

3.13 Cultural Resources

3.13.1 Introduction

This section identifies the cultural, historic, and tribal cultural resources (TCR) within the Tier 1/Program EIS/EIR Cultural Study Area and provides an evaluation of potential cultural, historic, and tribal resources-related effects associated with the No Build Alternative and the Build Alternative Options. Information contained in this section is summarized from the *Cultural, Historic, and Tribal Resources Technical Memorandum* (Appendix H of this Tier 1/Program EIS/EIR).

FRA determined its federal action to provide financial assistance for the development of this Tier 1/Program EIS/EIR is an undertaking, as defined in Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800); however, this planning effort does not have the potential to affect historic properties. In making this determination, FRA has no further obligations under Section 106 with respect to this undertaking (i.e., Tier 1/Program EIS/EIR).

If one of the Build Alternative Options receives federal funding or requires federal approval to advance to construction during Tier 2/Project-level analysis, the funding action or approval may be considered a separate undertaking subject to Section 106.

To inform future undertakings that could be required during Tier 2/Project-level analysis, this Tier 1/Program EIS/EIR provides a preliminary identification of historic properties using data on previously evaluated cultural resources. Information on historic properties was obtained through the California Historical Resources Information System, as well as consultation with Native American tribes and other consulting parties to further identify known historic properties.

3.13.2 Regulatory Framework

In accordance with NEPA (42 USC Section 4321 et seq.), CEQ regulations implementing NEPA (40 CFR Parts 1501-1508), FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999) and CEQA, FRA identified cultural, historic, and TCRs within the Tier 1/Program EIS/EIR Cultural Study Area and evaluated the potential impacts on those resources as a result of implementing the Build Alternative Options.

Federal

National Historic Preservation Act, Section 106

Section 106 of the NHPA (1966), as amended in 2000 [36 CFR Part 800], established a national policy of historic preservation and encourages such preservation. The NHPA established the Advisory Council on Historic Preservation and provided procedures for the agency to follow if a proposed action affects a property that is included, or that may be eligible for inclusion, in the NRHP. The NRHP was developed as a direct result of the NHPA.

Section 106 requires federal agencies to consider the impact of federal undertakings on any district, site, building, structure, or object included or eligible for inclusion in the NRHP. An undertaking is defined as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal funding, or requiring a federal permit, license, or approval.

National Register of Historic Places

NRHP eligibility determinations require an assessment of historic resources in relation to relevant historic contexts through criteria set forth in 36 CFR Section 60. The Advisory Council on Historic Preservation's implementing regulations, "Protection of Historic Properties," are found in 36 CFR Part 800. The NRHP criteria (36 CFR Part 60.4) are used to evaluate resources when complying with Section 106 of the NHPA. Those criteria state that eligible resources comprise "districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association," and any of the following criteria:

- **Criterion A:** That are associated with events that have made a significant contribution to the broad patterns of our history;
- **Criterion B:** That are associated with the lives of persons significant in our past;
- **Criterion C:** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- **Criterion D:** That has yielded, or may be likely to yield, information important in prehistory or history.

Section 4(f) of the Department of Transportation Act of 1966

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 USC Section 303, declares that “it is the policy of the U.S. Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if both of the following occur:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) resources are addressed in more detail in Chapter 5, Section 4(f) and 6(f) Discussion, of this Tier 1/Program EIS/EIR.

State

Assembly Bill 4239

In 1976, AB 4239 established the Native American Heritage Commission (NAHC) as the primary government agency responsible for identifying and cataloging Native American cultural resources.

Assembly Bill 52

In 2014, California Governor Jerry Brown signed AB 52 that established an additional requirement under CEQA for consultation with Native American tribes regarding TCRs. AB 52 requires that the CEQA lead agency notify any interested Native American tribes of a proposed project, only if those tribes have requested to be notified regarding the CEQA lead agency’s projects. The CEQA lead agency must consult in good faith with participating California Native American tribes prior to the release of the EIR. If a project has the potential to affect a TCR, the CEQA document must discuss whether there is a significant effect on a TCR and whether there are feasible alternatives or mitigation to avoid or substantially lessen effects on the TCR. Consultation is finished when one of the following applies: the parties agree to avoid or mitigate significant impacts on TCRs, or the CEQA lead agency, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

California Health and Safety Code, Section 7050.5

This code makes it a misdemeanor to disturb or remove human remains found outside a cemetery. If human remains are discovered, this code also requires a project owner to halt construction and to contact the County Coroner.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens to identify the existing historical resources of the state and indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (California PRC Section 5024.1(a)). Certain resources are determined by the statute to be automatically included in the CRHR, including California properties formally determined eligible for, or listed in, the NRHP (PRC Section 5024.1(d)). Similar to NRHP, CRHR eligibility determinations require an assessment of historic resources in relation to relevant historic contexts through the following designation criteria:

- **Criterion 1:** 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 U.S.
- **Criterion 2:** Associated with the lives of persons important to local, California, or national history
- **Criterion 3:** 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:** Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation

Office of Historic Preservation

The Office of Historic Preservation (OHP) implements the policies of the NHPA on a statewide level. The SHPO is an appointed official who implements historic preservation programs within the state’s jurisdictions.

Public Resources Code

- PRC 5097.5: Provides for the protection of cultural resources and prohibits the removal, destruction, injury, or defacement of archaeological features on any lands under the jurisdiction of state or local authorities.
- PRC 5097.97: States that no agency or party shall cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or

sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. No previously recorded Native American religious or ceremonial sites are documented within the Tier 1/ Program EIS/EIR Cultural Study Area.

- PRC 5097.98 (b) and (e): Requires a landowner on whose property Native American human remains are found to limit further development activity in the vicinity until he/she confers with the NAHC-identified most likely descendants to consider treatment options. In the absence of most likely descendants or of a treatment acceptable to all parties, the landowner is required to reenter the remains elsewhere on the property in a location not subject to further disturbance.
- PRC 65092: Provides for notices of projects to be sent to California Native American tribes that are on the contact list maintained by the NAHC in the definition of "person" to whom notice of public hearings shall be sent by local governments.

Regional

Los Angeles County 2035 General Plan

The policies in the *Los Angeles County 2035 General Plan*, Conservation and Natural Resources Element recognizes the importance of protecting cultural resources and ensures that these resources are considered in project planning. These policies include the preservation and rehabilitation of historic buildings, mitigation of impacts from new development on or adjacent to historic, cultural, and paleontological resources to the greatest extent feasible, and implementation of proper notification and recovery processes for development on or near historic, cultural, and paleontological resources.

Orange County General Plan

The goals and policies in the *Orange County General Plan*, Resources Element recognizes the importance of protecting cultural resources and ensures that these resources are considered in project planning (Orange County 2005).

County of Riverside General Plan

The policies in the *County of Riverside General Plan*, Multipurpose Open Space Element recognizes the importance of cultural resources with the development of policies to ensure these resources are considered in project planning (County of Riverside 2003). These policies include application of the Cultural Resources Program to projects subject to environmental review; government-to-government consultation; application processing requirements; information databases; confidentiality of site locations; content and review of technical studies; professional consultant qualifications and

requirements; site monitoring; examples of preservation and mitigation techniques and methods; curation and the descendant community consultation requirements of local, state, and federal law.

County of San Bernardino General Plan

The policies in the *County of San Bernardino General Plan*, Conservation Element recognizes the importance of cultural resources with the development of policies to ensure these resources are considered in project planning (County of San Bernardino 2014). These policies include the preservation and promotion of historic and prehistoric cultural heritage and the identification and protection of important archaeological and historic cultural resources in areas of the county that have been determined to have known cultural resource sensitivity.

Local and Tribal Governments

Regulations from cities, local agencies, and tribal governments would be identified in the Tier 2/Project-level analysis once site-specific rail infrastructure improvements and station facilities are known.

3.13.3 Methods for Evaluating Environmental Effects

FRA, Caltrans, and RCTC are using a tiered NEPA process (e.g., Tier 1/Program EIS/EIR) to complete the environmental review of the Program, pursuant to 40 CFR Part 1508.28 (titled “Tiering”) and CEQA Guidelines Section 15168 (titled “Program EIR”) and Section 15170 (titled “Joint EIS/EIR”). Tiering is a staged environmental review process applied to complex transportation projects. The Tier 1/Program EIS/EIR, along with the concurrent preparation of the SDP, are the first steps in this tiered environmental review process. After the completion of the SDP, the broader proposed Program scope, which defines necessary infrastructure improvements, would be known.

Once funding is secured for further work, the Tier 1/Program EIS/EIR and SDP would be followed by Tier 2/Project-level analysis for site-specific infrastructure improvements and station facilities. This would be considered the second tier of environmental evaluation because it is based on the Tier 1/Program EIS/EIR that outlined the broad Program scope. This future Tier 2/Project-level analysis would closely align with the future preliminary engineering process and would analyze site-specific direct and indirect Project-level impacts, in addition to any required permits, consultations, or approvals needed for construction. If any Tier 2/Project-level analysis is sponsored by a federal agency, it would be subject to all relevant federal environmental laws and regulations, and the Tier 2/Project-level environmental documents would be led by the sponsoring federal agency.

Construction of the proposed rail infrastructure or station facility would not commence until after environmental clearance is completed at the Tier 2/Project-level.

Similarly, the Section 106 implementing regulations allow agencies to use a phased process to comply with Section 106 in coordination with NEPA, per 36 CFR Part 800.8(c)(1)(ii). At this time, FRA is funding the Tier 1/Program EIS/EIR planning phase only and has determined the planning effort does not have the potential to affect historic properties. However, to inform this planning effort and to facilitate potential future Section 106 reviews under Tier 2/Project-level analysis, FRA initiated consultation under 36 CFR Part 800.3 and conducted a preliminary identification of historic properties that included background research/data obtained from records search and other sources such as historical maps. It does not include data collected through archaeological or built environment surveys, nor does it include resource evaluations. The study completed in support of the Tier1/Program EIS/EIR incorporates pertinent information received through consultation on historic properties.

The methodology used to evaluate potential effects on historic properties in this Tier 1/Program EIS/EIR is based on the methods that would inform the Section 106 process for an undertaking with the potential to affect historic properties. However, as site-specific locations for the Build Alternative Options rail infrastructure improvements and station facilities have not been selected at the Tier 1/Program level, the analysis in this section is presented at a broader corridor level. A limited records search was completed for the Tier 1/Program service-level evaluation to summarize and provide an overview of known cultural resources within the Tier 1/Program EIS/EIR Cultural Study Area. Since the Western Section would not require ground disturbance and would use existing infrastructure, the limited record and archival searches were only conducted for the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area where ground-disturbing activities could occur. Where appropriate, publicly made data for the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area has been included in this section for context. The identification of known cultural resources within the Tier 1/Program EIS/EIR Cultural Study Area relies on data obtained from previously evaluated cultural resources. For this Tier 1/Program service-level evaluation, no cultural resources were evaluated for NRHP or CRHR eligibility.

