties,  
49 and Nipton Road have replaced the original historic materials and only the original path of the railroad remains.

1 **Cultural Resource 36-7694 (CA-SBR-7694H)/26CK4957** is the Los Angeles Department of Water and Power  
2 (LADWP) Boulder Transmission Line (lines 1, 2, and 3). The lines were built between 1933 and 1940 and were  
3 determined eligible for the NRHP in 1994. This site is has previously been determined -eligible for listing on the NRHP  
4 under ~~Criterion~~-Criteria A and C and has elements that contribute to the significance of the resource within the EITP  
5 project area. At this point, theThe applicant intends to would span over the LADWP Transmission Line using H-frame  
6 towers, thus avoiding any direct impacts to this resource.

7  
8 **Cultural Resource 36-10315 (CA-SBR-10315H)/53-8280** is the Boulder Dam-San Bernardino 132-kV transmission  
9 line. This line was built in the early 1930s and was first recorded as a potential cultural resource in 1988. This  
10 resource has been determined eligible for the NRHP under Criteria A and C due to its association with the  
11 construction of Boulder (Hoover) Dam and expansion of the dam into California. The Proponent's Environmental  
12 Assessment indicates that towers from this line would be removed and replaced with new towers to accommodate  
13 the existing and new transmission capacity.

14  
15 **Cultural Resource 36-6835 (CA-SBR-6835H)** is the Von Schmidt survey line demarcated in 1873 during the original  
16 survey of the boundary between California and Nevada. Located approximately 0.75 miles west of the actual state  
17 line, the Von Schmidt line was established in the wrong place due to a surveying error. Its only physical presence is a  
18 line of cast iron markers. The site is listed as California Historical Landmark No. 859 and Nevada State Historic  
19 Marker No. 196. Cultural Resource 36-6835 has been found eligible for the California Register of Historical  
20 Resources (CRHR). It has not yet been evaluated for the NRHP, but it would likely be found eligible.

21  
22 **Cultural Resource 36-7689 (CA-SBR-7689H)** is the Arrowhead Trail highway. The highway was constructed as a  
23 through route between Los Angeles and Salt Lake City via Las Vegas. This site has been determined not eligible for  
24 listing on the NRHP.

25  
26 **Cultural Resource 36-13416 (CA-SBR-12574H)** is the remains of a telegraph line that served as a communications  
27 system for the Boulder Dam Transmission Line. The line itself and telegraph poles have been removed from the site.  
28 The site is, therefore, lacking integrity and is recommended not eligible for the NRHP.

29  
30 **Cultural Resource 36-13417 (CA-SBR-12575H)** is an unnamed two-track road running east to west that appears to  
31 be a route from Yates Well to Ivanpah Springs. The site does not meet the criteria for listing on the NRHP.

32  
33 **Cultural Resource 26CK2633** is a prehistoric lithic scatter that contained debitage, one projectile point, and two  
34 biface fragments. The area surrounding the site is characterized by desert pavement, but without any desert varnish  
35 development. This site has not been was evaluated in 2010 and recommended not eligible for the NRHP  
36 eligibility.(UNLV 2010).

37  
38 **Cultural Resource 26CK3023** is a small east-facing natural rock shelter in the McCullough Range. Metate  
39 fragments, potsherds and chert flakes, and a single petroglyph were recorded on the original Intermountain  
40 Archaeological Computer System (IMACS) record form. Subsequent visits to the site yielded a basalt chopper and  
41 two additional flakes. This site has been determined not eligible for listing on the NRHP.

## 42 **Telecommunications Line**

43 **Cultural Resource 36-014987 (CA-SBR-~~4312H~~13132H)** is a historic trash scatter containing at least -200 beer cans,  
44 a few oil cans, an air filter for a vehicle or machine, and at least five broken bottles in a 30-square-meter area. The  
45 cans have all been opened using a church-key-style can opener. The maker's marks on the bottles indicate that they  
46 were manufactured in between the 1930s and 1950s. This site does not appear eligible for listing in the NRHP;  
47 however, a formal NRHP evaluation of site would be conducted if the Mountain Pass alternative is chosen for  
48 construction (Sander and Auck 2009).

1 **Cultural Resource 36-014988 (CA-SBR-13133H)** is a historic trash mound measuring 4 by 2 meters. The deposit  
2 includes charcoal, cinders, rock debris, modern glass, ceramics, and metal fragments as well as sun-colored  
3 amethyst glass fragments. The site has been disturbed by relic hunters and is a dump of domestic refuse that likely  
4 originated in the nearby community of Nipton. The site is recommended as not eligible for the NRHP (Sander and  
5 Auck 2009).

### 7 **Transmission Alternative Route C**

8 **Cultural Resource 36-7689 (CA-SBR-7689H)** is a segment of the Arrowhead Trail Highway (State Route 31). This  
9 historic road connects Los Angeles and Salt Lake City via Las Vegas. The road alignment that passes through the  
10 project area contains the road and an associated scatter of historic refuse, prehistoric artifacts, a corrugated metal  
11 pipe, and a brass cap surveyor's monument. This site has previously been determined to be not eligible for listing in  
12 the NRHP.

13  
14 **Cultural Resource 26CK4135** is the location of a now-demolished historic structure constructed of a late-dating  
15 adobe and cement aggregate compound. The adobe remains are degraded and visible on the ground surface.  
16 Material debris is found throughout the immediate area, though it is difficult to determine whether debris is associated  
17 with the structure or with more recent episodes of trash dumping. The site was determined not eligible for the NRHP.  
18

19 **Cultural Resource 36-7694 (CA-SBR-7694H)/26CK4957** is the LADWP Boulder Transmission Line (lines 1, 2, and  
20 3). A full description of the resource can be found under the cultural resource listings for the Eldorado–Ivanpah  
21 Transmission Line Route above. The line was determined eligible for the NRHP under Criterion A in 1994.  
22

### 23 **Transmission Alternative Route D**

24 **36-13416 (CA-SBR-12574H)** is the remnants of a telegraph pole line and associated dirt road. The ROW is still  
25 intact; however, the telegraph line has been removed and many of the poles have been cut down to stumps. This site  
26 has the same alignment as the Boulder Transmission Line (36-10315 [CA-SBR-10315H]) and is associated with that  
27 line. It has been recommended not eligible for listing on the NRHP.  
28

### 29 **Telecommunication Alternative (Golf Course)**

30 **36-3048 (CA-SBR-3048H)** is Old Traction Road and an associated refuse scatter. The road is in poor condition in  
31 some places, with deep ruts created by rain water flowing toward the lower elevation of Ivanpah Lake; however, the  
32 road bed is still in place and clearly visible. Old Traction Road is recommended as eligible for listing in the NRHP  
33 under Criterion A for its association with the broad pattern of transportation modes dating from the early 1900s. The  
34 portions of Old Traction Road that may be affected by the EITP development are not recommended as contributing  
35 elements of the resource (Chambers 2009). Regular maintenance and upgrades to the road bed, shoulder, and  
36 Nipton Road have replaced the original historic materials and only the original path of Old Traction Road remains.  
37

38 **36-7802 (CA-SBR-7802H)** is a historic roadside scatter of household refuse dominated by evaporated milk cans or  
39 food cans that were discarded in the early 1900s. This site has been recommended not eligible for the NRHP due to  
40 disturbances associated with road maintenance, and the site testing results from the EITP investigations support this  
41 recommendation (Sander and Auck 2009).  
42

43 **36-014496 (CA-SBR-12980H)** is Nipton Road. The road was originally a dirt track established as a wagon trail  
44 connecting the mines east and west of Nipton to the railroad stations in Ivanpah Valley. The Copper World Mine used  
45 the road to bring raw materials to the Ivanpah Station to be loaded onto railcars for transport. The road was also used  
46 by gold miners in Searchlight, Nevada, to send goods to Ivanpah Station. Although this road was significant to the  
47 development of the area, historic mining operations, and railroad themes, its improved state as a modern paved road  
48 degrades its historic integrity, and no sign of the original wagon trail remains. The roadway is recommended as not  
49 eligible for listing on the NRHP (Chambers 2009).  
50

1 36-1910 (CA-SBR-1910H)/26CK5685 is the historic Union Pacific Railroad. The railroad was constructed from 1903  
2 to 1904 and has retained its physical location and overall attributes as a linear transportation system. The site was  
3 evaluated by the Harry Reid Center for Environmental Studies at the University of Nevada to be a significant linear  
4 structure and is eligible for listing in the NRHP. It is listed as a significant frontier railroad with two urban industrial  
5 centers at either terminus. The railroad connected mining communities, homesteads, and numerous towns along its  
6 path between Barstow and Salt Lake City. This line helped further western expansion and the exploration and  
7 settlement of the southwestern region of the United States. The rail line is also associated with Senator William A.  
8 Clark of Montana, who became famous and wealthy due to his mining ventures in Montana. He invested in the  
9 completion of the railroad and furthered his empire in mining and exploration in the Eastern Mojave and Nevada  
10 deserts. This resource is eligible for the NRHP under Criteria A and D (Chambers 2009). ~~However, the short~~  
11 ~~sections of the railroad line located within the project corridor are not recommended as contributing elements of the~~  
12 ~~structure. However, the proposed project has been designed to avoid affecting the resource.~~ Regular maintenance  
13 and upgrades to the gravel track bed, rails and ties, and Nipton Road have replaced the original historic materials,  
14 and only the original path of the railroad remains.

