

## 4.16 CULTURAL RESOURCES

### 4.16.1 Summary of Environmental Consequences

#### *Archaeological and Architectural Resources*

Significant impacts to archaeological resources with the No Action Alternative could occur due to changes in the current elevation of the Salton Sea. Significant but mitigable impacts would occur with alternatives 1, 2, 3, 4, and 5 from construction activities, dredging in the Salton Sea, and by exposure or inundation of archaeological sites.

#### *Ethnographic Resources*

No impacts to ethnographic resources are expected with the No Action Alternative. Significant impacts could occur with alternatives 1, 2, 3, 4, and 5 from the disturbance submerged resources considered to be sacred by the Torres Martinez Desert Cahuilla, or any other Native American group contacted.

### 4.16.2 Significance Criteria

#### *Archaeological and Architectural Resources*

Criteria for evaluating the significance of impacts to archaeological and architectural resources are provided in CEQA and in 36 CFR § 800, the regulations implementing Section 106 of the NHPA. 36 CFR § 800.9 [a] and [b] state that an undertaking has an effect on a historic property (i.e., a resource eligible for the National Register of Historical Places [NRHP]) when that undertaking may alter those characteristics of the property that qualify it for inclusion in the NRHP. An undertaking is considered to have an adverse effect on a historic property when it may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects include, but are not limited to the following:

- Physical destruction, damage, or alteration of all or part of the property;
- Isolation of the property or alteration of the character of the property's setting when that character contributes to the property's qualifications for the NRHP;
- Introduction of visual, audible, or atmospheric elements that are out of character with the property or changes that may alter its setting;
- Neglect of a property resulting in its deterioration or destruction; and
- Transfer, lease, or sale of a property without adequate provisions to protect the property's historic integrity.

Cultural resources that have been determined ineligible for inclusion in the NRHP could experience adverse effects, but they would not be considered significant unless they were resources regulated by the American Indian Religious Freedom Act or the Native American Graves Protection and Repatriation Act.

Section 15064.5 of CEQA states that a project may have a significant effect on the environment when the project may cause a substantial adverse change in the significance of a historical resource (i.e., resource eligible for the CRHR or a local register of historical resources). A substantial adverse change is defined as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired.

#### ***Ethnographic Resources***

Section 101(d)(6)(A) of the NHPA, as amended (1992), allows for properties of traditional, religious, and cultural importance to a Native American tribe to be determined eligible for inclusion in the NRHP. Criteria for these TCPs are provided in National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King 1990). Some TCPs also may qualify as sacred sites, as defined in Executive Order (EO) 13007. EO 13007 directs federal agencies, to the extent practical, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and use of sacred sites and to avoid adversely affecting their physical characteristics. An action that alters a characteristic of a TCP, sacred site, or other ethnographic resource that is perceived by a tribal member as contributing to the importance of that resource, would be considered to have a significant effect on that resource. The significance of an effect to an ethnographic resource is determined based on the importance of the resource to the specific Native American group(s) involved and the type of effect the project will have. Given the character of ethnographic resources, in addition to potential impacts to the physical integrity of these resources, consideration also must be given to potential impact on the cultural setting of the resource. Because of the elevated cultural sensitivity and significance of ethnographic resources, impacts to these resources are oftentimes difficult, if not impossible, to mitigate.

#### **4.16.3 Assessment Methods**

##### ***Archaeological and Architectural Resources***

Impact assessments for archaeological and architectural resources are based on the type of site, NRHP-eligibility status, the type of impact, and the extent of disturbance from the project. Impacts to these resources are considered significant if the project could adversely affect those sites determined eligible or potentially eligible for the NRHP.

##### ***Ethnographic Resources***

Impact assessments for ethnographic resources are based on the type of resource, its perceived importance to the community, the type of impact, and the extent of disturbance from the project. Impacts to ethnographic resources are considered significant if the project would affect any quality of the resource that, in the eyes of tribal members, qualified it for listing on the NRHP. Impacts to sacred sites are considered significant if they result in a reduction or loss of access to the site, or if they introduce elements that interfere with the conduct of activities typically carried out at the site.