As part of the Tier 1/Program EIS/EIR scoping process, FRA, Caltrans, and RCTC identified potential consulting parties for Section 106 and AB 52, which included federal agencies, state agencies, local agencies, and federally and state-recognized Native American tribes that have cultural and traditional affiliation within or near the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. Section 106 and AB 52 consultation letters were sent out to gather information from and to provide meeting opportunities with the potential consulting parties to discuss the Program.

Input received from the consulting parties would be documented in this Tier 1/Program EIS/EIR and considered in future decision making.

Potential Tier 2/Project-Level Analysis Considerations

This Tier 1/Program EIS/EIR focuses on the evaluation of service-level impacts at the Program Corridor level. FRA has determined that this planning effort does not have the potential to affect historic properties or TCRs at the Tier 1/Program-level planning stage and that the Section 106 and AB 52 processes are complete for purposes of this Tier 1/Program EIS/EIR.

If federal funding is used, or a federal approval is required, to advance any of the Build Alternative Options to construction, that federal action would require a Tier 2/Project-level analysis and be considered a separate undertaking. Subsequent Section 106 and AB 52 efforts would be contingent on the identification of construction funding for site-specific Tier 2/Project-level rail infrastructure improvements and station facilities and would be led by the lead federal and state agencies for the Tier 2/Project-level improvement. The completion of any subsequent phases of the Section 106 and AB 52 processes by a lead federal and state agency encompasses the identification of an area of potential effects, the geographic areas within which a project may affect historic properties, and survey work to further identify cultural resources within the area of potential effects. The lead federal and state agencies would consult with the SHPO and Tribal Heritage Preservation Officers (THPO), other consulting parties, and the public, as necessary, when making these identifications. Those cultural resources identified within the area of potential effects, would be evaluated for their eligibility for listing in the NRHP. The lead federal and state agencies would then complete the assessment of effects on historic properties and the resolution of any adverse effects.

Therefore, the preliminary identification effort described in this Tier 1/Program EIS/EIR may be used to inform a future Tier 2/Project-level analysis, Section 106, and AB 52 consultations. Additional cultural resources would likely be identified during the Tier 2/Project-level analysis once site-specific details, such as station locations and footprints, are known. Identification of the site-specific Tier 2/Project-level study areas based on additional engineering and design would allow for consideration of site-specific measures to avoid, minimize, and mitigate impacts on cultural resources.

If there is a subsequent undertaking related to the Build Alternative Options at the Tier 2/Project-level, the lead federal agency for the undertaking would initiate consultation under Section 106 and complete the process in accordance with 36 CFR Part 800. If the lead federal and state agencies determine the undertaking has the potential to affect historic properties, additional outreach and consultation to the SHPO, Native American tribes, and other consulting parties would be required. This outreach and consultation may be based on the work completed for this Tier 1/Program EIS/EIR.

The findings and conclusions in this Tier 1/Program EIS/EIR do not preclude the consideration of additional cultural or TCRs. During the Section 106 and AB 52 consultation process for this Tier 1/Program effort, FRA and RCTC received input from the Agua Caliente Band of Cahuilla Indians of

the Agua Caliente Indian Reservation, Gabrieleño Band of Mission Indians – Kizh Nation, La Posta Band Diegueno Mission Indians of the La Posta Reservation, Pala Band of Mission Indians, San Manuel Band of Mission Indians, and Soboba Band of Luiseno Indians. Input received from these consultations identified areas within the Tier 1/Program EIS/EIR Cultural Study Area that contain TCRs. However, the boundaries of where these TCRs are located have not been provided due to confidentiality and further consultation would be required at the Tier 2/Project-level to determine whether site-specific TCRs are present based on advanced engineering design (e.g., site-specific rail infrastructure improvements and station facilities).

Avoidance is the preferred way to address impacts on cultural resources and TCRs. To the extent practicable, this Tier 1/Program EIS/EIR identifies avoidance measures for further consideration in a Tier 2/Project-level analysis and future undertaking. Site-specific avoidance, minimization, and mitigation measures would be developed as engineering and design progresses, and in consultation with SHPO, Native American tribes, the public, and other consulting parties.

Tier 1/Program EIS/EIR Cultural Study Area

This service-level evaluation is limited to a desktop evaluation of the data sources described in Section 3.13.3. The Tier 1/Program EIS/EIR Cultural Study Area was combined with data from national, state, and local inventories of archaeological and historical resources to determine the location of previously documented cultural resources proximate to the Tier 1/Program EIS/EIR Cultural Study Area. A detailed description of the Tier 1/Program EIS/EIR Cultural Study Area is provided in Section 3.1, Introduction to Environmental Analysis.

Data Sources

Data available from the South Central Coastal Information Center and Eastern Information Center of the California Historical Resources Information System in addition to a variety of other sources were used to identify cultural resources located within the Tier 1/Program EIS/EIR Cultural Study Area. Specifically, the following data sources were reviewed:

- **Federally designated historic districts and sites:** To identify sites present within the Tier 1/Program EIS/EIR Cultural Study Area, the National Park Service – U.S. Department of the Interior NRHP database was consulted.
- **State designated historic districts and sites:** To identify sites present within the Tier 1/Program EIS/EIR Cultural Study Area, the OHP CRHR database was consulted. This database also includes sites designated as California Historical Landmarks and California Points of Historical Interest. Additional resources consulted include records from the OHP

Archaeological Determinations of Eligibility and the OHP Directory of Properties in the Historic Property Data File.

Related Resources

This evaluation incorporates data and evaluation from related resources to contribute to the assessment of effects on archaeological, historical, and TCRs. These related resources are identified in Table 3.13-1.

Table 3.13-1. Related Resource Inputs to Cultural Resources Assessment

Resource	Input to Cultural Resources Assessment
Visual Quality and Aesthetics (Section 3.4)	Effects assessment on visual quality and aesthetics in relation to the NRHP-listed resources were considered.
Noise and Vibration (Section 3.6)	Effects assessment and identification of areas where noise and vibration thresholds may be exceeded in relation to any NRHP-listed resources were considered.
Geology, Soils, Seismicity, and Paleontological Resources (Section 3.10)	Geologic conditions were considered.

Notes:

NRHP=National Register of Historic Places

3.13.4 Affected Environment

Cultural resources are evidence of past human activity that includes objects, structures, sites, and other articles of historic, archaeological, or architectural significance. Cultural resources are present throughout California as a result of millennia of human history. Historic properties are cultural resources that are included in, or are eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term, according to the NHPA (54 USC Section 300101), as amended, includes prehistoric or historic districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. The term also includes artifacts, records, and remains that are related to and located within such properties, and properties of traditional religious and cultural importance to a Native American tribe. Historic properties are afforded certain protections in accordance with state and federal legislation.

The Tier 1/Program EIS/EIR Cultural Study Area crosses a large geographic area within Southern California, spanning approximately 144 miles from its western terminus in Los Angeles to its eastern

terminus in Coachella. The Tier 1/Program EIS/EIR Cultural Study Area occurs within an existing railroad corridor that traverses areas that have predominately been heavily modified for urban purposes, especially in the Western Section, although some areas occur in or adjacent to lands that are undeveloped or contain natural vegetation. Much of the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area from Los Angeles to Colton is urbanized. The Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area is less urbanized with vacant land comprising the largest land use category within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area.

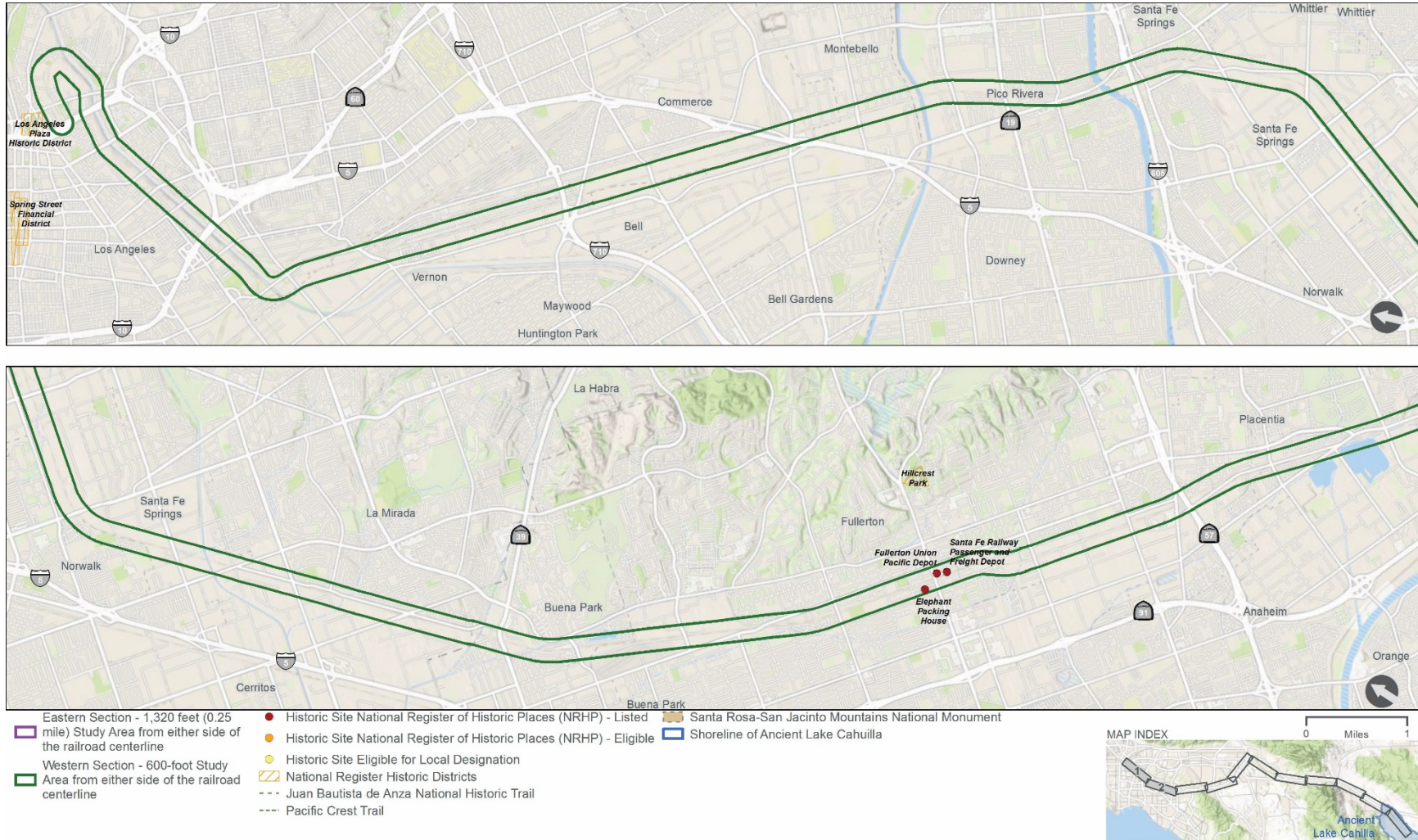
Archaeological and Historic Resources

The Tier 1/Program EIS/EIR Cultural Study Area crosses through the Southern California region which has experienced multiple prehistory periods (Terminal Pleistocene, Paleoindian, Early Archaic, and Late Prehistoric). The most numerous of the archaeological resources in the Coachella Valley at the east end of the Tier 1/Program EIS/EIR Cultural Study Area date to the Late Prehistoric period consisting of small processing sites associated with the grinding of vegetal resources. Larger habitation sites were less common but displayed a wider range of activities and longer periods of occupation. Typical artifacts at these sites include Desert Side-notched and Cottonwood Triangular projectile points and Lower Colorado Buff Ware and Tizon Brown Ware ceramics. Lithic artifacts found at these sites are typically made from chert, volcanic, or quartz material. In addition to these Late Prehistoric period sites, portions of the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area are located within the shoreline boundaries of Lake Cahuilla, as shown on Figure 3.13-1.