### 15 16 **Telecommunication Alternative (Mountain Pass)**

17 36-7347 (CA-SBR-7347H) is a historic dirt road that crosses the transmission line from east to west. This site  
18 ~~has~~ does not yet been determined ineligible to meet the criteria for listing on the NRHP.

19  
20 36-014497 (CA-SBR-12981H) is a historic trash scatter within a drainage situated between a dirt road and I-15.  
21 Approximately 75 cans of various types were found, including coffee, beer, soda, and juice cans. Bottles showed  
22 maker's marks dating to the late 1940s and early 1950s. The site is likely associated with the nearby sand and gravel  
23 borrow pit. It is heavily disturbed by erosion and off-road driving, and subsurface deposits were not found during  
24 testing of the site. The site is likely a part of 36-014498. It has been recommended not eligible for the NRHP.

25  
26 36-014498 (CA-SBR-12982H) consists of a large historic debris scatter located within a drainage area between a dirt  
27 road and I-15. The site contains a large scatter of historic cans, including food cans, motor oil cans, beer cans, soda  
28 cans, and evaporated milk cans. Bottles with visible maker's marks dating to the 1940s and 1950s were observed.  
29 The site is likely associated with the nearby sand and gravel borrow pit. The site is heavily disturbed by erosion and  
30 off-road driving, and subsurface deposits were not found during testing of the site. The site is likely a continuation of  
31 site 36-014497 (CA-SBR-12981H). It has been recommended not eligible for the NRHP (Sander and Auck 2009).

### 32 33 **Additional Survey of 245 Acres for Proposed Spur Roads, Two Helicopter Landing Zones,** 34 **and Laydown Areas**

35 In September 2010, additional areas of disturbance required for construction of the EITP were subjected to intensive-  
36 level cultural resources surveys. The surveys resulted in relocation of 26CK3023 (discussed above) and recording of  
37 four previously unknown cultural resources. The newly recorded resources consist of one historic site, one prehistoric  
38 site, one historic isolate, and one prehistoric isolate (Becker 2010).

39 The historic site, Hel-1, is a light can scatter; the prehistoric site, Hel-2, is a prehistoric pot drop with two ceramic  
40 sherds; and the isolates consisted of a biface (Hel-I-2) and an isolated historic can (Hel-I-3). The newly recorded  
41 resources have been recommended to be not eligible for inclusion on the NRHP (Becker 2010); however, the BLM  
42 has not yet received SHPO concurrence for this determination. If the SHPO concurs with this determination, no  
43 further fieldwork will be required. If the SHPO finds either Hel-1 or Hel-2 to meet any of the NRHP eligibility criteria,  
44 data recovery excavations will be required to mitigate the impacts to the sites.

### 45 46 **3.5.1.4 Tribal Consultation**

47 The BLM initiated consultation with Native American tribes and groups that may have knowledge of the cultural  
48 resources of the proposed project area, in accordance with Section 106 government-to-government Tribal

1 | consultation requirements. Twenty-three contacts from the following 11 Native American groups were given notice of  
2 | the proposed project as the first step in the consultation process:

- 3
- 4 • Chemehuevi Indian Tribe;
- 5 • Colorado River Indian Tribes;
- 6 • Fort Mojave Tribal Council;
- 7 • Las Vegas Paiute Tribe;
- 8 • Moapa Band of Paiute Indians;
- 9 • Morongo Band of Mission Indians;
- 10 • Pahrump Paiute Tribe;
- 11 • San Manuel Band of Mission Indians;
- 12 • Serrano Nation of Indians;
- 13 • Timbisha Shoshone; and
- 14 • Twenty-Nine Palms Band of Mission Indians.
- 15

16 | A search of the Native American Heritage Commission's (NAHC's) Sacred Lands File (SLF) was conducted to  
17 | determine ~~the~~ any known Native American cultural resources in the proposed project area. The SLF search failed to  
18 | indicate the presence of any Native American cultural resources in the proposed project area. As of the date of this  
19 | document, tribal consultation did not result in the identification of cultural resources or historic properties to which the  
20 | tribes attach religious or cultural significance within the proposed project area.

## 21

### 22 | **3.5.2 Applicable Laws, Regulations, and Standards**

23

24 | The following section summarizes federal, state, and local laws, regulations, and standards that govern cultural  
25 | resources in the project area.

#### 26

#### 27 | **3.5.2.1 Federal**

##### 28

##### 29 | **Code of Federal Regulations (CFR), Title 36 Section 800**

30 | This statute protects historic properties and pertains to implementation of the regulations of Section 106 of the  
31 | National Historic Preservation Act (NHPA). Section 106 requires federal agencies to take into account the effects of a  
32 | proposed action on historic properties.

##### 33

##### 34 | **National Environmental Policy Act: U.S. Code (USC), Title 42 Sections 4321 et seq.**

35 | This statute requires federal agencies to consider potential environmental impacts of projects with federal  
36 | involvement and to consider appropriate mitigation measures.

##### 37

##### 38 | **Federal Land Policy and Management Act: 43 USC Sections 1701 et seq.**

39 | This statute requires the Secretary of the Interior to retain and maintain public lands in a manner that will protect the  
40 | quality of scientific, scenic, historic, ecological, environmental, and air and atmospheric water resources, as well as  
41 | archaeological values.

##### 42

##### 43 | **Secretary of the Interior's Standards and Guidelines for Archeology and Historic** 44 | **Preservation (Federal Register V.48 N. 190 Part IV p. 44738-44739)**

45 | This statute is a set of standards and guidelines for ~~archaeologic~~ archaeology and historic preservation. They are  
46 | considered the appropriate professional methods and techniques for the preservation of archaeological and historic  
47 | properties and are used by all federal agencies. The California Office of Historic Preservation and the Nevada State



1 Historic Preservation Office refer to these standards in their requirements for selection of qualified personnel and in  
2 the mitigation of potential impacts on cultural resources on public lands in California.

3  
4 **Native American Graves Protection and Repatriation Act (1990): 25 USC Sections 3001 et**  
5 **seq.**

6 This statute requires all federal agencies and museums receiving federal funds to inventory their collections, notify  
7 appropriate parties of sensitive collections, acknowledge requests from native groups for repatriation, review the  
8 collections and the requests, and, if appropriate, repatriate human remains, grave associations, sacred objects, and  
9 items of cultural patrimony to affiliated tribes or individuals. It establishes that Native American human remains legally  
10 belong to the nearest affiliated Indian tribe or family of known individuals, rather than with the owner of the land on  
11 which they were found. This statute also requires that archaeologists consult with land management officials prior to  
12 conducting field work on federal land or in a federal undertaking.

13  
14 **Executive Order 11593, May 13, 1971 (36 CFR 8921)**

15 This order mandates the protection and enhancement of the cultural environment through providing leadership,  
16 establishing state offices of historic preservation, and developing criteria for assessing resource values.

17  
18 **American Indian Religious Freedom Act: Title 42, USC Section 1996**

19 This statute protects Native American religious practices, ethnic heritage sites, and land uses.

20  
21 **U.S. Department of the Interior, Bureau of Land Management, the California Desert**  
22 **Conservation Area Plan 1980 as amended – Cultural Resources Element Goals**

23 This plan establishes BLM goals to increase archaeological and historical knowledge of the California Desert  
24 Conservation Area (CDCA) through continuing efforts and use of existing data. It also establishes goals to identify the  
25 full array of cultural resources within the CDCA, preserve and protect a representative sample of the full array of the  
26 CDCA's cultural resources, ensure that cultural resources are given full consideration in land use planning and  
27 management decisions and that BLM-authorized actions avoid inadvertent impacts, and ensure proper data recovery  
28 of significant cultural resources where adverse impacts cannot be avoided.

29  
30 **Archaeological Resources Protection Act (ARPA) of 1979, Public Law 96-95; 16 USC**  
31 **470aa-mm)**

32 ARPA prohibits the excavation or removal of an archaeological resource from federal or traditional Native American  
33 lands without a permit from the appropriate land management agency. Under ARPA, the sale, purchase, exchange,  
34 transport, or possession of an archaeological resource removed without permission of the land management agency  
35 is forbidden. Violators convicted of violation of ARPA are subject to fine and imprisonment.

36  
37 **3.5.2.2 State**

38  
39 ***California***

40  
41 **Public Resources Code (PRC) Sections**

42 5020–5024. These sections are statutes that pertain to the protection of historical resources.

43  
44 5097.98 (b) and (e). These sections requires a landowner on whose property Native American human remains are  
45 found to limit further development activity in the vicinity until conferring with the most likely descendants (as identified  
46 by the Native American Heritage Commission) to consider treatment options.

1 5097.91–5097.991. These sections pertain to the establishment and authorities of the Native American Heritage  
2 Commission (NAHC). Sections 5097.91–5097.991 also prohibit the acquisition or possession of Native American  
3 artifacts or human remains taken from a Native American grave or cairn except in accordance with an agreement  
4 reached with the NAHC, and provide for Native American remains and associated grave artifacts to be repatriated.

5  
6 | 5097.993–5097.994. These sections establishes the Native American Historic Resource Protection Act, which makes  
7 it a misdemeanor crime for the unlawful and malicious excavation, removal, or destruction of Native American  
8 archaeological or historical sites on public or private lands.