#### 4.16.4 No Action Alternative

Significant impacts as well as benefits to archaeological and architectural resources and ethnographic resources may occur with the No Action Alternative. These effects are related to fluctuations in the level of the Salton Sea.

##### *Effect of No Action Alternative with Current Inflow Conditions*

**Archaeological and Architectural Resources.** Model projections of this alternative indicate that by the year 2015, the level of the Sea would rise by 2 feet. Archaeological sites near the current shoreline would be inundated, subjecting them to significant impacts from currents and high salinity levels of the water.

**Ethnographic Resources.** No ethnographic resources, TCPs, or sacred sites have been identified that would be affected by the No Action Alternative with current inflow conditions.

##### *Effect of No Action Alternative with Reduced Inflow Conditions (1.06 maf/yr)*

**Archaeological and Architectural Resources.** Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 1 foot to -228 feet mean sea level (msl). Exposure of presently submerged cultural resources could have both beneficial and adverse significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

**Ethnographic Resources.** The Torres Martinez have expressed concern that the Salton Sea currently submerges sites they consider sacred. Beneficial and adverse impacts to ethnographic resources may occur if any currently inundated sacred sites are exposed. Exposure of these sites could be a benefit to the tribe by regaining access to lost sacred sites. Exposure could also be detrimental to these sites if they are not protected from vandalism.

#### 4.16.5 Alternative 1

Significant but mitigable impacts to archaeological and architectural resources and ethnographic resources may occur from construction activities, dredging, and from archaeological sites becoming inundated or exposed by changes in elevation of the Salton Sea.

##### *Effect of Alternative 1 with Current Inflow Conditions*

**Archaeological and Architectural Resources.** Model projections of this alternative indicate that by the year 2015, the level of the Sea would rise by 3 feet. Archaeological sites near the current shoreline would be inundated, subjecting them to significant impacts from currents and high salinity levels of the water.

Significant but mitigable impacts to archaeological resources could also occur from the construction and other activities related to the Northwest and Southwest Evaporation

Ponds. While most of the Northwest Evaporation Pond area is currently submerged and only 1.2% of the total Pond area has been surveyed for archaeological resources, 2 precontact archaeological sites are known in the project area. Most of the Southwest Evaporation Pond area is currently submerged and less than 1% of this Pond has been surveyed for archaeological resources. There is a high potential for additional archaeological sites to exist within the unsurveyed portions of the project area. All unsurveyed portions of the project area must be surveyed prior to any ground-disturbing activities. Identified resources must be evaluated for eligibility to the NRHP. Impacts to any NRHP-eligible resources would be considered significant.

Significant but mitigable impacts to archaeological resources could also occur from the construction and other activities related to the Pupfish Pond. While no cultural resources have been recorded in the area, significant impacts to previously unknown or submerged archaeological sites could occur from dredging activities.

For both Evaporation Ponds, as well as the Pupfish Pond, significant impacts to archaeological sites could also occur from dredging activities. Also, procurement of riprap and embankment material, and the construction of the haul road could also significantly impact presently known as well as unrecorded cultural resources.

In summary, two archaeological sites are currently known in the area of potential effect (APE). Both known and unknown cultural resources may be affected by three separate construction actions, and by rising Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 1; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea that they consider to be sensitive resources. The exact locations of these sites are unknown, but it is possible that such sites could be affected by dredging or construction activities. No ethnographic resources have been identified at the borrow or riprap sources that would be used for construction of the ponds.

***Effect of Alternative 1 with Reduced Inflow Conditions (1.06 maf/yr)***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by the year 2015, the level of the Sea would rise by 2 feet. Archaeological sites near the current shoreline would be inundated, subjecting them to significant impacts from currents and high salinity levels of the water.

Other significant impacts are the same as described for the Alternative 1 with current inflow conditions, but with several additional effects. Significant but mitigable impacts to archaeological resources could occur from the construction and other activities related to the Displacement Dike, the North Shorebird Pond. One archaeological site is previously recorded from the Displacement Dike project area, and none of this APE has been surveyed for cultural resources. No surveys for cultural resources and no previously identified resources exist for the North Shorebird Pond. However,

significant impacts to previously unknown or submerged archaeological sites could occur during construction or dredging activities.