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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

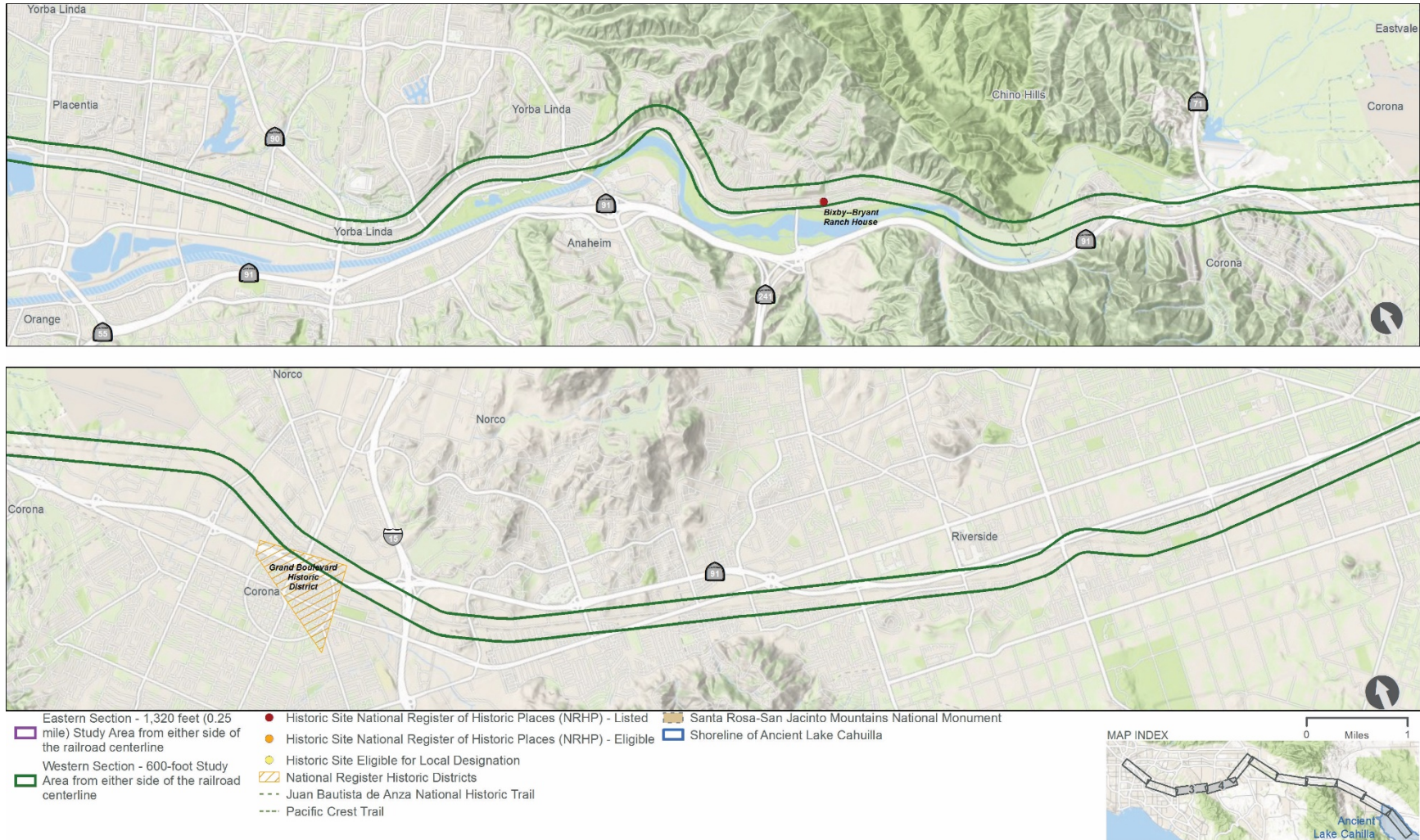
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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

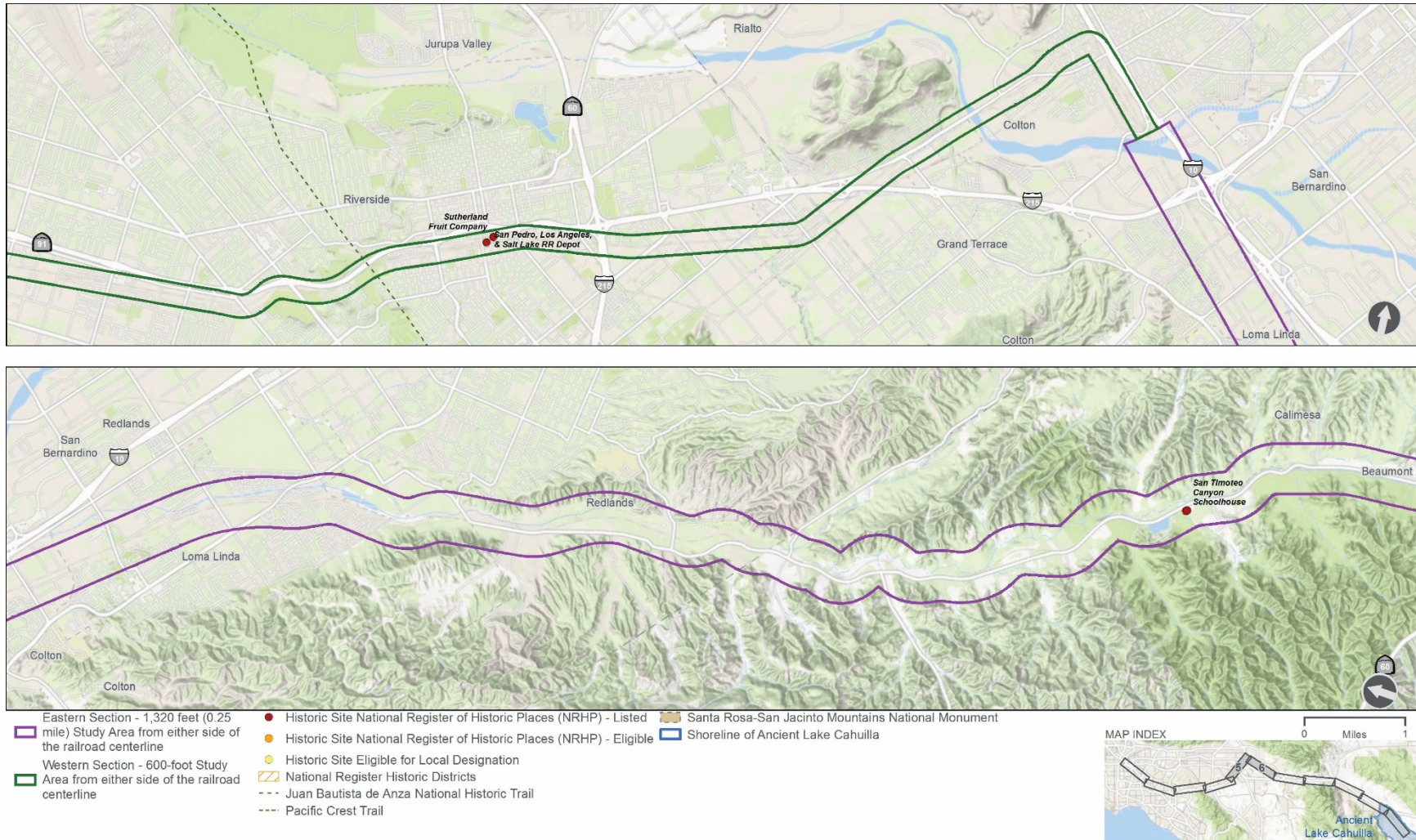
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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

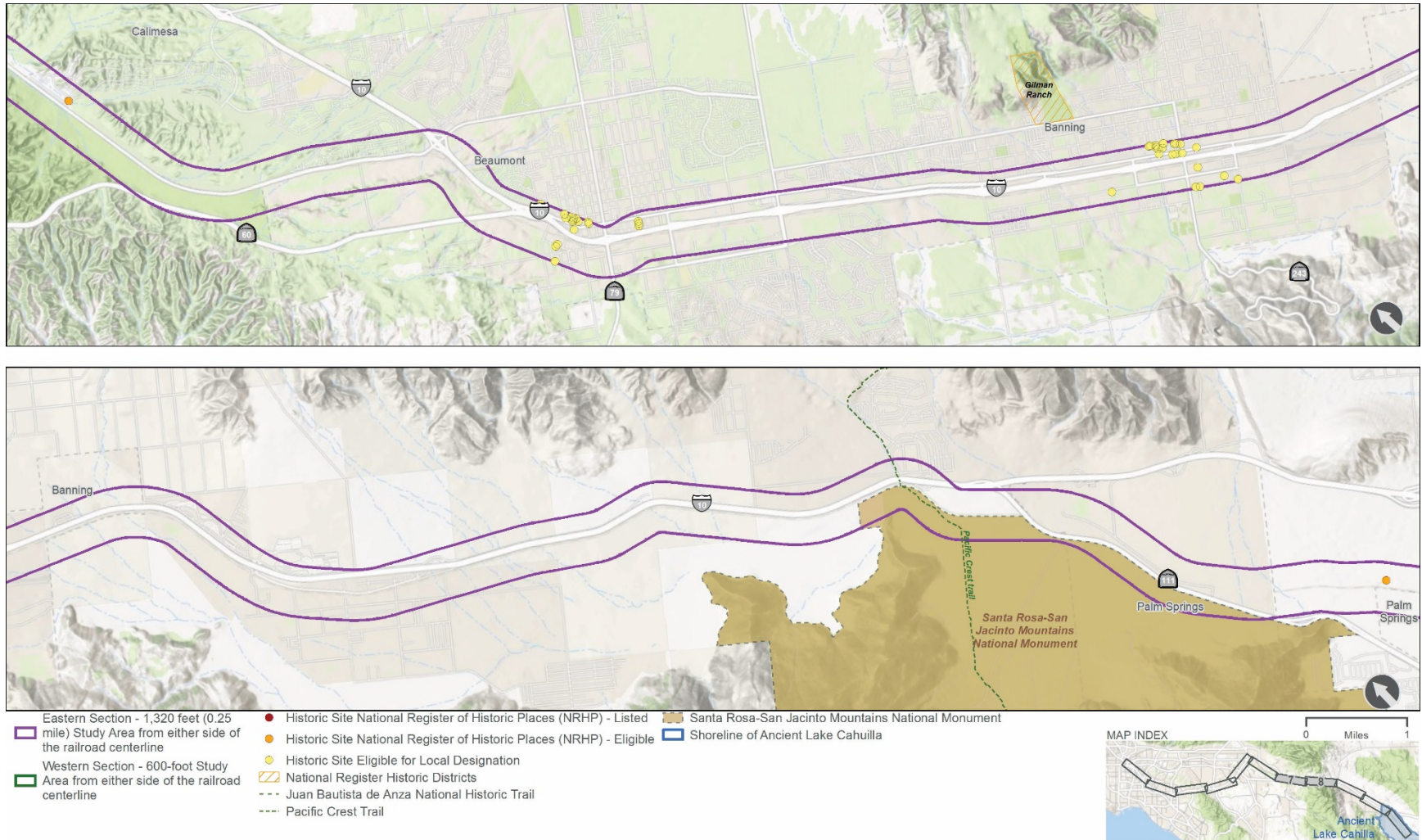
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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