9  
10 6254 (r). This section established the California Public Records Act which protects Native American graves,  
11 cemeteries, and sacred places maintained by the Native American Heritage Commission by protecting records of  
12 such resources from public disclosure.

13  
14 21083.2. This section of the California Environmental Quality Act (CEQA) provides for protection of archaeological  
15 resources by directing the lead agency on any project undertaken, assisted, or permitted by the state to include in its  
16 environmental impact report for the project a determination of the project's effect on unique archaeological resources.  
17 It enables a lead agency to require an applicant to make reasonable efforts to preserve or mitigate impacts to any  
18 affected unique archaeological resource, and sets requirements for the applicant to provide payment to cover the  
19 costs of mitigation.

20  
21 | 21084.1. This section of CEQA establishes that an adverse effect on a historical resource qualifies as a significant  
22 effect on the environment.

23  
24 | 25373, 37361. These sections allows city and county legislative bodies to acquire property for the preservation or  
25 development of a historic landmark. It allows local legislative bodies to enact ordinances to provide special conditions  
26 or regulations for the protection or enhancement of places or objects of special historical or aesthetic interest or  
27 value.

28  
29 65092. This section provides for notice of projects in consideration for construction to be sent to California Native  
30 American tribes who are on the contact list maintained by the Native American Heritage Commission.

### 31 32 | **Health and Safety Code (HSC) Sections**

33 7050 – 7054. These HSC sections are statutes that pertain to disturbance and removal of human remains, felony  
34 offenses related to human remains, and depositing human remains outside of a cemetery.

35  
36 8010–8011. This HSC sections establishes the California Native American Grave Protection and Repatriation Act  
37 that is consistent with and facilitates implementation of the federal Native American Graves Protection and  
38 Repatriation Act

### 39 40 | **Senate Concurrent Resolutions**

41 **Number 43.** This resolution requires all state agencies to cooperate with programs of archaeological survey and  
42 excavation, and to preserve known archaeological resources whenever this is reasonable.

43  
44 **Number 87.** This resolution provides for the identification and protection of traditional Native American resource-  
45 gathering sites on state land.

### 46 47 | **Administrative Code, Title 14, Section 4307**

48 This code states that no person shall remove, injure, deface, or destroy any object of paleontological, archaeological,  
49 or historical interest or value.

50

1 **California Code of Regulations Section 1427**

2 This code recognizes that California's archaeological resources are endangered by urban development and  
3 population growth and by natural forces. It declares that these resources need to be preserved in order to illuminate  
4 and increase public knowledge of the historic and prehistoric past of California.  
5

6 **Penal Code Section 622: Destruction of Sites**

7 This code establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or  
8 thing of archaeological or historical interest or value, whether situated on private or public lands.  
9

10 ***Nevada***

11  
12 **Nevada Revised Statutes (NRS)**

13 **383.150–383.190.** This NRS protects Native American graves on private and public land.  
14

15 **451 et seq.** This NRS ensures the protection of all human remains on public and private land by establishing  
16 penalties of imprisonment, fines, or a combination thereof. The penalties are applicable to both the person who  
17 collects the remains and any person who receives or purchases such remains. Section 451.045 establishes a permit  
18 obtainable from a local health officer for the disinterment or removal of human remains.  
19

20 **3.5.2.3 Regional and Local**

21 No regional or local ordinances in the project area pertain to cultural resources.  
22  
23

24 **3.5.3 Impact Analysis**

25  
26 This section defines the methodology used to evaluate impacts for cultural resources, including CEQA impact criteria.  
27 The definitions are followed by an analysis of each alternative, including a joint CEQA/NEPA analysis of impacts. At  
28 the conclusion of the discussion is a NEPA impact summary statement and CEQA impact determinations. For  
29 mitigation measures, refer to Section 3.5.4, "Mitigation Measures."  
30

31 **3.5.3.1 NEPA Impact Criteria**

32  
33 The NEPA analysis determines whether direct or indirect effects to cultural resources would result from the project,  
34 and explains the significance of those effects in the project area (40 CFR 1502.16). Significance is defined by Council  
35 on Environmental Quality regulations and requires consideration of the context and intensity of the change that would  
36 be introduced by the project (40 CFR 1508.27). Impacts are to be discussed in proportion to their significance (40  
37 CFR 1502.2[b]). To facilitate comparison of alternatives, the significance of environmental changes is described in  
38 terms of the temporal scale, spatial extent, and intensity.  
39

40 The NEPA analysis considers the overall impact of the project to the resource, including the amount of  
41 access/activity where cultural resources are present; the amount/distribution of the ground disturbance at  
42 archaeological or historical sites; the extent to which actions alter the setting of cultural resources; the amount,  
43 quality, and location of natural resource base used by the tribes, including fish, game, plants, minerals, and springs;  
44 and the presence of cultural resource sites, including ethnographic resource and traditional cultural properties.  
45

### 3.5.3.2 CEQA Impact Criteria

Under CEQA, the proposed project would have a significant impact if it would:

- a. cause a substantial adverse change in the significance of a historic resource as defined in Public Resources Code Section 15064.5,
- b. cause a substantial adverse change in the significance of a archaeological resource as defined in Public Resources Code Section 15064.5, or
- c. disturb any human remains, including those interred outside of formal cemeteries. No quantitative threshold exists.

### 3.5.3.3 Methodology

Impacts to identified cultural resources were evaluated based on the significance of the site according to data presented in Sander et al. (2009). For Section 106 of the NHPA, determining significance entails determining whether a resource is eligible for listing on the NRHP. The resource is eligible if it meets one of the following four criteria:

- Criterion A** The resource is associated with events that have made a significant contribution to the broad patterns of American history.
- Criterion B** The resource is associated with the lives of persons significant in our past.
- Criterion C** The resource embodies the distinctive characteristic of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant or distinguishable entity whose components may lack individual distinction.
- Criterion D** The resource has yielded or may likely yield information important in prehistory or history.

Under CEQA, the significance of a resource is determined according to California Public Resources Code Section 5024.1 and California Code of Regulations, Title 14 Section 4850 et seq. CEQA criteria for significant resources are given below.

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

Sites that are not considered to be significant resources are not protected and would be deemed to not have any impacts resulting from this project.

### 3.5.3.4 Applicant Proposed Measures

The applicant has included the following applicant proposed measures (APMs) related to cultural resources:

- APM CR-1: Conduct Archaeological Inventory of Areas that May Be Disturbed.** Conduct an intensive archaeological inventory of all areas that may be disturbed during construction and operation of the proposed project. A complete cultural resources inventory of the project area has been conducted, details of which are

1 contained in a technical report. Should the project substantially change and areas not previously inventoried for  
2 cultural resources become part of the construction plan, the applicant would ensure that such additional areas  
3 are inventoried for cultural resources prior to any disturbance. All surveys would be conducted and documented  
4 according to applicable laws, regulations, and professional standards.

5 **APM CR-2: Avoid and Minimize Impacts on Significant Cultural Resources Wherever Feasible.** Avoid and  
6 minimize impacts on significant or potentially significant cultural resources wherever feasible. To the extent  
7 practical, the applicant would avoid or minimize impacts on archaeological resources, regardless of its CRHR or  
8 NRHP eligibility status. This includes siting all ground-disturbing activities and other project components outside  
9 a buffer zone established around each recorded archaeological site within or immediately adjacent to the right-  
10 of-way.

11 **APM CR-2a. Avoid Direct Impacts on Significant Cultural Resources through Project Final Design.** Project  
12 Final Design would avoid direct impacts on significant or potentially significant cultural resources. To the extent  
13 practical, all ground-disturbing activities and other project components would be sited to avoid or minimize  
14 impacts on cultural resources listed as or potentially eligible for listing as, unique archaeological sites, historical  
15 resources, or historic properties.

16 **APM CR-2b. Conduct a Preconstruction Worker Environmental Awareness Program (see BIO-6, PALEO-  
17 3, and W-11).** The program would be presented to all proposed project personnel who have the potential to  
18 encounter and alter unique archaeological sites, historical resources, or historic properties, or properties that  
19 may be eligible for listing in the CRHR or NRHP. This includes construction supervisors as well as field  
20 construction personnel. No construction worker would be involved in ground-disturbing activities without having  
21 participated in the Worker Environmental Awareness Program.

22 **APM CR-2c. Protective Buffer Zones.** Establish and maintain a protective buffer zone around each recorded  
23 archaeological site within or immediately adjacent to the right-of-way. A protective buffer zone would be  
24 established around each recorded archaeological site and treated as an "environmentally sensitive area" within  
25 which construction activities and personnel are not permitted. Monitoring would be conducted to ensure that the  
26 protective areas are maintained.

27 **APM CR-3. Evaluate Significance of Unavoidable Cultural Resources.** Evaluate the significance of all  
28 cultural resources that cannot be avoided. Cultural resources that cannot be avoided and which have not been  
29 evaluated to determine their eligibility for listing in the CRHR or NRHP would be evaluated to determine their  
30 historical significance. Evaluation studies would be conducted and documented according to applicable laws,  
31 regulations, guidelines, and professional standards.