There is a high potential for additional archaeological sites to exist within the unsurveyed portions of the project area. All unsurveyed portions of the project area must be surveyed prior to any ground-disturbing activities. Identified resources must be evaluated for eligibility to the NRHP. Impacts to any NRHP-eligible resources would be considered significant. Furthermore, procurement of riprap and embankment material, and the construction of the haul road could also significantly impact known and currently unrecorded cultural resources.

In summary, three archaeological sites are currently known in the APE. Both known and unknown cultural resources may be affected by six separate construction actions, and by fluctuating Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** Impacts to ethnographic resources are the same as described for the current inflow conditions.

#### 4.16.6 Alternative 2

Significant but mitigable impacts to archaeological and architectural resources and ethnographic resources may occur from construction activities, dredging, and from archaeological sites becoming exposed by changes in elevation of the Salton Sea.

##### ***Effect of Alternative 2 with Current Inflow Conditions***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 2 feet to -229 feet msl. Exposure of presently submerged cultural resources could have both beneficial and negative significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant but mitigable impacts would occur if construction or other activities associated with the EES at Bombay Beach disturb cultural resources. Five archaeological sites have been identified within the Bombay Beach EES project area, yet only 2.7 percent of this area has been surveyed for cultural resources. Construction of the EES intake structure as well as the relocation of high-power electrical lines could potentially further impact cultural resources within the project area. There is a high potential for additional archaeological sites to exist within the unsurveyed portions of the project area. All unsurveyed portions of the project area must be surveyed prior to any ground-disturbing activities. Identified resources must be evaluated for eligibility to the NRHP. Impacts to any NRHP-eligible resources would be considered significant.

In summary, five archaeological sites are currently known in the APE. Both known and unknown cultural resources may be affected by two separate construction actions, and

by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 2; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea. The exact locations of these sites are unknown, but it is possible that such sites could be affected by the construction or dredging activities.

***Effect of Alternative 2 with Reduced Inflow Conditions (1.06 maf/yr)***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by year 2015 the Sea level would decrease by 3 feet to -230 feet msl. Exposure of presently submerged cultural resources could have both beneficial and significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant impacts are the same as described for Alternative 2 with current inflow conditions, but with several additional actions. Significant but mitigable effects could also result from the Displacement Dike, Pupfish Pond, Flood Flows, and the North Wetland Habitat.

Impacts for the Pupfish Pond would be the same as discussed for Alternative 1 with current inflow conditions. Impacts for the Displacement Dike and North Shorebird Pond would be the same as for Alternative 1 with reduced inflow conditions to 1.06 maf/yr.

Significant but mitigable impacts on cultural resources could also result from Import Flood Flows. This is due to the potential for flood or erosion damage to cultural resources located near the Salton Sea, as well along the lengths of the Alamo River and Salt Creek.

In summary, eight archaeological sites are currently known within the APE of this alternative. Both known and unknown cultural resources may be affected by seven separate construction actions, flood flows, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 2; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea. The exact locations of these sites are unknown, but it is possible that such sites could be affected by the construction or dredging activities.

#### 4.16.7 Alternative 3

Significant but mitigable impacts to archaeological, architectural, and ethnographic may occur from Alternative 3.

##### ***Effect of Alternative 3 with Current Inflow Conditions***

Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 2 feet to -229 feet msl. Exposure of presently submerged cultural resources could have both beneficial and negative significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant but mitigable impacts would occur if construction or other activities associated with the EES at the Test Base disturb cultural resources. A total of 172 archaeological sites are known for this area, yet only 32.6% of the area has been surveyed for cultural resources. Ninety-one of the 172 sites have been determined potentially eligible for listing of the NRHP. Construction of the EES intake structure extending into the Salton Sea could also impact submerged cultural resources within the project area.