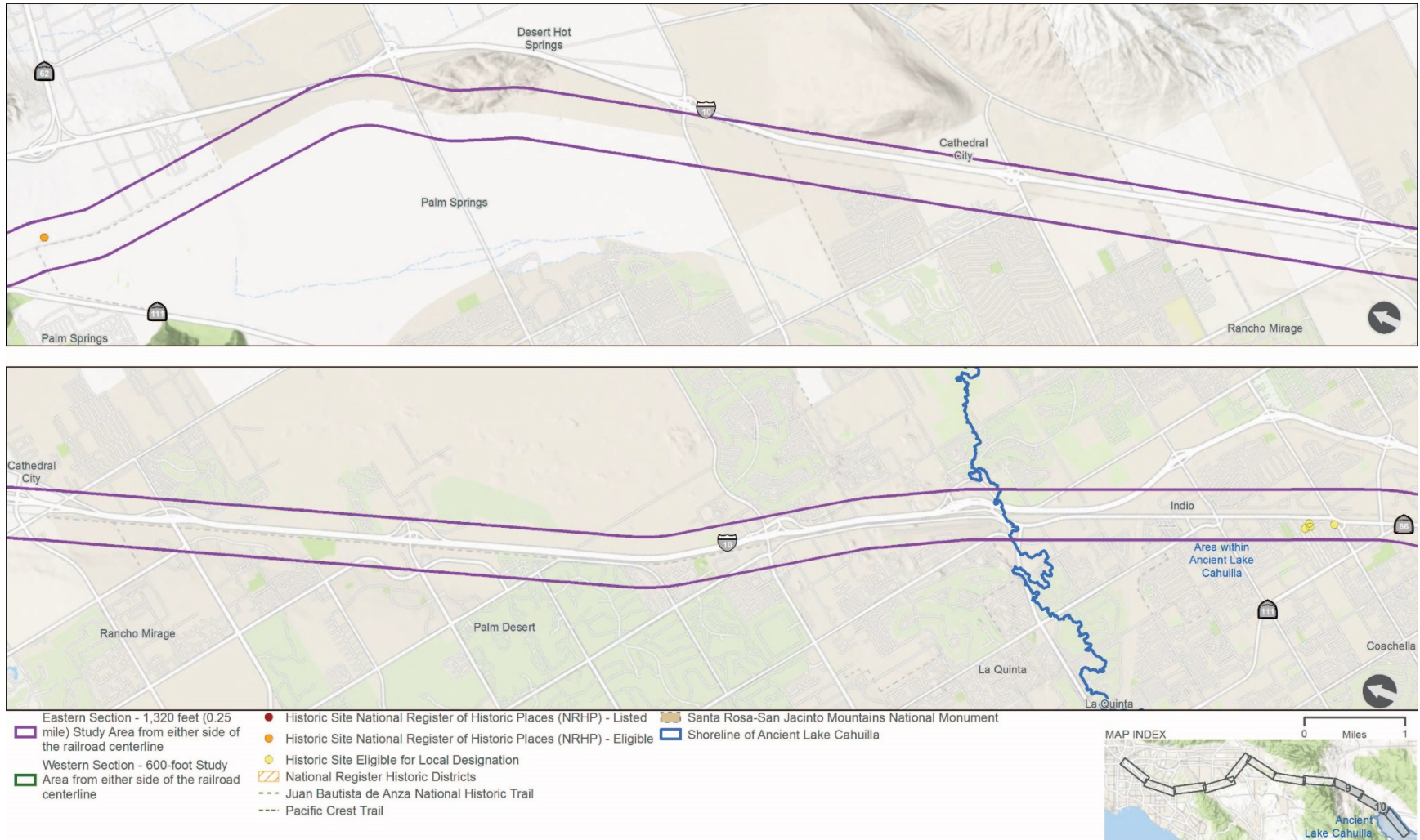
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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

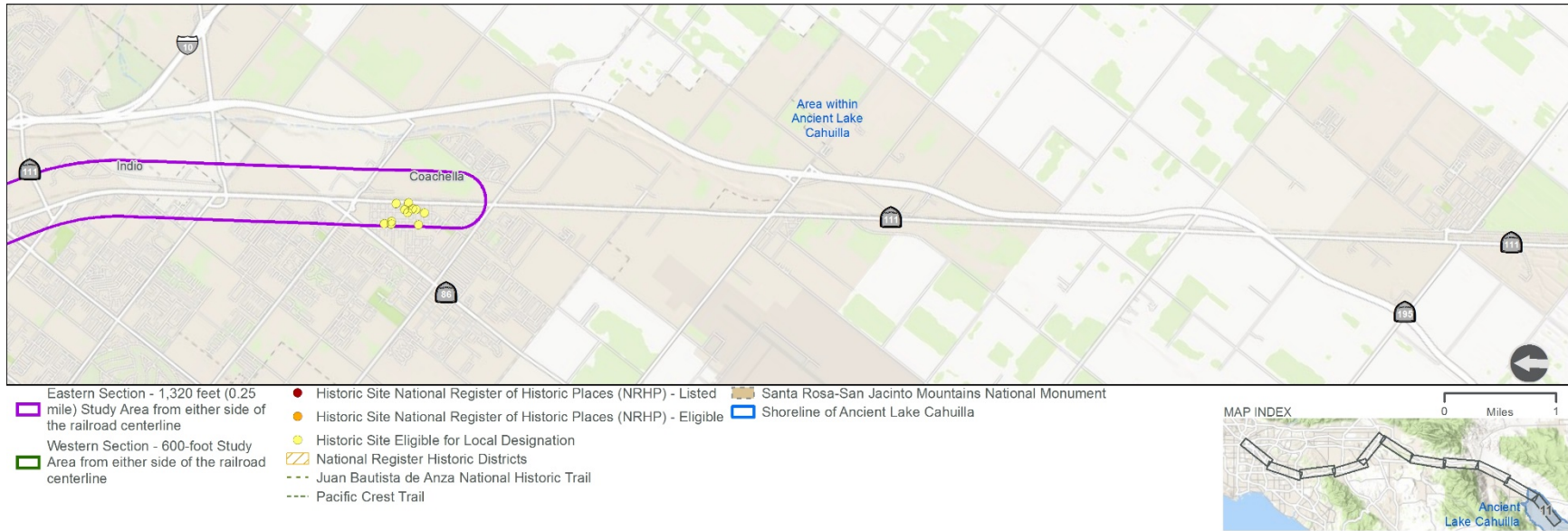
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Figure 3.13-1. Known Historical Resource Sites within the Tier 1/Program EIS/EIR Cultural Study Area

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Lake Cahuilla was a source of natural resources (e.g., water, freshwater mussels, waterfowl, and fish) that had profound effects on the prehistoric people who lived in the area and groups in the surrounding region. As a result, there were periods of increased human occupation around the lake, resulting in hundreds of Late Prehistoric sites along lake's shoreline and a lesser number that followed the shoreline as it receded. Eventually, silt from the Colorado River would flow through to Lake Cahuilla and would cut off the source of fresh water. Without a source of fresh water, Lake Cahuilla would quickly recede with proportional salinity.

At least four lake stands are widely accepted to have occurred, beginning around AD 700 and continuing until the late-seventeenth century. A fifth infilling, occurring after AD 1580, has been proposed based on recessional shoreline archaeological sites but more data is required for certainty. As previously mentioned, portions of the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area lie entirely within the high stand (approximately 40-foot) area. This indicates that there is the potential for archaeological sites located in this area to have been occupied during periods when Lake Cahuilla was either receding or less likely infilling.

The Tier 1/Program EIS/EIR Cultural Study Area crosses through the Southern California region which has also experienced multiple events in what is considered the historic period (1769 AD to Present). These events include:

- Initial Spanish contact in California and the subsequent colonization of Alta California, generally known as the Spanish Colonial period (1769-1821) and the Mexican period (1821-1846);
- The rise of agricultural cultivation (with a focus on citrus cultivation) and the arrival of the California Southern (later the Santa Fe) and Southern Pacific Railroads during the 1870s and 1880s;
- Residential and commercial development associated with the post-World War I residential and industrial activity of Southern California during the boom years of the 1920s; and
- The rise of military-related industries and a large military presence during World War II with the establishment of March Field (March Air Reserve Base) and San Bernardino Air Material Command (Norton Air Force Base).

Additional details related to the prehistory and historical overview of the Southern California region are provided in the *Cultural, Historic, and Tribal Resources Technical Memorandum* (Appendix H of this Tier 1/Program EIS/EIR).

Build Alternative Option 1 (Coachella Terminus)

Due to the programmatic nature of this Tier 1/Program planning document, this Tier 1/Program EIS/EIR provides a preliminary identification of historic properties using data on previously evaluated cultural resources (archaeological sites and historic properties), which can be used to inform a future undertaking.

As shown on Figure 3.13-1, the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area contains six NRHP-listed sites (Santa Fe Railway Passenger and Freight Depot, Fullerton UP Depot, Elephant Packing House, Bixby-Bryant Ranch House, Sutherland Fruit Company, and San Pedro, Los Angeles, and Salt Lake Railroad Depot) and passes through one National Register Historic District (Grand Boulevard Historic District). Information provided on NRHP-listed sites within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area is provided for contextual purposes as no construction activities are proposed within the Western Section, and operational activities are anticipated to remain the same as existing operations within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area.