32 **APM CR-3a. Evaluate Significance of Potentially Eligible Archaeological Resources.** Evaluate the  
33 significance of archaeological resources potentially eligible for CRHR or NRHP listing. Evaluation of  
34 archaeological sites could include scientific excavation of a sample of site constituents sufficient to understand  
35 the potential of a site to yield information to address important scientific research questions per CRHR eligibility  
36 Criterion 4 and NRHP eligibility Criterion D. Sites with rock art would be evaluated to consider their eligibility per  
37 CRHR Criterion 1 and NRHP Criteria A, C, and D.

38 **APM CR-3b. Evaluate Significance of Potentially Eligible Buildings and Structures.** Evaluate the  
39 significance of buildings and structures potentially eligible for CRHR or NRHP listing. Evaluation would take into  
40 account engineering, aesthetic, architectural, and other relevant attributes of each property. Buildings and  
41 structures would be evaluated for historical significance per CRHR eligibility Criteria 1, 2, and 3, and NRHP  
42 Criteria A, B, and C. A report of the evaluation of each building or structure would be prepared providing a  
43 rationale for an assessment of significance consistent with professional standards and guidelines. The report  
44 would be filed with the appropriate Information Center of the California Historical Resources Information System.

45 **APM CR-3c. Assist with Native American Consultations.** If necessary, the applicant would assist BLM in  
46 consultations with Native Americans regarding traditional cultural values that may be associated with  
47 archaeological resources with locations within the APE. Archaeological or other cultural resources associated

1 with the project may have cultural values ascribed to them by Native Americans. The applicant would assist the  
2 BLM during consultation with Native Americans regarding Native American cultural remains.

3 **APM CR-4. Minimize Unavoidable Impacts on Significant Cultural Resources, including Unique**  
4 **Archaeological Sites, Historical Resources, and Historic Properties.** The applicant would make reasonable  
5 efforts to avoid adverse project effects to unique archaeological sites, historical resources, and historic  
6 properties. Nevertheless, it may not be possible to situate all proposed project facilities to completely avoid  
7 impacts on significant cultural resources. Impacts on significant cultural resources would be minimized by  
8 implementing the measures listed in APM CR-4a.

9 **APM CR-4a. Implement Measures to Minimize Impacts on Significant Archaeological Sites.** Prior to  
10 construction and during construction, the following measures would be implemented by the applicant to minimize  
11 unavoidable impacts on significant archaeological sites:

- 12 • To the extent practical, all activities would minimize ground surface disturbance within the bounds of  
13 significant archaeological sites, historical resources, or historic properties.
- 14 • Portions of significant archaeological sites, historical resources, or historic properties that can be avoided  
15 would be protected as environmentally sensitive areas and would remain undisturbed by construction  
16 activities.
- 17 • Monitoring by qualified professionals and/or Native Americans to ensure that impacts on sites are minimized  
18 would be carried out at each affected cultural resource for the period during which construction activities  
19 pose a potential threat to the site, and for as long as there is the potential to encounter unanticipated cultural  
20 or human remains.
- 21 • Additional archaeological studies would be carried out at appropriate sites to ascertain whether project  
22 facilities could be located on a portion of a site and cause the least amount of disturbance to significant  
23 cultural materials.
- 24 • If impacts on significant archaeological (NRHP- or CRHR-eligible) sites eligible under NRHP Criterion D or  
25 CRHR Criterion 4 cannot be avoided, archaeological data recovery would be carried out in the portions of  
26 affected significant sites that would be impacted. A data recovery plan would be prepared, reviewed by the  
27 appropriate agencies, and then implemented in order to recover an adequate sample of cultural remains  
28 that can be used to address important eligibility research questions for CRHR Criterion 4 or NRHP Criterion  
29 D. Archaeological data recovery would involve scientific excavations; identification of recovered cultural and  
30 ecological remains; cataloging, scientific analysis, and interpretation of recovered materials; and preparation  
31 of a scientific technical report that describes the methods and results of the data recovery program.
- 32 • Reports of any excavations at archaeological sites would be filed with the BLM and the appropriate  
33 Information Center of the California Historical Resources Information System.

34 **APM CR-4b. Implement Measures to Minimize Impacts on Significant Buildings and Structures.** Prior to  
35 construction and during construction, the applicant would implement the following measures to minimize  
36 unavoidable impacts on significant buildings and structures:

- 37 • Locate proposed project facilities to minimize effects on significant buildings or structures.
- 38 • If impacts on significant buildings or structures cannot be avoided, document significant architectural and  
39 engineering attributes consistent with the documentation standards of the National Park Service Historic  
40 American Buildings Survey/Historic American Engineering Record.
- 41 • File reports and other documentation with the BLM, the National Park Service, if appropriate, and  
42 appropriate Information Center of the California Historical Resources Information System.

43 **APM CR-5. Prepare and Implement a Construction Monitoring and Unanticipated Cultural Resources**  
44 **Discovery Plan.** During construction it is possible that previously unknown archaeological or other cultural  
45 resources or human remains could be discovered. Prior to construction, the applicant would prepare a

1 Construction Monitoring and Unanticipated Cultural Resources Discovery Plan to be implemented if an  
2 unanticipated discovery is made. At a minimum the plan would detail the following elements:

- 3 • Worker and supervisor training in the identification of cultural remains that could be found in the proposed  
4 project area, and the implications of disturbance and collection of cultural resources pursuant with the  
5 Archaeological Resources Protection Act of 1979
- 6 • Worker and supervisor response procedures to be followed in the event of an unanticipated discovery,  
7 including appropriate points of contact for professionals qualified to make decisions about the potential  
8 significance of any find
- 9 • Identities of persons authorized to stop or redirect work that could affect the discovery, and their on-call  
10 contact information
- 11 • Procedures for monitoring construction activities in archaeologically sensitive areas
- 12 • A minimum radius around any discovery within which work would be halted until the significance of the  
13 resource has been evaluated and mitigation implemented as appropriate
- 14 • Procedures for identifying and evaluating the historical significance of a discovery
- 15 • Procedures for consulting Native Americans when identifying and evaluating the significance of discoveries  
16 involving Native American cultural materials
- 17 • Procedures to be followed for treatment of discovered human remains per current state law and protocol  
18 developed in consultation with Native Americans

19 **APM CR-6. Inadvertent Discovery of Human Remains.** Any human remains discovered during project  
20 activities in California would be protected in accordance with current state law, specifically Section 7050.5 of the  
21 California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill  
22 2641. If human remains determined not to be Native American are unclaimed, they would be treated under the  
23 appropriate State of Nevada statutes, including but not limited to Nevada Revised Statutes Chapter 440 and the  
24 regulations of the applicable land management agency. In the event that human remains are recovered on  
25 private lands, the landholder would have the right to designate the repository for the remains if they are  
26 determined not to be Native American or if their family affiliation cannot be determined.

27 The provisions of the Native American Grave Protection and Repatriation Act are applicable when Native  
28 American human remains are found on federal land (BLM land in California and Nevada). The discovery of  
29 human remains would be treated as defined in the Construction Monitoring and Unanticipated Cultural  
30 Resources Discovery Plan.

31 **APM CR-7. Native American Participation.** Prior to construction, BLM would consult with Native Americans  
32 identified by the NAHC as having cultural ties to particular areas of the proposed project. Native Americans  
33 would be invited to participate in significance evaluations and data recovery excavations at archaeological sites  
34 with Native American cultural remains, as well as in monitoring during project construction. Native Americans  
35 would be consulted to develop a protocol for working with each group should human remains affiliated with that  
36 group be encountered during project activities.

### 37 38 **3.5.3.5 Proposed Project / Proposed Action**

#### 39 **Construction**

40  
41 Construction of the EITP would impact cultural resources because of surface and subsurface ground disturbance.  
42 This disturbance would result from new road construction, parking in areas off prepared roads, creation and use of  
43 temporary laydown areas, and drilling and leveling during construction of tower footings. Cultural resources identified  
44 in Sander et al. (2009) and the nature of the potential impact to the resource, if any, by the project are discussed  
45 below.

1  
2 **Eldorado-Ivanpah Transmission Line**

3 **36-1910 (CA-SBR-1910H)/26CK5685:** ~~Although the~~ The historic Union Pacific Railroad is eligible for listing on the  
4 NRHP, under criteria A and D; however, the portions of the resource that are within the EITP ROW would not be  
5 adversely affected. have already been impacted by upgrades and have therefore been found to be noncontributing  
6 elements to the resource. Construction of the proposed route would thus have no adverse impact.  
7

8 **36-7694 (CA-SBR-7694)/26CK4957:** The LADWP Boulder Transmission Line was determined eligible for the NRHP  
9 in 1994. ~~The applicant intends to span over the line using H frame towers, which would allow the EITP line to cross~~  
10 ~~the historic LADWP line without impacting it. Any disturbance or destruction of the contributing elements to this~~  
11 ~~resource would result in an impact.~~ The transmission line would not be altered by the project since the proposed line  
12 would be engineered at the crossing locations to avoid this resource. All measures of APM CR-2 would help ensure  
13 that adverse effects/impacts would be avoided or minimized.  
14

15 **36-10315 (CA-SBR-10315H):** The Boulder Dam-San Bernardino 132-kV Transmission Line has been determined to  
16 be eligible for the NRHP and would be impacted by the EITP because towers from this line would be removed and  
17 replaced with new towers to accommodate the existing and new transmission capacities. While this impact could not  
18 be avoided, the impact would be reduced by APM CR-4b, which would require that the resource be fully recorded  
19 before adverse impacts were made.  
20