In summary, 172 archaeological sites are currently known for the APE of this alternative. Both known and unknown cultural resources may be affected by two separate construction actions, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 3; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea. The exact locations of these sites are unknown, but it is possible that such sites could be affected by the construction or dredging activities. The Torres Martinez have also expressed concern over cultural resources located on the U.S. Navy Test Base that may be affected by the EES. Although not considered TCPs or TUAs, the Torres Martinez consider these to be sensitive sites that require preservation.

##### ***Effect of Alternative 3 with Reduced Inflow Conditions (1.06 maf/yr)***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 3 feet to -230 feet msl. Exposure of presently submerged cultural resources could have both beneficial and significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant but mitigable impacts could occur with this alternative and are the same as described in Alternative 3 with a continuation of current inflow conditions but with the addition of several other actions. Significant but mitigable impacts from the

Displacement Dike, Flood Flows, Pupfish Pond, and the North Wetland Habitat are the same as described in Alternative 2 with a reduction of inflows to 1.06 maf per year.

In summary, 175 archaeological sites are currently known in the APE of this alternative. Both known and unknown cultural resources may be affected by seven separate construction actions, flood flows, and from falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** Impacts to Ethnographic Resources are the same as described for Alternative 2 with reduction of inflows to 1.06 maf per year.

#### 4.16.8 Alternative 4

Significant but mitigable impacts to archaeological and architectural resources, and ethnographic resources may result from the implementation of Alternative 4.

##### ***Effect of Alternative 4 with Current Inflow Conditions***

***Archaeological and Architectural Resources.*** No significant change of the Sea level is expected from the implementation of this alternative. Significant but mitigable impacts would occur if construction or other activities associated with the EES at the Test Base disturb cultural resources. A total of 172 archaeological sites are known for this area, yet only 32.6% of the area has been surveyed for cultural resources. In total, 91 of the 172 sites have been determined potentially eligible for listing of the NRHP. Construction of the EES intake structure extending into the Salton Sea could further impact submerged cultural resources within the project area.

Other significant but mitigable impacts that could result from the Southwest Evaporation Pond and the Pupfish Pond would be the same as described for Alternative 1 with current inflow conditions. In summary, 172 archaeological sites are currently known for the APE of this alternative. Both known and unknown cultural resources may be affected by four separate construction actions, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 4; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea. The exact locations of these sites are unknown, but it is possible that such sites could be affected by the dredging or construction activities. The Torres Martinez have also expressed concern over cultural resources located on the U.S. Navy Test Base that may be affected by the EES. Although not considered TCPs or TUAs, the Torres Martinez consider these to be sensitive sites that require preservation.

##### ***Effect of Alternative 4 with Reduced Inflow Conditions (1.06 maf/yr)***

***Archaeological and Architectural Resources.*** Significant but mitigable impacts could occur as a result of this alternative. Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 1 foot to -228 feet msl. Exposure of



presently submerged cultural resources could have both beneficial and negative significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant but mitigable impacts could occur with this alternative and are the same as described in Alternative 4 with current inflow conditions. Significant but mitigable impacts from the Displacement Dikes and North Shorebird Pond would be the same as described for Alternative 1 with reduced inflow conditions to 1.06 maf/yr. Impacts from flood flows would be the same as described for Alternative 2 with reduced inflow conditions to 1.06 maf/yr.

In summary, 173 archaeological sites are currently known within the APE of this Alternative. Both known and unknown cultural resources may be affected by six separate construction actions, flood flows, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** Impacts are the same as described in Alternative 3 with reduction of inflows to 1.06 maf per year.

#### 4.16.9 Alternative 5

Significant but mitigable impacts to archaeological and architectural resources and ethnographic resources may occur from construction activities, dredging, and from archaeological sites becoming exposed by changes in elevation of the Salton Sea.

##### ***Effect of Alternative 5 with Current Inflow Conditions***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 2 feet to -229 feet msl. Exposure of presently submerged cultural resources could have both beneficial and negative significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

This action would use Northwest Evaporation Pond described above, with the addition of portable blowers to spray Salton Sea water into the air within the pond. Two precontact archaeological sites, consisting of an activity locus and a temporary camp, have been recorded within the project area of the Northwest Evaporation Pond. Additional archaeological sites may be encountered if facilities for the portable blowers are to be constructed.