Due to the potential for ground disturbing activities to occur within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area, a records search was conducted in July 2018 at the South Central Coastal Information Center and the Eastern Information Center. As summarized in Table 3.13-2, the records search resulted in the identification of 384 known cultural resources, consisting of 117 archaeological sites and 267 built resources, within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Option 1. Additional details associated with these resources, an explanation of the California Historical Resource Status Codes (used to classify the eligibility status of cultural resources for the NRHP and CRHR), and an explanation of California OHP Resource Attribute Codes are provided in the *Cultural, Historic, and Tribal Resources Technical Memorandum* (Appendix H of this Tier 1/Program EIS/EIR).

Table 3.13-2. Summary of Known Cultural Resources Within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area (Build Alternative Option 1)

Cultural Resource Type	NRHP- Listed Property	Potentially Eligible for NRHP Listing	Not Eligible for NRHP Listing	Not Evaluated for NRHP Eligibility	Total Number of Resources
Archaeological Sites (historic only)	0	5	27	49	81
Archaeological Sites (prehistoric only)	0	3	6	18	27

Cultural Resource Type	NRHP- Listed Property	Potentially Eligible for NRHP Listing	Not Eligible for NRHP Listing	Not Evaluated for NRHP Eligibility	Total Number of Resources
Archaeological Sites (historic and prehistoric)	0	0	1	6	7
Archaeological Sites (unknown)	0	0	0	2	2
Archaeological Districts	0	0	0	0	0
Built environment (buildings)	1	30	106	105	242
Built environment (structures)	0	3	14	6	23
Built environment (objects)	0	0	0	2	2
Built environment (districts)	0	0	0	0	0
Total number of resources	1	41	154	188	384

Sources: Appendix H of this Tier 1/Program EIS/EIR

Notes:

NRHP=National Register of Historic Places

As summarized in Table 3.13-2, of the 384 known archaeological sites and built resources located within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Option 1, 42 known cultural resources are identified as historic properties or could be eligible for historic listing under NRHP or CRHR criteria. 188 known cultural resources have not been evaluated for NRHP and could potentially be identified as historic properties under NRHP or CRHR criteria.

As shown on Figure 3.13-1, there is one NRHP-listed property within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. This property is the San Timoteo Canyon Schoolhouse, which is located in the non-station area between the Loma Linda Station Area and the Pass Area Station Area.

While the San Timoteo Canyon Schoolhouse is within the Tier 1/Program EIS/EIR Cultural Study Area, the resource does not intersect with the rail line, which is approximately 327 feet away. The San Timoteo Canyon Schoolhouse was found to be significant at the local level under NRHP Criterion A (the resource made a contribution to the major pattern of events in American history in the areas of education and social history), with a period of significance of 1895 to 1937.

As part of the Tier 1/Program EIS/EIR scoping process, FRA, Caltrans, and RCTC identified potential consulting parties for Section 106 and AB 52, which included federal agencies, state

agencies, local agencies, and federally and state-recognized Native American tribes that have cultural and traditional affiliation within or near the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. Section 106 and AB 52 consultation letters were sent out to gather information from and to provide meeting opportunities with the potential consulting parties to discuss the Program.

On October 15, 2019, FRA sent letters inviting the listed parties in Table 3.13-3 to review the preliminary identification information and provide any other information or input they may have about the Program. On November 22 and 26, 2019, additional follow-up emails were sent to all parties whose invitation letters failed to be delivered (FTA and San Gorgonio Pass Historical Society). A summary of responses received to date is provided in Table 3.13-3.

The Section 106 consultation is complete for purposes of this Tier 1/Program EIS/EIR. Input received during the public review period of the Tier 1/Program EIS/EIR would be taken into consideration as part of future Tier 2/Project-level analysis and mitigation measures. Any future Tier 2/Project-level analysis would result in subsequent Section 106 consultation with local, state, and federal agencies, Native American tribes, and organizations to help identify site-specific TCR issues of concern. Native American Section 106 consultation efforts and summaries are provided under TCRs in Section 3.13.4.

Table 3.13-3. Section 106 Consulting Party Consultation Summary

Consulting Party	Responses Received to Date
Federal Agencies	
Bureau of Indian Affairs	No response received to date.
BLM	<p>October 28, 2019: The BLM (Palm Springs/South Coast Field Office) responded with a request to remain on mailing list for updates on the Program.</p> <p>February 13, 2020: John Dalton from the BLM Palm Springs Office attended a webinar about the Program. No further comments were received.</p>
FTA	<p>November 27, 2019: FTA (Region IX) responded that it has no additional information, questions, or comments regarding the Program.</p> <p>December 20, 2019: FRA extended a webinar invitation to FTA to discuss the Program and potential historic properties. FTA did not respond to the request and did not attend the webinar held February 13, 2020.</p>
USFWS	No response received to date.
State Agencies	
California Department of Parks and Recreation	No response received to date.
Caltrans, District 8	No response received to date.
California OHP	<p>November 14, 2019: The SHPO responded with a request to be kept informed as the undertaking progresses past the Tier 1/Program planning stages.</p> <p>February 13, 2020: Natalie Lindquist from the California SHPO attended a webinar about the Program. No further comments were received.</p>

Consulting Party	Responses Received to Date
County Agencies	
Riverside County	No response received to date.
San Bernardino County	No response received to date.
Local Agencies	
City of Banning	No response received to date.
City of Beaumont	No response received to date.
City of Calimesa	No response received to date.
Cathedral City	No response received to date.
City of Coachella	No response received to date.
City of Colton	No response received to date.
City of Colton – Historic Preservation Commission	No response received to date.
City of Desert Hot Springs	<p>October 30, 2019: The City of Desert Hot Springs responded with a request to be added as a consulting party for purposes of Section 106.</p> <p>January 7, 2020: The City of Desert Hot Springs declined to participate in the webinar scheduled for February 13, 2020.</p>
City of Indio	<p>October 21, 2019: The City of Indio responded with a request to be added as a consulting party for purposes of Section 106.</p> <p>February 13, 2020: Kevin Snyder from the City of Indio attended a webinar about the Program. No further comments were received.</p>

Consulting Party	Responses Received to Date
City of La Quinta	No response received to date.
City of La Quinta – Historic Preservation Commission	No response received to date.
City of Loma Linda	No response received to date.
City of Moreno Valley	No response received to date.
City of Palm Desert	No response received to date.
City of Palm Desert – Cultural Resource Preservation Committee	No response received to date.
City of Palm Springs	No response received to date.
City of Palm Springs – Historic Site Preservation Board	No response received to date.
City of Rancho Mirage	No response received to date.
City of Rancho Mirage – Historic Preservation Commission	No response received to date.
City of Redlands	No response received to date.
City of Redlands – Historic and Scenic Preservation Commission	No response received to date.
City of San Bernardino	No response received to date.
City of Yucaipa	No response received to date.

Consulting Party	Responses Received to Date
<i>Museums and Non-profits</i>	
Agua Caliente Cultural Museum	No response received to date.
Coachella Valley Historical Society	No response received to date.
Colton Area Museum	No response received to date.
Gilman Historic Ranch and Wagon Museum	No response received to date.
Malki Museum on Morongo Indian Reservation	No response received to date.
Moreno Valley Historical Society	No response received to date.
Palm Springs Historical Society	No response received to date.
Palm Springs Historical Society Museum	No response received to date.
Palm Springs Museum of Architecture and Design	No response received to date.
Palm Springs Preservation Foundation	No response received to date.
Public Arts and Historic Preservation Commission	No response received to date.
Redlands Area Historical Society	No response received to date.
Redlands Historical Museum Association	No response received to date.
San Bernardino County Museum	No response received to date.
San Gorgonio Pass Historical Society	No response received to date.

Consulting Party	Responses Received to Date
Yucaipa Valley Historical Society	No response received to date.

Notes:

BLM=Bureau of Land Management; Caltrans=California Department of Transportation; FRA=Federal Railroad Administration; FTA=Federal Transit Administration; OHP=Office of Historic Preservation; SHPO=State Historic Preservation Officer; U.S.=United States; USFWS=United States Fish and Wildlife Service

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Build Alternative Option 2 (Indio Terminus)

The Western Section of the Tier 1/Program EIS/EIR Cultural Study Area for Build Alternative Option 2 is the same as identified for Build Alternative Option 1. Information provided on NRHP-listed sites within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area is provided for contextual purposes as no construction activities are proposed within the Western Section, and operational activities are anticipated to remain the same as existing operations within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area.

As summarized in Table 3.13-4, the records search resulted in the identification of a total of 361 known cultural resources consisting of 112 archaeological sites and 249 built resources within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Options 2 and 3.

Table 3.13-4. Summary of Known Cultural Resources Within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area (Build Alternative Options 2 and 3)

Cultural Resource Type	NRHP- Listed Sites	Potentially Eligible for NRHP Listing	Not Eligible for NRHP Listing	Not Evaluated for NRHP Eligibility	Total Number of Sites
Archaeological Sites (historic only)	0	5	27	49	81
Archaeological Sites (prehistoric only)	0	3	6	15	24
Archaeological Sites (historic and prehistoric)	0	0	1	4	5
Archaeological Sites (unknown)	0	0	0	2	2
Archaeological Districts	0	0	0	0	0
Built environment (buildings)	1	25	106	93	225
Built environment (structures)	0	3	13	6	22
Built environment (objects)	0	0	0	2	2

Cultural Resource Type	NRHP- Listed Sites	Potentially Eligible for NRHP Listing	Not Eligible for NRHP Listing	Not Evaluated for NRHP Eligibility	Total Number of Sites
Built environmental (districts)	0	0	0	0	0
Total number of sites	1	36	153	171	361

Sources: Appendix H of this Tier 1/Program EIS/EIR

Notes:

NRHP=National Register of Historic Places

Regional history, NRHP-listed sites, and preliminary Section 106 consultation efforts for Build Alternative Option 2 are the same as Build Alternative Option 1.

Build Alternative Option 3 (Indio Terminus with Limited Third Track)

Regional history, NRHP-listed sites, and preliminary Section 106 consultation efforts for Build Alternative Option 3 are the same as Build Alternative Option 2.

Human Remains

Health and Safety Code Section 7050.5(b) specifies protocols to be followed when human remains are discovered. In addition, CEQA Guidelines Section 15064.5 assigns special importance to human remains and establishes procedures to be used when Native American remains are discovered.

Build Alternative Option 1 (Coachella Terminus)

As summarized in Table 3.13-2, there are 117 known archaeological resources located within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Option 1. Of these 117 known archaeological resources, human remains are present at 6 sites, 14 sites have the potential to contain human remains, and human remains are absent at the remaining 97 sites.

Build Alternative Option 2 (Indio Terminus)

As summarized in Table 3.13-4, there are 112 known archaeological resources located within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Option 2. Of these 112 known archaeological resources, human remains are present at 6 sites, 11 sites have the potential to contain human remains, and human remains are absent at the remaining 95 sites.

Build Alternative Option 3 (Indio Terminus with Limited Third Track)

Information related to human remains for Build Alternative Option 3 are the same as Build Alternative Option 2.