21 **36-6835 (CA-SBR-6835H):** The Von Schmidt Survey Line is represented on the ground by a series of cast-iron  
22 markers; ~~however, none~~ and has been recommended as eligible for the NRHP. None of these the markers is located  
23 within, or would be impacted by, the EITP; therefore, the EITP would not result in any adverse impacts to this  
24 resource.  
25

26 **36-7689 (CA-SBR-7689H):** The Arrowhead Trail Highway is not recommended as eligible for the NRHP due to  
27 upgrades and other impacts to the site. A portion of the ROW in nearby Baker was also previously determined to be  
28 not eligible for similar reasons. As the site is not a significant resource, ~~the EITP would not have any impacts~~ effects  
29 on the resources site would be less than significant.  
30

31 **36-13416 (CA-SBR-12574H):** The remains of a telecommunications system that served the Boulder Dam  
32 Transmission line lack integrity because the line and telegraph poles have been cut down. This site has been  
33 recommended not eligible for the NRHP, ~~so the EITP would not result in;~~ therefore, any impacts to this resource  
34 the site would be less than significant.  
35

36 **36-13417 (CA-SBR-12575H):** The unnamed two-track road that appears to be a route from Yates Well to Ivanpah  
37 Springs does not meet the criteria for listing on the NRHP; therefore, any effects on the EITP site would ~~not result in~~  
38 any impacts to this resource be less than significant.  
39

40 **26CK2633:** The prehistoric lithic scatter, which contained debitage, one projectile point, and two biface fragments,  
41 has ~~not been~~ evaluated for eligibility to be listed on the NRHP and recommended to be not eligible; ~~however, the~~  
42 ~~applicant plans to avoid this site entirely.~~ Therefore, the EITP would not result in adverse any impacts would be less  
43 than significant. on this resource. APMs CR-2, CR-2b, and CR-2c would also help ensure there would be no adverse  
44 impacts.  
45

46 **26CK3023(CRNV-53-4280):** The small, east-facing natural rock shelter in the McCullough Range, which contains  
47 metate fragments, potsherds, chert flakes, a single petroglyph, and a basalt chopper, has been previously  
48 determined not eligible for listing on the NRHP. ~~Therefore, the EITP would not result in any impacts on this resource~~  
49 and was subject to data recovery in 1983. The data recovery excavations have resulted in the site no longer being  
50 considered eligible for the NRHP; therefore, any effects on the site would be less than significant.  
51



**Telecommunications Line**

36-014987 (CA-SBR-13132H): The historic trash scatter containing cans manufactured in the 1950s likely represents a single episode of dumping and is recommended as not eligible for the NRHP. ~~Therefore, the EITP would not result in any impacts to this resource~~ Therefore, any effects on the site would be less than significant.

36-014988 (CA-SBR-13133H): The historic trash mound containing charcoal, cinders, rock debris, modern glass, ceramics, metal fragments, and sun-colored amethyst glass fragments has been disturbed by relic hunters and is a dump of domestic refuse that likely originated in the nearby community of Nipton. The site is recommended as not eligible for the NRHP; therefore, any effects on the EITP site would not result in any impacts to this resource be less than significant.

**Additional Survey of 245 Acres for Proposed Spur Roads, Two Helicopter Landing Zones, and Laydown Areas**

Hel-1 is a historic can scatter located in Landing Zone 5. The site consists of 13 historic cans, which may date to the construction of Boulder Dam. It has been recommended to be not eligible for the NRHP; therefore, any impacts to the site would be less than significant. Hel-2 is a prehistoric ceramic scatter that consists of two prehistoric pottery sherds. It has been recommended to be not eligible for the NRHP; therefore, any impacts to the site would be less than significant.

Table 3.5-1 lists EITP cultural resources NRHP eligibility and impacts.

**Table 3.5-1 EITP Cultural Resources NRHP Eligibility and Impacts**

<u>Site Number</u>	<u>Resource Description</u>	<u>NRHP Eligibility Determination or Recommendation*</u>	<u>Impacts</u>
<u>36-1910 (CA-SBR-1910H)/26CK5685</u>	<u>Union Pacific Railroad</u>	<u>Eligible</u>	<u>No significant impact. No modifications to the resource would be made for construction of the EITP</u>
<u>36-7694 (CA-SBR-7694)/26CK4957</u>	<u>LADWP Boulder Transmission Line</u>	<u>Eligible</u>	<u>No significant impact. No modifications to the resource would be made for construction of the EITP</u>
<u>36-10315 (CA-SBR-10315H)</u>	<u>Boulder Dam-San Bernardino 132-kV Transmission Line</u>	<u>Eligible</u>	<u>Project would have a significant impact to the site; however, APM CR-4b would reduce the impact to a level less than significant</u>
<u>36-6835 (CA-SBR-6835H)</u>	<u>Von Schmidt Survey Line</u>	<u>Eligible</u>	<u>No significant impact. No modifications to the resource would be made for construction of the EITP</u>
<u>36-7689 (CA-SBR-7689H)</u>	<u>Arrowhead Trail Highway</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>36-13416 (CA-SBR-12574H)</u>	<u>Telecommunications System</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>

Table 3.5-1 EITP Cultural Resources NRHP Eligibility and Impacts

<u>Site Number</u>	<u>Resource Description</u>	<u>NRHP Eligibility Determination or Recommendation*</u>	<u>Impacts</u>
<u>36-13417 (CA-SBR-12575H)</u>	<u>Unnamed Two-Track Road</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>26CK2633</u>	<u>Prehistoric Lithic Scatter</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>26CK3023(CRNV-53-4280)</u>	<u>Rock Shelter</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>36-014987 (CA-SBR-13132H)</u>	<u>Historic Trash Scatter</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>36-014988 (CA-SBR-13133H)</u>	<u>Historic Trash Mound</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>Hel-1</u>	<u>Historic Can Scatter</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>
<u>Hel-2</u>	<u>Prehistoric Ceramic Scatter</u>	<u>Not Eligible</u>	<u>Since the resource has been recommended as not eligible for the NRHP, any impacts would be less than significant</u>

Note:

\*Since the CRHR eligibility criteria are similar to the NRHP criteria, the sites have not been assessed separately for eligibility.

Key:

kV = kilovolt

LADWP = Los Angeles Department of Water and Power

NRHP = National Register of Historic Places

1 **Potential for Undiscovered Cultural Resources**

2 Assessing potential impacts to undiscovered cultural resources requires an evaluation of the sediment deposition for  
3 the project area. The sediments that could contain cultural resources throughout the proposed project ROW have  
4 been summarized below from the geology report (SCE 2009).

5  
6 ***Eldorado–Ivanpah Transmission Line***

7 The EITP from the McCullough Mountains to the Ivanpah Substation would cross active alluvial washes (Qaag),  
8 young playa and playa fringe sediments (Qap, Qapf, and Qyph), young and older-young alluvial fans (Qyag, Qya,  
9 Qyao, and Qyag), young aeolian deposits (Qyae and Qye), and intermediate alluvial fan deposits (Qia and Qiag).  
10 Qia fans typically have poorly to moderately well developed desert pavement with desert varnish. The sediments  
11 crossed by this portion of the EITP have the potential for buried, and therefore previously unidentified, cultural  
12 resources or human remains, including those interred outside of formal cemeteries. Cultural Although unlikely,  
13 previously unidentified cultural resources may also be discovered on the surface of these sediments during  
14 construction due to the rapidly changing soil surface of the general project area.

15

1 At the McCullough Mountains, the EITP would cross a short section of intermediate alluvial fan (Qia) deposits with  
2 some areas of mixed Qya; these sediments have the potential for buried, and therefore previously unidentified,  
3 cultural resources or human remains, including those interred outside of formal cemeteries. Cultural resources may  
4 also be discovered on the surface of these sediments. The rest of this segment passes over colluvial deposits and  
5 exposed bedrock of volcanic origin that has low potential for buried cultural resources or human remains, including  
6 those interred outside of formal cemeteries; ~~however,~~ Although unlikely, previously unidentified cultural resources  
7 may also be discovered on the surface of these sediments; during construction due to the rapidly changing soil  
8 surface of the general project area.  
9

10 From Eldorado to the McCullough Mountains, the EITP would cross alluvial deposits consisting of young axial valley  
11 (Qyv), young alluvial fans (Qya), and intermediate alluvial fans (Qia), with some areas of mixed Qya and Qia. Qia has  
12 poorly to moderately developed desert pavement and desert varnish. The sediments crossed by this portion of the  
13 EITP have been determined to have the potential for buried, and therefore previously unidentified, cultural resources  
14 or human remains, including those interred outside of formal cemeteries. ~~Cultural~~ Although unlikely, previously  
15 unidentified cultural resources may also be discovered on the surface of these sediments during construction due to  
16 the rapidly changing soil surface of the general project area.  
17

### 18 *Ivanpah Substation*

19 Grading and cut-and-fill for construction of the Ivanpah Substation would disturb approximately 19 acres. The  
20 sediments characterized for the substation location include young and older-young alluvial fans (Qyag and Qyao). No  
21 data were given on the depth of these sediments. Qyag and Qyao sediments are of an age that could yield  
22 subsurface cultural resources. ~~Cultural~~ Although unlikely, previously unidentified cultural resources may also be  
23 discovered on the surface of these sediments during construction due to the rapidly changing soil surface of the  
24 general project area.  
25

### 26 *Telecommunications Line*

27 The on-land portion of the proposed telecommunications line traverses land that has poor to moderately well  
28 developed desert pavement with desert varnish and that has the potential for buried, and therefore previously  
29 unidentified, cultural resources or human remains, including those interred outside of formal cemeteries. Although  
30 unlikely, previously unidentified cultural resources may also be discovered on the surface of these sediments during  
31 construction due to the rapidly changing soil surface of the general project area.