Other significant impacts from the Evaporation Pond EES, the North Wetland Habitat, and the Pupfish Pond are the same as described in Alternative 1 with a reduction of inflows to 1.06 maf.

In summary, two archaeological sites are currently known within the APE of this alternative. Both known and unknown cultural resources may be affected by five separate construction actions, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** No specific ethnographic resources have been identified that would be affected by Alternative 5; however, the Torres Martinez Desert Cahuilla have expressed concern over submerged village sites within the Sea. The exact locations of these sites are unknown, but it is possible that such sites could be affected by the dredging or construction activities.

***Effect of Alternative 5 with Reduced Inflow Conditions (1.06 maf/yr)***

***Archaeological and Architectural Resources.*** Model projections of this alternative indicate that by the year 2015 the Sea level would decrease by 3 feet to -230 feet msl. Exposure of presently submerged cultural resources could have both beneficial and negative significant impacts. Exposed resources may become subject to vandalism or looting. Exposure of archaeological materials could also result in the proper identification, documentation, and evaluation of these resources, allowing preservation of NRHP-eligible resources.

Other significant impacts include those described for Alternative 5 with current inflow conditions, and several additional impacts from the construction of the Displacement Dike, and from Flood Flows. These individual impacts are described in Alternative 2 with reduction of inflows to 1.06 maf per year.

In summary, three archaeological sites are currently known within the APE of this alternative. Both known and unknown cultural resources may be affected by five separate construction actions, and by falling Salton Sea water levels. Large portions of the project area have not been surveyed for cultural resources.

***Ethnographic Resources.*** Impacts are the same as described in Alternative 3 with reduction of inflows to 1.06 maf per year.

**4.16.10 Cumulative Effects of Restoration with Reduced Inflows**

***Archaeological and Architectural Resources.*** Several of the projects identified for the cumulative effects analysis in the Salton Sea watershed consist of the preparation of management or planning documents. These projects do not include construction, ground-disturbing activities, or the sale or transfer of land. Therefore, these projects, when considered with the restoration alternatives, would not result in cumulative impacts to archaeological and architectural resources within the watershed.

At least half of the projects, however, may involve construction, ground disturbance, or the sale or transfer of land. All of these projects could result in the loss or destruction of archaeological or architectural resources. Projects involving construction or expansion of new facilities, such as the Mexicali Wastewater System Improvements Project, the Mesquite Regional Landfill Project, the Newmont Gold Company's expansion of the

Mesquite Gold Mine Project, the Heber Wastewater Treatment System Project, the Lewis Drain Treatment Facility Project, and the Brawley Wetlands Construction and Research Facility Projects, are the most likely to result in the loss or destruction of archaeological resources. These impacts, considered together with potential impacts from the restoration alternatives, could result in a cumulative decrease in the overall amount and density of these nonrenewable resources.

Because not all areas of potential effect have been identified for the cumulative projects, it is unknown how many resources would be affected. In addition, because not all areas of the watershed have been fully investigated, it is unknown what types of archaeological or architectural resources may be affected. It is possible that implementing all of these regional projects could result in significant but mitigable cumulative impacts to the regional resource base. Compliance with all relevant Federal, State, and local historic preservation laws and regulations should serve to lessen cumulative impacts to the regional resource base. These laws and regulations generally require that efforts be made to identify, and to the greatest extent possible, avoid or lessen impacts to significant resources. Identification efforts can be expected to include intensive inventory of the project APE, and evaluation of identified resources with respect to their potential for listing on national, state, and local registers. Avoidance of impacts to significant resources is generally the preferred option for protecting the resource, but if this is not possible, treatment/mitigation measures would be developed and implemented following consultation with the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), Native American tribal groups with traditional or historic ties to the area, and other agencies and interested parties.

***Ethnographic Resources.*** As described above for archaeological and architectural resources, several of the projects identified for the cumulative effects analysis in the Salton Sea watershed consist of the preparation of management or planning documents. These projects do not include construction, ground-disturbing activities, or the sale or transfer of land. Therefore, these projects, when considered with the restoration alternatives, would not result in cumulative impacts to ethnographic resources within the watershed.