Tribal Cultural Resources

TCRs include site features, places, cultural landscapes, and sacred places or objects, which are of cultural value to a Native American tribe. Native American tribes have unique knowledge about sensitive resources important to tribal communities and provide insight to religious understanding, traditional stories, knowledge of resources (such as varying landscapes, bodies of waters, animals and plants), and self-identity. Knowledge of place is central to the continuation and persistence of culture.

In compliance with Section 106 of the NHPA and AB 52 requirements of CEQA, FRA and RCTC are undertaking Native American consultation to identify TCRs that could potentially occur within the Tier 1/Program EIS/EIR Cultural Study Area. This section provides a synopsis of the Native American consultation efforts that have occurred as of the date of this Tier 1/Program EIS/EIR.

Build Alternative Option 1 (Coachella Terminus)

As part of the Tier 1/Program EIS/EIR scoping process, FRA, Caltrans, and RCTC identified potential consulting parties for Section 106 and AB 52 which included federally and state-recognized Native American tribes that have cultural and traditional affiliation within or near the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area.

As part of federal government-to-government Section 106 tribal consultation efforts, a Sacred Lands File Search request was submitted to the NAHC for the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area on June 20, 2017, on behalf of FRA, the NEPA lead agency under Section 106. The NAHC responded June 27, 2017, that sites to which Native American tribes may attach religious and cultural significance are present within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area but provided no specific information regarding the sites' nature or location other than USGS Quadrangle township and range locations. In addition, the NAHC provided a list of Native American tribes that may have information regarding TCRs in or near the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area, with recommendations to contact the local tribal entities for more information regarding the sites.

No construction activities would be required to implement the Build Alternative Options within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area because the existing railroad ROW and station areas from LAUS to Colton would be used to increase service by two daily round

trips. For this reason, the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area was not included as part of the request to NAHC.

On October 15, 2019, FRA mailed invitations to consult to the list of Native American tribes identified in Table 3.13-5. On November 5, 2019, a follow-up email was sent to those mailing recipients whose letters were returned undeliverable. On December 20, 2019, a final follow-up email was sent to all Native American tribes who had not yet responded, using the original October 15, 2019 letter as an attachment. For any Native American tribe where an email was either unavailable or undeliverable, a follow-up phone call was made. A summary of responses received is provided in Table 3.13-5.

The Section 106 Native American consultation is complete for purposes of this Tier 1/Program EIS/EIR. Input received during the public review period of the Tier 1/Program EIS/EIR would be taken into consideration as part of future Tier 2/Project-level analysis and site-specific mitigation measures. Any future Tier 2/Project-level analysis would result in subsequent Section 106 consultation with Native American tribes to identify TCR issues of concern.

Table 3.13-5. Section 106 Native American Consultation Summary

Native American Tribe	Responses Received to Date
<i>Federally Recognized Tribes</i>	
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation	<p>November 15, 2020: The Native American tribe responded and requests government-to-government consultation, additional information regarding the Program (shapefiles of the area of potential effects, copies of any cultural resource documentation), and to schedule a meeting with FRA to discuss the Program.</p> <p>February 13, 2020: Lacy Padilla and Patty Garcia, THPO, from the Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation attended a webinar about the Program. The THPO requested and FRA provided a copy of the presentation, shapefiles for the alignment, and all records search results for the internal files. No formal written comments were received from the tribe or THPO.</p>
Augustine Band of Cahuilla Indians	No response received to date
Cabazon Band of Mission Indians	No response received to date
Cahuilla Band of Mission Indians	No response received to date
Campo Band of Mission Indians	No response received to date
Ewiappayp Band of Kumeyaay Indians	No response received to date
Jamul Indian Village of California	No response received to date
La Jolla Band of Luiseno Indians	No response received to date
La Posta Band Diegueno Mission Indians of the La Posta Reservation	<p>December 20, 2019: The Native American tribe responded and recommended that if there is ground disturbance, a native monitor should be on site. The Native American tribe has not requested government-to-government consultation with FRA.</p>

Native American Tribe	Responses Received to Date
Los Coyotes Band of Cahuilla and Cupeno Indians	No response received to date
Manzanita Band Diegueno Mission Indians of the Manzanita Reservation California	No response received to date
Morongo Band of Cahuilla Mission Indians ^a	January 29, 2020: Morongo THPO, Travis Armstrong, verbally discussed participating in Section 106 consultation with FRA.
Pala Band of Mission Indians ^a	March 5, 2020: Pala Band of Mission Indians THPO, Dr. Shasta Gaughen, responded that the Program is not within the boundaries of the recognized Pala Indian Reservation and is beyond the boundaries of the territory that the Pala Band of Mission Indians considers its Traditional Use Area.
Pauma Band of Luiseno Indians – Pauma and Yuma Reservation ^a	No response received to date
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation ^a	No response received to date
Ramona Band of Cahuilla	No response received to date
Rincon Band of Luiseno Mission Indians of the Rincon Reservation ^a	No response received to date
San Manuel Band of Mission Indians	November 25, 2019: The Native American tribe responded that it does not elect to be a consulting party for purposes of the Tier 1/Program evaluation. However, the Native American tribe has indicated that it would like to be informed of Tier 2/Project-level analysis.
San Pasqual Band of Diegueno Mission Indians of California ^a	No response received to date
Santa Rosa Band of Cahuilla Indians	No response received to date

Native American Tribe	Responses Received to Date
Soboba Band of Luiseno Indians ^a	<p>November 18, 2019: The Native American tribe responded with a request for government-to-government consultation and to schedule a meeting with FRA. The Native American tribe has also requested that a Soboba Native American Monitor be present for all ground-disturbing activities and that procedures regarding repatriation of cultural items, treatment and disposition of human remains, coordination with County Coroner's Office, and non-disclosure of reburial locations be implemented.</p> <p>January 30, 2020: In a separate meeting regarding a different project, Joseph Ontiveros, THPO, from the Soboba Band of Luiseno Indians, requested shapefiles of the alignment from FRA. The shapefiles, as requested, were sent to THPO Joseph Ontiveros on January 30, 2020</p> <p>February 10, 2020: Joseph Ontiveros, THPO, from the Soboba Band of Luiseno Indians provided a letter notifying FRA of a potentially eligible Traditional Cultural Property for the NRHP and CRHR. It recommended that consultation with Soboba continues, and that future federal actions associated with the area incorporate an approach that considers tribal resources.</p> <p>February 11, 2020: Joseph Ontiveros, THPO, from the Soboba Band of Luiseno Indians attended a webinar about the Program. The THPO requested and FRA provided a copy of the presentation, shapefiles for the alignment, and all records search results for the internal files. No formal written comments were received from the tribe or THPO.</p>
Sycuan Band of the Kumeyaay Nation	No response received to date
Torres-Martinez Desert Cahuilla Indians	No response received to date
Twenty-Nine Palms Band of Mission Indians of California ^a	No response received to date
Viejas Band of Kumeyaay Indians ^a	No response received to date

Native American Tribe	Responses Received to Date
<i>Non-Federally Recognized Tribes</i>	
Gabrieleño Band of Mission Indians – Kizh Nation	<p>January 16, 2020: The Native American tribe responded with a request for government-to-government consultation under Section 106 and to schedule a meeting with FRA.</p> <p>January 23, 2020: The Tier 1/Program team contacted Chairman Andrew Salas on behalf of FRA to discuss setting up a meeting. After this initial discussion, Chairman Salas indicated that there was no need to meet at this time to further discuss the Tier 1/Program evaluation; however, Chairman Salas indicated that the Kizh Nation wants to be involved and informed of Tier 2/Project-level analysis.</p>
Gabrieleno/Tongva San Gabriel Band of Mission Indians	No response received to date
Gabrielino Tongva Indians of California Tribal Council	No response received to date
Gabrielino/Tongva Nation	No response received to date
Gabrielino-Tongva Tribe	No response received to date
San Fernando Band of Mission Indians	No response received to date
Serrano Nation of Mission Indians	No response received to date

Notes:

^a This indicates the Native American tribe has a THPO.

CRHR=California Register of Historical Resources; FRA=Federal Railroad Administration; NRHP=National Register Historic Places; THPO=Tribal Historic Preservation Officer

Recognizing that Native American tribes may have expertise with regard to their tribal history and practices, AB 52 requires that RCTC, as the lead agency under CEQA, provide notice to Native American tribes that are traditionally and culturally affiliated with the geographic area of the Project if they have requested notice of projects proposed within that area. As part of AB 52 Native American consultation efforts, RCTC mailed invitations to consult to the list of Native American tribes identified in Table 3.13-6. A summary of responses received, is provided in Table 3.13-6. RCTC has completed AB 52 Native American consultation for purposes of the Tier 1/Program EIS/EIR.

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Table 3.13-6. Assembly Bill 52 Native American Consultation Summary

Native American Tribe	Responses Received to Date
<p>Gabrieleño Band of Mission Indians – Kizh Nation</p>	<p>October 19, 2016: RCTC sends out an invitation to consult on the Program for purposes of AB 52.</p> <p>October 30, 2016: The Native American tribe responded with a request for government-to-government consultation under AB 52.</p> <p>August 29, 2019: RCTC provided additional information (updated Program description and background research conducted regarding known archaeological resources within the Tier 1/Program EIS/EIR Cultural Study Area). Since the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area, located largely within the Gabrieleño Band of Mission Indians Kizh Nation Ancestral Territory, did not propose any ground-disturbing activities, RCTC asked that the Native American tribe reconfirm their request to consult under AB 52 for the Tier 1/Program evaluation.</p> <p>September 30, 2019: RCTC sent a follow-up email to request confirmation by October 4, 2019, from the Native American tribe on the need to consult further under AB 52 based on the information RCTC provided on August 29, 2019. No further response has been received.</p>
<p>San Manuel Band of Mission Indians</p>	<p>August 29, 2019: RCTC sends out an invitation to consult on the Program for purposes of AB 52.</p> <p>September 11, 2019: The Native American tribe responded with a request for further information to assess their level of involvement with the Tier 1/Program analysis. The Native American tribe also stated that, while the majority of the Tier 1/Program EIS/EIR Cultural Study Area exists outside of Serrano ancestral territory, there are concerns regarding the portion from Colton to Beaumont and Banning and the Loma Linda/Redlands/Colton area within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area.</p> <p>September 30, 2019: RCTC provided additional information (copy of the <i>Cultural Resources Technical Memorandum</i>).</p> <p>October 3, 2019: Upon review of the additional information provided, the Native American tribe noted that they did not have concerns with the Draft Tier 1/Program EIS/EIR and will wait until Tier 2/Project-level notifications to discuss specific activities that may impact resources of concern to the San Manuel Band of Mission Indians.</p>

Notes:

^a This indicates the Native American Tribe has a THPO.

AB=Assembly Bill; EIS=environmental impact statement; EIR=environmental impact report; RCTC=Riverside County Transportation Commission; THPO=Tribal Historic Preservation Officer

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Build Alternative Option 2 (Indio Terminus)

Information related to TCRs within Build Alternative Option 2 are the same as Build Alternative Option 1.