### 32 **Operation and Maintenance**

33 Operation and maintenance of the proposed project should not further disturb the ground. No impacts are expected  
34 from these activities.  
35

### 36 **NEPA Summary**

37 Construction of the EITP would result in a direct, adverse, and permanent impact to Cultural Resources 36-10315  
38 (CA-SBR-10315H) and 36-7694 (CA-SBR-7694H)/26CK4957 by altering the setting and disturbing elements of the  
39 site that contribute to its historic significance. The construction plans call for removal of portions of historic resources;  
40 however, as discussed under mitigation measure (MM) CR-2, the resources would be documented according to  
41 Historic American Engineering Record (HAER) level 2 standards and potential impacts would be minimized or  
42 reduced to less than significant. A Programmatic Agreement has been signed between the California BLM, California  
43 SHPO, Nevada BLM and Nevada SHPO to outline treatment and recordation standards of any impacts to 36-10315  
44 and other similar resources (BLM 2010).  
45

46 Additionally, the proposed project could result in impacts on human remains if there were unanticipated discoveries  
47 of human remains during construction. The applicant would reduce impacts on human remains by following the steps  
48 outlined in APM CR-6. Finally, the sediments discussed above have the potential to contain buried, and therefore  
49 previously unidentified, cultural resources. Such an unanticipated cultural resource could be impacted, as the

1 disturbance could diminish its scientific or cultural integrity. The applicant would reduce such impacts through APMs  
2 CR-5 and CR-6. Implementation of MM CR-1 would reduce potential impacts to minor levels.  
3

#### 4 **CEQA Significance Determinations**

5 | **IMPACT CR-1: Impacts to Cultural Resources 36-10315 (CA-SBR-10315H) and 36-7694 (CA-SBR-**  
6 | **~~7694H/26CK4957~~**  
7 | *Less than significant without mitigation*  
8

9 | The proposed project would result in significant adverse, permanent impacts to cultural resources under CEQA if it  
10 | would cause a substantial adverse change in the significance of a historic resource as defined in California Public  
11 | Resources Code Section 15064.5. APM CR-1 has been conducted to identify the extent of resources in the proposed  
12 | project area. APM CR-2 would reduce impacts by avoiding the resources to take care that contributing elements to  
13 | the resources would not be damaged or destroyed. APM CR-3b would determine the significance of a resource to  
14 | help determine whether, and how much, mitigation would be necessary (this has not yet been done for the Nevada  
15 | portions of 36-10315). APM CR-4b would help minimize impacts on resources and would require documentation of  
16 | the resource according to the National Park Service Historic American Buildings Survey/Historic American  
17 | Engineering Record standards. This documentation would be filed with the California Historical Resources  
18 | Information System, the Nevada State Historic Preservation Office, and the BLM. Therefore, impacts under this  
19 | criterion would be less than significant without mitigation.  
20

21 | **IMPACT CR-2: Impacts to Previously Unidentified Cultural Resources**  
22 | *Less than significant with mitigation*  
23

24 | The sediments discussed above have the potential for buried, and therefore previously unidentified, cultural  
25 | resources. If any subsurface cultural resources were discovered, major long-term direct impacts to these resources  
26 | would result from disturbing the ground and altering the setting of the site, as well as disturbing the context of the find  
27 | and its associations with other resources in the area. This disturbance would diminish the resource's scientific or  
28 | cultural integrity. Under CEQA, the impact would result from causing a substantial change in the significance of an  
29 | archaeological resource as defined in Public Resources Code Section 15064.5.  
30

31 | Implementation of MM CR-1 (Cultural Resources Monitoring), MM CR-3 (Archaeological Resources Protection Act  
32 | Training), APM CR-5 and APM CR-6 would reduce these potential impacts to less than significant levels by requiring  
33 | an onsite cultural resources monitor who would be able to stop work in an area of a find immediately, thereby limiting  
34 | the amount of disturbance of the resource, and requiring all construction personnel to understand the federal  
35 | requirements and implications of unauthorized treatment of archaeological resources. Additionally, implementation of  
36 | APM CR-2b would reduce these potential impacts to less than significant levels by educating the construction crew  
37 | on the penalties associated with not reporting a cultural find or of collecting artifacts from federal- or state-controlled  
38 | land.  
39

40 | **IMPACT CR-3: Unanticipated Discovery of Human Remains**  
41 | *Less than significant without mitigation*  
42

43 | The proposed project could result in a major long-term direct impact on human remains if there were unanticipated  
44 | discoveries of human remains during construction. Impacts would result from causing a substantial change in the  
45 | significance of an archaeological resource as defined in Public Resources Code Section 15064.5. Although no  
46 | resources with human remains or features known to be likely to contain human remains were discovered during the  
47 | background research or field studies for the EITP, an APM has been written to account for inadvertent discoveries.  
48 | APM CR-6 would reduce impacts on human remains because it would require the remains to be secured until  
49 | appropriate authorities had been called, consultations conducted, and treatment decided.  
50

### 3.5.3.6 No Project / No Action Alternative

Cultural resources are impacted by any form of ground disturbance, construction on or nearby the resource, demolition of the resource, or other forms of alteration of the resource's setting. Since the No Project Alternative would not involve any construction, demolition, or ground disturbance, there would be no impact to cultural resources.

### 3.5.3.7 Transmission Alternative Route A

No previously recorded cultural resources were located during the pre-field research, and no newly discovered cultural resources were found during the field survey for Transmission Alternative Route A. Due to the lack of known cultural resources, there would be no impacts to them.

Alternative A crosses active alluvial washes (Qaa), young alluvial fans (Qya), and intermediate alluvial fan (Qia) deposits with some areas of mixed Qya. Qia areas typically have poorly to moderately well developed desert pavement with desert varnish. These sediments have been determined to have the potential for buried, and therefore previously unidentified, cultural resources or human remains, including those interred outside of formal cemeteries. If any subsurface cultural resources or human remains were discovered, it would result in Impacts CR-2 and CR-3 as described above under the proposed project. Impact CR-3 would be less than significant without mitigation. Implementation of MM CR-1 would reduce Impact CR-2 to less than significant levels. Therefore, with mitigation, Transmission Alternative Route A would result in less than significant, negligible impacts.

### 3.5.3.8 Transmission Alternative Route B

No previously recorded cultural resources were located during the pre-field research, and no newly discovered cultural resources were found during the field survey of Transmission Alternative Route B. Due to the lack of known cultural resources, there would be no impacts to them.

Alternative B has young alluvial fans, mixed active alluvial washes, axial valley alluvium, and young alluvial fans overlying intermediate alluvial fan deposits. The areas with Qya/Qia deposits exhibit patchy, poorly to moderately well developed desert pavement with desert varnish. These sediments have the potential for buried, and therefore previously unidentified, cultural resources or human remains, including those interred outside of formal cemeteries. Discovery of any subsurface cultural resources or human remains would result in Impacts CR-2 and CR-3 as described above under the proposed project. Impact CR-3 would be less than significant without mitigation. Implementation of MM CR-1 would reduce Impact CR-2 to less than significant levels. Therefore, with mitigation, Transmission Alternative Route B would result in less than significant, negligible impacts.

### 3.5.3.9 Transmission Alternative Route C

This alternative would result in significant adverse permanent impacts to 36-10315 (CA-SBR-10315H) and 36-7694 (CA-SBR-7694H)/26CK4957 as described above under the proposed project by altering the setting and disturbing the elements contributing to the historic significance of the sites. Such impacts would be direct, adverse, and permanent. APMs CR-1, CR-2, CR-3b, and CR-4b would reduce the impact. There would be no impacts to cultural sites 36-7689 (CA-SBR-7689H) (because it is not recommended for the NRHP) or 26CK4135 (because it is not eligible for the NRHP). The proposed project might result in impacts on human remains, if there were unanticipated discoveries of human remains during construction. Implementation of APM CR-6 would reduce impacts.

Additionally, Alternative C contains the same sediments discussed above under the proposed project, which have the potential for buried, and therefore previously unidentified, cultural resources. Discovery of a subsurface cultural resource could impact the resource because the disturbance could diminish its scientific or cultural integrity.

1 Implementation of MM CR-1 would reduce these potential impacts to less than significant. Therefore, with mitigation,  
2 Transmission Alternative Route C would result in less than significant, negligible impacts.

### 3.5.3.10 Transmission Alternative Route D and Subalternative E

3  
4  
5  
6 Construction of Transmission Alternative Route D would not result in an impact to cultural resource 36-13416 (CA-  
7 SBR-12574H) because this site has been recommended not eligible for the NRHP. However, because the line is  
8 associated with the Boulder Transmission Line, it will be included with the Historic American Engineering Record  
9 assessment for that line. Subalternative E contains no previously recorded cultural resource, and no cultural resource  
10 was discovered during the field survey for this Subalternative; therefore, no impacts to known cultural resources  
11 would occur.