At least half of the projects, however, may involve construction, dredging, or ground disturbance. All of these projects could result in the loss or destruction of ethnographic resources. Projects involving construction or expansion of new facilities are the most likely to result in significant impacts to ethnographic resources. These impacts, considered together with potential impacts from the restoration alternatives, could result in cumulative impacts to these resources. Ethnographic resources within the APEs of the different projects, and specific impacts to these, would have to be identified on a project-by-project basis through continued consultation with Native American tribal groups that have traditional or historical ties to the area. Avoiding ethnographic resources to the greatest extent possible is the best mitigation. When avoidance is not possible, the appropriate Native American tribal groups must be consulted to develop appropriate mitigation measures. When affected ethnographic resources are also listed on

or eligible for inclusion on the NRHP, mitigation measures must also be developed in consultation with SHPO and ACHP.

#### 4.16.11 Mitigation Measures

***Archaeological and Architectural Resources.*** Reclamation and the Authority have taken the first steps to achieve compliance with applicable federal, state, and local historic preservation laws and regulations, including Section 106 of the NHPA and Section 15064.5 of CEQA. These steps have included the Class I Cultural Resources Inventory of the Salton Sea Region (Smith et al. 1999) that was prepared as background for this project, and the efforts made to contact Native American tribal groups to identify concerns that they might have with regard to potential ethnographic resources that might be present within the project APEs. Given the complexity of the project, the fact that construction and other activities associated with implementation of any of the alternatives will be phased over many years, and that specific locations for all project facilities have not yet been determined, the best means by which to further regulatory compliance over the long term is to prepare a Programmatic Agreement (PA). The PA should be prepared among Reclamation, the Authority, SHPO, ACHP, Native American tribal groups that have indicated they would like to continue involvement with the project, other land managing agencies, and other interested parties. Potential matters that may be addressed in the PA include:

- The roles and responsibilities of the different parties to the PA;
- Contact points for all parties to the PA;
- Changes in procedures or time frames that would allow the Section 106 process to be streamlined;
- Further consultation to define procedures to be followed to identify and evaluate submerged resources;
- Project alternatives that might be categorically excluded from Section 106 consultation;
- Procedures for further consultation with Native American tribal groups to identify and evaluate ethnographic resources, and potential impacts to them;
- Preparation of a Discovery Plan detailing procedures to be followed in the event that undocumented cultural resources are found during construction; and
- Standardized treatments for specific kinds of resources, in lieu of preparation of numerous site specific Treatment Plans.

***Ethnographic Resources.*** Appropriate measures to mitigate impacts to ethnographic resources must be determined in consultation with the applicable Native American tribe. Avoiding resources should always be considered as the first and best option. As locations are identified for specific facilities or construction areas, more detailed inventories and renewed consultation efforts with all applicable tribes will be required to mitigate potential impacts. A Programmatic Agreement will be prepared that will address procedures for the identification and evaluation of ethnographic resources potentially affected by the restoration of the Salton Sea, as well as the mitigation of adverse effects to those resources. The Treatment Plan and Discovery Plan discussed above will also address ethnographic resources.

#### 4.16.12 Potentially Significant Unavoidable Impacts

***Archaeological and Architectural Resources.*** Potentially significant unavoidable impacts could occur to submerged archaeological sites. Because the exact locations of these sites are unknown, methods to identify and locate these sites (as described above for Mitigation Measures) may be prohibitively expensive. Because any restoration activities that may affect the floor of the Salton Sea has the potential to affect submerged resources and mitigation may not be feasible, unavoidable impacts may occur

***Ethnographic Resources.*** Potentially significant unavoidable impacts could occur to submerged village sites that are considered sensitive resources by the Torres Martinez Band of Cahuilla Indians. Because the exact locations of these sites are unknown, methods to identify and locate these sites may be prohibitively expensive. Therefore, any restoration activities that may affect the floor of the Salton Sea could affect a submerged resource. Additional consultation with the Torres Martinez is required to identify approaches to resolve this issue.