Build Alternative Option 3 (Indio Terminus with Limited Third Track)

Information related to TCRs within Build Alternative Option 3 are the same as Build Alternative Option 1.

3.13.5 Environmental Consequences

Overview

An adverse effect is defined by Section 106 regulations as an effect that alters, directly or indirectly, the qualities that make a resource eligible for listing in the NRHP (36 CFR Part 800.5[a][1]). A property's location, design, setting, materials, workmanship, feeling, and association must be considered to the extent that these qualities contribute to the integrity and significance of a resource. Adverse effects may be direct and reasonably foreseeable, or they may be more remote in time or distances that an effect alters the qualities that make a resource eligible for listing in the NRHP, directly or indirectly (36 CFR Part 800.5[a][1]).

A project that causes a substantial adverse change in the significance of a historical resource is a project that may have a substantial effect under CEQA (PRC Section 15064.5[b]). A substantial adverse change in the significance of a historical resource means 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. The significance of a historical resource is materially impaired if a project demolishes or materially alters any qualities that justify the inclusion or eligibility for inclusion of a resource in the CRHR or inclusion of the resource on a local register. Additionally, a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment (PRC Section 21084.2).

If an archaeological site does not meet the criteria for a historical resource but does meet the definition of a unique archaeological resource, mitigation or avoidance measures would be implemented (14 CCR Section 15064.5[b][3]). If an archaeological resource is neither a unique archaeological resource or a historical resource, the effects of the project on those resources would not be considered a significant effect on the environment. It would be sufficient that both the resources and the effects on it are included in the initial study or EIR, if one is prepared to address

effects on other resources, but they need not be considered further in the CEQA process (14 CCR Section 15064.5[c][4]).

FRA determined its federal action to provide financial assistance for the development of this Tier 1/Program EIS/EIR is an undertaking, as defined in Section 106 of the NHPA, and its implementing regulations (36 CFR Part 800), but this planning effort does not have the potential to affect historic properties. In making this determination, FRA has no further obligations under Section 106 with respect to this undertaking (i.e., Tier 1/Program EIS/EIR). Completion of subsequent Section 106 processes would occur pursuant to the August 17, 2018 Advisory Council on Historic Preservation *Program Comment to Exempt Consideration of Effects to Rail Properties within Rail Rights-of-Way*, as well as 36 CFR Part 800, as appropriate, if there is a future undertaking associated with construction under Tier 2/Project-level analysis.

No Build Alternative

The No Build Alternative, as described in Chapter 2, Program Alternatives, is used as the baseline for comparison. The No Build Alternative would not implement the Program associated with this service-level evaluation. Because no physical changes would occur, no effects on cultural or tribal resources are anticipated under the No Build Alternative.

Build Alternative Options 1, 2, and 3

Historic Property Effects

CONSTRUCTION

Western Section. No construction activities would be required to implement any of the Build Alternative Options within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area because the existing railroad ROW and stations from LAUS to Colton would be used. The Build Alternative Options would not require construction of new stations, new track or extensions to existing track, or the addition of sidings, wayside signals, drainage, or at-grade separations within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area. Therefore, no ground-disturbing activities would be anticipated that could result in the disturbance of known or previously undiscovered historic properties. When compared with the No Build Alternative, effects on historic properties would be negligible within the Western Section under Build Alternative Options 1, 2, and 3.

Eastern Section. Effects on historic properties would vary depending on the future location of a passenger rail system within the selected Build Alternative Option. Construction of rail infrastructure improvements and station facilities could result in effects on known cultural resources if the resources are near or within an area where an infrastructure improvement or station facility is being constructed. In addition, ground-disturbing activities may also result in inadvertent discovery of previously unknown cultural resources.

As summarized in Table 3.13-2, there are 384 known cultural resources within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Option 1. Of these 384 known cultural resources, 1 resource is a listed NRHP property, 41 resources are potentially eligible for NRHP or CRHR listing, and 188 resources have not been evaluated for NRHP or CRHR eligibility.

As summarized in Table 3.13-4, there are 361 known cultural resources within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area under Build Alternative Options 2 and 3. Of these 361 known cultural resources, 1 resource is a listed NRHP property, 36 resources are potentially eligible for NRHP or CRHR listing, and 171 resources have not been evaluated for NRHP or CRHR eligibility.

Effects on known and previously unknown cultural resources may include damage or destruction during ground-disturbing activities associated with construction of rail infrastructure improvements or station facilities within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. Damage may also be caused through vibrations caused by geotechnical testing, use of heavy equipment, or any earth-moving activities.

Avoidance is the preferred way to address cultural resources. As all the Build Alternative Options propose use of the same corridor, avoidance options at the broad, corridor service-level are limited. However, as described above, decisions on avoidance methods would be evaluated and determined during Tier 2/Project-level analysis when site-specific details on the rail infrastructure improvement or station facility are known. When compared with the No Build Alternative, Build Alternative Option 1 could have a substantial effect on cultural resources within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. When compared with Build Alternative Option 1, Build Alternative Options 2 and 3 would have slightly reduced effects due to a shorter route alignment and reduced station options. However, the magnitude of effects would be similar and considered substantial when compared with the No Build Alternative.

OPERATION

Western and Eastern Sections. Under Build Alternative Options 1, 2, and 3, passenger train frequencies proposed as part of the Program would consist of the addition of two daily round-trip, intercity, diesel-powered passenger trains operating the entire length of the Tier 1/Program EIS/EIR Cultural Study Area between Los Angeles and Coachella. Operational effects are anticipated to be limited to maintenance of culverts, bridges, embankments, and station areas, which are not anticipated to result in ground-disturbing activities. Therefore, no ground-disturbing activities would be anticipated that could result in the disturbance of known or previously undiscovered historic properties. When compared with the No Build Alternative, effects on historic properties would be negligible within the Western and Eastern Sections under Build Alternative Options 1, 2, and 3.

Human Remains Effects

CONSTRUCTION

Western Section. No construction activities would be required to implement any of the Build Alternative Options within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area because the existing railroad ROW and stations from LAUS to Colton would be used. The Build Alternative Options would not require construction of new stations, new track or extensions to existing track, or the addition of sidings, wayside signals, drainage, or at-grade separations within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area. Therefore, no ground-disturbing activities would be anticipated that could result in the disturbance of human remains. When compared with the No Build Alternative, effects on human remains would be negligible within the Western Section under Build Alternative Options 1, 2, and 3.

Eastern Section. Construction of rail infrastructure improvements and station facilities could result in effects on human remains if human remains are present within an area where an infrastructure improvement or station facility is being constructed. In addition, ground-disturbing activities may also result in inadvertent discovery of previously unknown human remains. CEQA Guidelines Section 15064.5 requires that excavation activities be stopped whenever human remains are uncovered and the County Coroner be called in to assess the remains. If the County Coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified by the NAHC. CEQA Guidelines Section 15064.5 directs the lead agency, under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

When compared with the No Build Alternative, Build Alternative Option 1 could have a moderate effect on human remains within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. When compared with Build Alternative Option 1, Build Alternative Options 2 and 3 would have

slightly reduced effects due to a shorter route alignment and reduced station options. However, the magnitude of effects would be similar and considered moderate when compared with the No Build Alternative.

OPERATION

Western and Eastern Sections. Under Build Alternative Options 1, 2, and 3, passenger train frequencies proposed as part of the Program would consist of the addition of two daily round-trip, intercity, diesel-powered passenger trains operating the entire length of the Tier 1/Program EIS/EIR Cultural Study Area between Los Angeles and Coachella. Operational effects are anticipated to be limited to maintenance of culverts, bridges, embankments, and station areas, which are not anticipated to result in ground-disturbing activities. Therefore, no ground-disturbing activities would be anticipated that could result in the disturbance of human remains. When compared with the No Build Alternative, effects on human remains would be negligible within the Western and Eastern Sections under Build Alternative Options 1, 2, and 3.

Tribal Cultural Resource Effects

CONSTRUCTION

Western Section. No construction activities would be required to implement any of the Build Alternative Options within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area because the existing railroad ROW and stations from LAUS to Colton would be used. The Build Alternative Options would not require construction of new stations, new track or extensions to existing track, or the addition of sidings, wayside signals, drainage, or at-grade separations within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area. Therefore, no construction activities would be anticipated that could result in the effects or impacts on TCRs. When compared with the No Build Alternative, effects on TCRs would be negligible within the Western Section under Build Alternative Options 1, 2, and 3.

Eastern Section. Effects on TCRs would vary depending on the future location of a passenger rail system within the selected Build Alternative Option. Construction of rail infrastructure improvements and station facilities within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area could result in effects on TCRs if the resources are near or within an area where an infrastructure improvement or station facility is being constructed. In addition, ground-disturbing activities may also result in inadvertent discovery of previously unknown TCRs. Effects on TCRs may include damage or destruction during ground-disturbing activities associated with construction of rail infrastructure improvements or station facilities within the Eastern Section of the Tier 1/Program EIS/EIR Cultural Study Area. Avoidance is the preferred way to address TCRs. As all the Build Alternative Options propose use of the same Program Corridor, avoidance options at the broad, corridor service-level

are limited. However, as described above, decisions on avoidance methods would be evaluated and determined during Tier 2/Project-level analysis when site-specific details on the rail infrastructure improvement or station facility are known.

When compared with the No Build Alternative, Build Alternative Option 1 could have a substantial effect on TCRs within the Eastern Section of the Tier 1/Program Tier 1/Program EIS/EIR Cultural Study Area. When compared with Build Alternative Option 1, Build Alternative Options 2 and 3 would have slightly reduced effects due to a shorter route alignment and reduced station options. However, the magnitude of effects would be similar and considered substantial when compared with the No Build Alternative.

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Western and Eastern Sections. Under Build Alternative Options 1, 2, and 3, passenger train frequencies proposed as part of the Program would consist of the addition of two daily round-trip, intercity, diesel-powered passenger trains operating the entire length of the Tier 1/Program EIS/EIR Cultural Study Area between Los Angeles and Coachella. The operation of the additional passenger trains would not be anticipated to affect TCRs as passenger trains currently operate in the Western and Eastern Sections. Other operational activities would be limited to maintenance of culverts, bridges, embankments, and station areas, which are not anticipated to result in effects on TCRs. Effects associated with the Western and Eastern Sections of Build Alternative Options 1, 2, and 3 on TCRs would be negligible when compared with the No Build Alternative.

3.13.6 NEPA Summary of Potential Effects

Table 3.13-7 through Table 3.13-9 summarize the qualitative assessment of potential effects (negligible, moderate, or substantial) under NEPA for each of the Build Alternative Options. This service-level analysis uses the Tier 1/Program EIS/EIR Cultural Study Area to determine if cultural resources may be affected and the relative magnitude of the effect.