12  
13 Alternative D and Subalternative E cross young playa/lake bed and playa fringe sediments, and young and older-  
14 young alluvial fans and young Aeolian deposits. These sediments have the potential for buried, and therefore  
15 previously unidentified, cultural resources. Discovery of subsurface cultural resources or human remains would result  
16 in Impacts CR-2 and CR-3 as described above under the proposed project. Impact CR-3 would be less than  
17 significant without mitigation. Implementation of MM CR-1 would reduce Impact CR-2 to less than significant.  
18 Therefore, with mitigation, Transmission Alternative Route D and Subalternative E would result in less than  
19 significant, negligible impacts.

### 3.5.3.11 Telecommunication Alternative (Golf Course)

20  
21  
22  
23 The construction of the Golf Course Telecommunication Alternative would not likely result in impacts to cultural  
24 resource 36-3048 (CA-SBR-3048H) because the portions of the resource that might be affected by the proposed  
25 project development are not recommended as contributing elements of the resource. Likewise, there would be likely  
26 be no impacts to cultural resources 36-7802 (CA-SBR-7802H) and 36-014496 (CA-SBR-12980H)) because the sites  
27 are recommended not eligible for the NRHP due to disturbances associated with modern upgrades and maintenance,  
28 such as road paving. Cultural resource ~~Resource~~ 36-1910 (CA-SBR-1910H)/26CK5685 would also not be impacted  
29 by the proposed project because the site would be spanned. short sections located within the project corridor are not  
30 recommended as contributing elements of the structure. Regular maintenance and upgrades have replaced the  
31 original historic materials, and only the original path of the railroad remains.

32  
33 The Golf Course Telecommunication Alternative crosses sediments described as younger alluvial deposits with no  
34 mention of desert pavement. These sediments have the potential for buried, and therefore previously unidentified,  
35 cultural resources. Discovery of any subsurface cultural resources or human remains would result in Impacts CR-2  
36 and CR-3 as described above under the proposed project. Impact CR-3 would be less than significant without  
37 mitigation. Implementation of MM CR-1 would reduce Impact CR-2 to less than significant. Therefore, with mitigation,  
38 the Golf Course Telecommunication Alternative would result in less than significant, negligible impacts.

### 3.5.3.12 Telecommunication Alternative (Mountain Pass)

39  
40  
41  
42 Construction of the Mountain Pass Telecommunication Alternative would not likely result in impacts to cultural  
43 ~~Cultural resources-Resources~~ 36-014497 (CA-SBR-12981H), or 36-014498 (CA-SBR-12982H) because these sites  
44 ~~appear have been recommended as ineligible for inclusion in the NRHP (Sander and Auck 2009), pending formal~~  
45 ~~evaluation. Impacts to cultural resource-Cultural Resource 36-7347 (CA-SBR-7347H) are unknown because would~~  
46 result in no NRHP determinations have yet been made impacts, as the site does not meet any of the criteria for  
47 inclusion on the resource NRHP.

48  
49 This alternative crosses sediments described as younger alluvial deposits with no mention of desert pavement.  
50 These sediments have the potential for buried, and therefore previously unidentified, cultural resources or human  
51 remains. If any subsurface cultural resources or human remains were discovered, impacts to these resources would

1 result that could diminish their scientific or cultural integrity. Implementation of MM CR-1 would reduce these potential  
2 impacts to less than significant. Therefore, with mitigation, the Mountain Pass Telecommunication Alternative would  
3 result in less than significant, negligible impacts.  
4

### 5 **3.5.3.13 Additional Survey of 245 Acres for Proposed Spur Roads, Two Helicopter** 6 **Landing Zones, and Laydown Areas** 7

8 The construction of spur roads, helicopter landing zones, and laydown areas may result in impacts to Cultural  
9 Resources Hel-1 and Hel-2. The sites have been recommended as not eligible for the NRHP (Becker 2010).  
10

## 11 **3.5.4 Mitigation Measures** 12

13 **MM CR-1: Cultural Resources Monitoring.** The applicant will retain a cultural resources monitor who meets  
14 the Secretary of the Interior Standards of a Qualified Professional Archaeologist prior to commencing  
15 construction or geotechnical test trenching on the project. The archaeologist will need to be approved by the  
16 BLM and will provide construction monitoring for any geotechnical studies that require trench excavation. As  
17 mentioned in APM GEO-1, five of the tower installations and 20 percent of the ground-trenching activities are in  
18 archaeologically sensitive areas. Monitoring in these areas will be determined by the BLM prior to construction.

19 Monitoring is necessary because a potential for cultural resources beneath desert pavement surfaces on alluvial  
20 planes was recently determined. Such conditions exist throughout much of the EITP project area. This  
21 monitoring effort would be used to protect potential resources and to provide data to help confirm or deny the  
22 theory of desert pavement development that would allow for buried cultural resources. BLM reserves the right to  
23 increase the amount of monitoring at any time if conditions reveal the necessity.

24 The archaeologist will present to the BLM for approval, no less than 60 days prior to commencement of  
25 construction, a monitoring plan; copies of which will also be submitted to the CPUC by the archaeologist. The  
26 archaeologist will also provide a report of findings after the monitoring has been completed. Because this  
27 geoarchaeological sensitivity has not been widely tested, the BLM is requiring only a small sample of monitoring  
28 at this time; further monitoring will only be required if the need is proven.

29 **MM CR-2: Historic American Engineering Record Recordation.** Prior to construction of the EITP, the  
30 applicant will retain a cultural resources specialist qualified to conduct HAER recordation, meeting the Secretary  
31 of the Interior Standards. The qualified cultural resources specialist will conduct HAER recordation on Cultural  
32 Resources 36-10315 (CA-SBR-10315H) and 36-7694 (CA-SBR-7694H)/26CK4957. HAER recordation will be  
33 conducted in accordance the Secretary of the Interior's Standards for Architectural and Engineering  
34 Documentation, following Documentation Criteria Level II, as appropriate, for the level of significance assigned to  
35 the resources.

36 **MM CR-3: Archaeological Resources Protection Act (ARPA) Training.** Prior to construction, the applicant  
37 will provide ARPA training with the preconstruction Worker Environmental Awareness Program (WEAP; APM  
38 CR-2b). As required for the WEAP, ARPA training will be presented to all proposed project personnel who have  
39 the potential to encounter and alter unique archaeological sites, historical resources, or historic properties, or  
40 properties that may be eligible for listing in the NRHP. This includes construction supervisors as well as field  
41 construction personnel. No construction worker would be involved in ground-disturbing activities without having  
42 participated in the ARPA training portion of the WEAP.  
43

## 44 **3.5.5 Whole of the Action / Cumulative Action** 45

46 Below is a brief summary of information related to cultural resources in the ISEGS FSA/DEIS prepared by the CEC  
47 and the BLM. This section focuses on differences in setting and methodology and discloses any additional impacts or  
48 mitigation as imposed by the CEC and the BLM.  
49

1 Information on cultural resources related to the ISEGS project is summarized below. The setting for the ISEGS  
2 project is described, followed by a description of methodologies used and summaries of the impact conclusions  
3 presented in the CEC's Final Staff Assessment (FSA), FSA Addendum, and Final Decision and the BLM's Final  
4 Environmental Impact Statement (EIS). Required mitigation measures / conditions of certification are listed.

### 6 **3.5.5.1 ISEGS Setting**

7  
8 The ISEGS project is located on the bajada that overlooks the western side of the Ivanpah dry lake bed. ~~Although the~~  
9 ~~The lake bed is dry now, its bed's presence testifies to a~~ indicates much more humid time ~~greater humidity~~ around the  
10 end of the Pleistocene. ~~Throughout the Holocene, the project area became more and more arid, causing the~~  
11 ~~evaporation of Ivanpah and many other~~ Aridity increased throughout the Holocene. The lakes in the area. ~~The lakes~~  
12 ~~have been fully desiccated since the end of the mid-Holocene~~ Allithermal ~~at approximately 5,000 BP. The~~  
13 ~~climate in the Mojave since the Allithermal has been more mesic, with likely wet~~ Wet periods happening ~~have likely~~  
14 ~~occurred~~ at least twice between 5,000 BP and EuroAmerican discovery of the area.

15  
16 The ground surface of the project area ~~is characterized by~~ consists of patches of desert pavement of ~~varying~~ various  
17 ages interspersed with intermittent stream channels.

### 19 **3.5.5.2 Methodology Applicable Laws, Regulations, and Standards**

20 The national and California laws, regulations, and standards for cultural resources that would apply to the EITP would  
21 also apply to the ISEGS project. Since ISEGS would be developed entirely within California on BLM land, any  
22 Nevada regulations associated with the EITP would not apply.

### 24 **3.5.5.2 ISEGS Methodology**

#### 25 **CEC FSA Methodology**

26  
27 The CEC's Final Decision explains the CEQA requirements used for analyzing ISEGS project impacts to cultural  
28 resources: whether the project would impact a "historical resource," and whether the impact would cause a  
29 substantial adverse change. The analysis began followed the steps required by CEQA, which include developing an  
30 inventory involving background research, Native American consultation, primary field research, and evaluation of  
31 significance of found cultural resources.

#### 32 **BLM FEIS Methodology**

33  
34 The BLM Final EIS describes the ISEGS project analysis, beginning with data collection and Native American  
35 consultation, primary field research, and evaluation of cultural resources ~~evaluation~~ for historical significance. The  
36 area analyzed included the immediate project footprint, area and the area that encompasses the project site and  
37 ancillary facilities, and the surrounding area ~~it that may~~ could be impacted visually by the project.

38  
39 The background research for the ISEGS project included a literature and records search at the San Bernardino  
40 Archaeological Information Center and at the BLM Needles Field Office, ~~which has accumulated data on known~~  
41 ~~cultural resources in the project area. A request was also made to the NAHC to conduct~~ as well as ~~a search of the~~  
42 ~~Sacred Lands File to determine whether there are any reported Native American sacred sites in the project area, and~~  
43 ~~to request a list of~~ by the California NAHC of its SLF for ~~Native American contacts who may have knowledge about or~~  
44 ~~concerns related to cultural resources in the~~ immediate project area.

45  
46 The ISEGS cultural consultant, CH2M Hill, ~~sent out letters to the~~ a Native American contact list provided by the  
47 NAHC to elicit comment ~~from the Native American community. In October 2007,~~ The BLM sent letters to potentially  
48 affected tribes to initiate the government-to-government Section 106 Consultation procedures. ~~A,~~ and sent a follow-  
49 up letter was sent by BLM in March 2009 to inform the tribes of the discovery of a cultural resources site (ISEGS-01)  
50 during the pedestrian survey.



1  
2 Cultural resources fieldwork conducted for the ISEGS project included five separate field investigations. These  
3 included: a geoarchaeological study (CH2M Hill and Carrier 2008), a primary intensive pedestrian cultural resources  
4 survey and supplemental intensive pedestrian cultural resources surveys (Fergusson 2007), a pedestrian  
5 reconnaissance survey of project area inselbergs (Energy Commission Staff field notes), and a helicopter and  
6 pedestrian reconnaissance survey (Helton 2008, Lawson et al. 2008). All of the cultural resources found within the  
7 impact areas of the project site were evaluated for their eligibility to be listed on both the CRHR and/or the NRHP.  
8

### 9 **3.5.5.3 ISEGS Impacts**

#### 10 **CEC Impact Conclusions**

11 The CEC has published the following impacts related to cultural resources for FSA states that, without mitigation, the  
12 ISEGS project:

13  
14 One would have a cumulatively considerable effect and would contribute to a significant cumulative effect on the one  
15 known cultural resource on the ISEGS project site, CA-SBR-10315H (the Boulder/ Hoover Dam to San Bernardino  
16 Transmission Line), has been determined, now known as the Eldorado-Baker-Coolwater-Dunn Siding-Mountain  
17 Pass 115-kV transmission line), which is eligible for the NRHP, and is listed on the CRHR. The potential effects of the  
18 project on the resource would be cumulative rather than direct or indirect. Analysis of the impact determined that the  
19 ISEGS project would be responsible for partial (approximately 21%) destruction of the resource. Conditions of  
20 Certification-However, conditions of certification CUL-8 and -9 were crafted to offset would reduce these effects.  
21  
22

#### 23 **3.5.5.4 Mitigation Measures**

24  
25 The ISEGS FSA/DEIS recommends that the following Conditions of Certification be required by the CEC and the  
26 BLM to lessen impacts to cultural resources if the to less than cumulatively considerable, so that the ISEGS project is  
27 approved: would not have significant impacts on known cultural resources. In addition, while concluding that finding  
28 archaeological sites during ground disturbance would be "highly improbable," the FSA states that CUL-1 through  
29 CUL-7 and CUL-10 would reduce any impacts on such resources to less than significant. The CEC Addendum  
30 indicates that, for Cultural Resources and Native American Values, the ISEGS project would comply with LORS and  
31 that direct, indirect, and cumulative impacts would be fully mitigated.  
32

33 CUL-1 calls for the project owner to retain the services of a Cultural Resources Specialist (CRS) to manage the  
34 project and oversee any Cultural Resources Monitors that may be required during project construction. The Final  
35 Decision does not dispute structural and cultural evidence related to human development in the project vicinity  
36 provided elsewhere, agreeing that historic use was marginal and Native American use was transitory. The Final  
37 Decision indicates one new archaeological resource (ISEGS-01), no ethnographic resources, and three built-  
38 environment resources. The Presiding Members stated concurrence with the conclusion that there was no basis to  
39 consider ISEGS-01 or two of the built-environment resources historically or culturally significant. The third built-  
40 environment resource is CA-SBR-10315H, discussed above. The Final Decision states that construction and  
41 operation would not directly or indirectly impact CRHR- or NRHP-eligible archeological or ethnographic resources  
42 because none are known to exist on the project site or in the project area, agrees with conclusions on cumulative  
43 impacts to CA-SBR-10315H, and concurs that the mitigating effects of the conditions of certification would ensure  
44 that any direct, indirect, or cumulative adverse impacts would be insignificant. The project's contribution to regional  
45 effects could be cumulatively considerable, but because other projects would reduce contributions through project  
46 planning and mitigation and any unknown cultural resources discovered would be protected, ISEGS project  
47 contributions would be negligible, according to the Final Decision.  
48

49 CUL-2 requires that all documentation pertaining to the development plans and maps be provided to the CRS for  
50 review, and that the CRS consult on a weekly basis with the construction manager to confirm which areas will be  
51 worked on in the following week.

1 **BLM Impact Conclusions**

2 **Construction Impacts**

3 The Final EIS determined that construction activities would be unlikely to disturb NRHP-eligible resources, since  
4 surveys have identified few such resources. Mitigation measures would effectively protect previously unidentified  
5 resources. The Mitigated Ivanpah 3 Alternative would reduce disturbed acreage by 12.5% and remove the area of  
6 the most intense site disturbance and grading from development, thus reducing the number of resources that might  
7 be impacted.

8  
9 **Operational Impacts**

10 The Final EIS states that because any disturbance would have occurred during construction, operations would not  
11 have an adverse impact on cultural resources.

12  
13 **Decommissioning Impacts**

14 While decommissioning could impact previously undisturbed resources, the Final EIS states that the potential for this  
15 would be low.

16  
17 **3.5.5.4 ISEGS Conditions of Certification / Mitigation Measures**

18  
19 **CEC Conditions of Certification**

20 The CEC FSA contains the conditions of certification for cultural resources listed below.

21  
22 CUL-1 requires retention of an approved cultural resources specialist (CRS) and cultural resources monitors, if  
23 needed, and specifies their required background and duties. Duties include determining whether any cultural  
24 resources discovered may be eligible for registering on the NRHP or CRHR.

25 CUL-2 requires the project owner to give the CRS copies of the AFC, data responses, cultural resources reports,  
26 maps, and drawings, and specifies details such as scales and timing of the provisions and meetings between the  
27 CRS and the construction manager.

28  
29 CUL-3 requires that the CRS prepare and submit a Cultural Resources Monitoring and Mitigation Plan to the BLM for  
30 review and approval prior to the start of ground disturbance.

31  
32 CUL-4 requires that the CRS prepare a Cultural Resources Report to the BLM at the conclusion or major suspension  
33 of ground-disturbing or construction activities. The report is to summarize all field methods, findings, sampling, and  
34 analyses undertaken as a result of monitoring finds.

35  
36 CUL-5 requires that the project owner provide a Worker Environmental Awareness Program training session to all  
37 new workers within their first week of employment at the project site.

38 CUL-6 requires that construction and ground-disturbing activities cease in the area around any discovery of cultural  
39 resources. The CRS must be immediately notified of the find and will evaluate the NRHP and CRHR eligibility of the  
40 find.

41  
42 CUL-7 establishes that monitoring may be necessary in certain areas of the project for continued ground-disturbing  
43 activities during project construction if a buried cultural resource is found.

44 CUL-8 requires that the services of an architectural historian be retained prior to any impacts to the Hoover Dam to  
45 San Bernardino transmission line (CA-SBR-10315H).

1 CUL-9 requires that Historic American Engineering Record (HAER) documentation be conducted, completed prior to  
2 any impacts to CA-SBR-10315H. Consultation with the HABS/HAER coordinator in the Pacific West Regional Office  
3 is required.

4  
5 CUL-10 requires that any noncommercial soil borrow or disposal sites be surveyed for cultural resources prior to their  
6 use unless a survey has been done in those areas within the last five years.

### 8 **BLM Mitigation Measures**

9 The CEC conditions of certification listed above constitute the BLM mitigation measures. CUL-1 through CUL-10 are  
10 imposed by the CEC and CUL-8 and CUL-9 are required jointly by the CEC and the BLM.

### 12 **3.5.6 Combined Impact of EITP and ISEGS**

13  
14 Cultural resources surveys of both the EITP and the ISEGS project have concluded that, although there are a  
15 number of cultural resources in areas that may be affected by the project, only one resource, SBR-CA-10315H, has  
16 been found to meet the eligibility criteria for the NRHP and/or the CRHP. This resource has been the subject of  
17 recent HAER level II documentation. As the site has been recorded to the adequacy of the BLM and California  
18 SHPO, the impact has been mitigated and no further work for known cultural resources is required.

19  
20 It should be noted that sediments in some areas of both undertakings are of an age that could have buried prehistoric  
21 cultural resources. The various APMs, conditions of certification, and mitigation measures described above help to  
22 mitigate any such impacts to a level less than significant.

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