Table 3.13-7. NEPA Summary of Effects on Historic Properties

Alternative Option	NRHP-Listed Properties	Resources Eligible for Listing on the NRHP	Resources Not Evaluated for NRHP Eligibility	Total Number of Previously Recorded Cultural Resources	Potential Intensity of Effect: Western Section	Potential Intensity of Effect: Eastern Section
No Build Alternative ^a	Not applicable	Not applicable	Not applicable	Not applicable	Construction: None Operation: None	Construction: None Operation: None
Build Alternative Option 1 (Coachella Terminus)	7	41	188	384	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible
Build Alternative Option 2 (Indio Terminus)	7	36	171	361	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible
Build Alternative Option 3 (Indio Terminus with Limited Third Track)	7	36	171	361	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible

Notes:

^a The No Build Alternative includes existing and potential expansion of roadway, passenger rail, and air travel facilities within the Tier 1/Program EIS/EIR Cultural Study Area; however, for the service-level evaluation, identifying levels of effect from potential expansion of those facilities is speculative and would be dependent on Tier 2/Project-level analysis.

NRHP=National Register of Historic Places

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Table 3.13-8. NEPA Summary of Effects on Human Remains

Alternative Option	Potential Intensity of Effect: Western Section	Potential Intensity of Effect: Eastern Section
No Build Alternative ^a	Construction: None Operation: None	Construction: None Operation: None
Build Alternative Option 1 (Coachella Terminus)	Construction: Negligible Operation: Negligible	Construction: Moderate Operation: Negligible
Build Alternative Option 2 (Indio Terminus)	Construction: Negligible Operation: Negligible	Construction: Moderate Operation: Negligible
Build Alternative Option 3 (Indio Terminus with Limited Third Track)	Construction: Negligible Operation: Negligible	Construction: Moderate Operation: Negligible

Notes:

- ^a The No Build Alternative includes existing and potential expansion of roadway, passenger rail, and air travel facilities within the Tier 1/Program EIS/EIR Cultural Study Area; however, for the service-level evaluation, identifying levels of effect from potential expansion of those facilities is speculative and would be dependent on Tier 2/Project-level analysis.

Table 3.13-9. NEPA Summary of Effects on Tribal Cultural Resources

Alternative Option	Potential Intensity of Effect: Western Section	Potential Intensity of Effect: Eastern Section
No Build Alternative ^a	Construction: None Operation: None	Construction: None Operation: None
Build Alternative Option 1 (Coachella Terminus)	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible
Build Alternative Option 2 (Indio Terminus)	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible

Alternative Option	Potential Intensity of Effect: Western Section	Potential Intensity of Effect: Eastern Section
Build Alternative Option 3 (Indio Terminus with Limited Third Track)	Construction: Negligible Operation: Negligible	Construction: Substantial Operation: Negligible

Notes:

^a The No Build Alternative includes existing and potential expansion of roadway, passenger rail, and air travel facilities within the Tier 1/Program EIS/EIR Cultural Study Area; however, for the service-level evaluation, identifying levels of effect from potential expansion of those facilities is speculative and would be dependent on Tier 2/Project-level analysis.

3.13.7 CEQA Summary of Potential Impacts

Based on the information provided in Sections 3.13.4 and 3.13.5, and considering the CEQA Guidelines Appendix G Checklist questions for cultural resources and TCRs, the Build Alternative Options would have potentially significant impacts on cultural and TCRs when reviewed on a Program-wide basis. Placing the rail infrastructure improvements and new stations largely within or along the existing ROW reduces the potential for significant impacts associated with known resources. However, because the infrastructure and station sites have not been selected, some areas that may contain cultural and tribal resources may be significantly impacted. At the Tier 1/Program analysis level, it is not possible to know the location, extent, and particular characteristics of impacts on these resources. Proposed mitigation strategies discussed in Section 3.13.8 would be applied to reduce potential impacts.

Table 3.13-10 summarizes the CEQA significance conclusions for the Build Alternative Options; the proposed mitigation strategies that could be applied to minimize, reduce, or avoid the potential impacts; and the significance determination after mitigation strategies are applied. The identification and implementation of site-specific mitigation measures necessary for Tier 2/Project-level implementation would occur as part of the Tier 2/Project-level analysis.

Table 3.13-10. CEQA Summary of Impacts on Cultural Resources

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
<i>Would the Program cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?</i>		
<i>Construction</i>		
<p>Western Section – No Impact. No construction impacts on historical resources are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level because no physical improvements that would require ground-disturbing activities are proposed or required within the Western Section.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Eastern Section – Potentially Significant. Potential impacts on historic resources depend on the location of rail infrastructure improvements, station facilities and types of construction activities, which have yet to be determined. The Eastern Section contains known historical resources and could contain additional unknown historical resources. Construction of rail infrastructure improvements and station facilities have the potential to impact historical resources through ground-disturbing activities. Therefore, potentially significant impacts under Build Alternative Option 1, 2, or 3 are anticipated at the Tier 1/Program EIS/EIR evaluation level. Site-specific impacts on historical resources would be identified and evaluated during the Tier 2/Project-level analysis.</p>	<p>CUL-1</p>	<p>Potentially Significant. CUL-1 minimize, reduce, or avoid potential impacts on historical resources through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on historical resources would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable historical resource would be impacted by the rail infrastructure improvement or station facility proposed.</p>
<i>Operation</i>		
<p>Western Section – No Impact. The increase in train service (two additional round-trip daily trains within the Tier 1/Program EIS/EIR Cultural Study Area) would not change existing land use and would not result in changes associated with a historical resource. Therefore, no operational impacts under Build Alternative Option 1, 2, or 3 are anticipated at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
<p>Eastern Section – No Impact. Once construction ceases, operation of the new railroad infrastructure and stations under the Build Alternative Options are not anticipated to result in changes associated with a historical resource. Therefore, no impacts under Build Alternative Option 1, 2, or 3 are anticipated at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p><i>Would the Program cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</i></p>		
<p><i>Construction</i></p>		
<p>Western Section – No Impact. No construction impacts on archaeological resources are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level because no physical improvements that would require ground-disturbing activities are proposed or required within the Western Section.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Eastern Section – Potentially Significant. Potential impacts on archaeological resources depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. The Eastern Section contains known archaeological resources and could contain additional unknown archaeological resources. Construction of rail infrastructure improvements and station facilities have the potential to impact archaeological resources through ground-disturbing activities. Therefore, potentially significant impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level. Site-specific impacts on archaeological resources would be identified and evaluated during the Tier 2/Project-level analysis.</p>	<p>CUL-1</p>	<p>Potentially Significant. CUL-1 would minimize, reduce, or avoid potential impacts on archaeological resources through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on archaeological resources would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable archaeological resource would be impacted by the rail infrastructure improvement or station facility proposed.</p>

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
Operation		
Western Section – No Impact. The increase in train service (two additional round-trip daily trains within the Tier 1/Program EIS/EIR Cultural Study Area) would not change existing land use and would not result in a substantial change of an archaeological resource within the Western Section of the Tier 1/Program EIS/EIR Cultural Study Area. Therefore, no impacts are anticipated under Build Alternative Option 1, 2, or 3.	Not applicable	Not applicable
Eastern Section – No Impact. Once construction ceases, operation of the new railroad infrastructure and stations under the Build Alternative Options are not anticipated to result in changes associated with an archaeological resource. Therefore, no impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.	Not applicable	Not applicable
Would the Program disturb any human remains, including those interred outside of dedicated cemeteries?		
Construction		
Western Section – No Impact. No construction impacts on human remains are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level because no physical improvements that would require ground-disturbing activities are proposed or required within the Western Section.	Not applicable	Not applicable
Eastern Section – Less Than Significant. The potential for the inadvertent discovery of human remains during ground disturbing activities exists. However, implementation of requirements and procedures contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097 would reduce these potential impacts to less than significant.	Not applicable	Not applicable

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
Operation		
Western Section – No Impact. Operational activities in the Western Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require ground-disturbing activities that could result in the disturbance of human remains. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.	Not applicable	Not applicable
Eastern Section – No Impact. Operational activities in the Eastern Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require ground-disturbing activities that could result in the disturbance of human remains. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.	Not applicable	Not applicable
<i>Would the Program cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</i>		
Construction		
Western Section – No Impact. No construction impacts on TCRs are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level because no physical improvements are proposed or required within the Western Section.	Not applicable	Not applicable
Eastern Section – Potentially Significant. Potential impacts depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. Construction of rail infrastructure improvements and station facilities have the potential to impact TCRs through ground-disturbing activities. Preliminary AB 52 Native American consultation at the Tier 1/Program evaluation phase has been initiated and completed. While no specific comments were received regarding TCRs, requests to receive Tier 2/Project-level notifications were made. Site-specific	CUL-1	Potentially Significant. CUL-1 would minimize, reduce, or avoid potential impacts on TCRs through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on TCRs would occur. Impacts may remain significant and unavoidable if further analysis determines that a

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
<p>impacts on TCRs would be identified and evaluated during the Tier 2/Project-level analysis.</p>		<p>non-renewable TCR would be impacted by the rail infrastructure improvement or station facility proposed. Additional AB 52 Native American consultation is anticipated to be initiated during the Tier 2/Project-level environmental process.</p>
<p>Operation</p>		
<p>Western Section – No Impact. Operational activities in the Western Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require activities that could result in the impacts on TCRs. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Eastern Section – No Impact. Operational activities in the Eastern Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require activities that could result in the impacts on TCRs. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p><i>Would the Program cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</i></p>		
<p>Construction</p>		
<p>Western Section – No Impact. No construction impacts on TCRs are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level because no physical improvements are proposed or required within the Western Section.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Impact Summary	Mitigation Strategy	Significance with Mitigation Strategy
<p>Eastern Section – Potentially Significant. Potential impacts depend on the location of rail infrastructure improvements, station facilities, and types of construction activities, which are currently unknown. Construction of rail infrastructure improvements and station facilities have the potential to impact TCRs through ground-disturbing activities. Preliminary AB 52 Native American consultation at the Tier 1/Program evaluation phase has been initiated and completed. While no specific comments were received regarding TCRs, requests to receive Tier 2/Project-level notifications were made. Site-specific impacts on TCRs would be identified and evaluated during the Tier 2/Project-level analysis.</p>	<p>CUL-1</p>	<p>Potentially Significant. CUL-1 would minimize, reduce, or avoid potential impacts on TCRs through design, further analysis, and the avoidance of resources. However, it is unknown to what extent and type of impact on TCRs would occur. Impacts may remain significant and unavoidable if further analysis determines that a non-renewable TCR would be impacted by the rail infrastructure improvement or station facility proposed. Additional AB 52 Native American consultation is anticipated to be initiated during the Tier 2/Project-level environmental process.</p>
<p>Operation</p>		
<p>Western Section – No Impact. Operational activities in the Western Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require activities that could result in the impacts on TCRs. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Eastern Section – No Impact. Operational activities in the Eastern Section include the maintenance of existing rail infrastructure and station facilities. These maintenance activities are not anticipated to require activities that could result in the impacts on TCRs. Therefore, no operational impacts are anticipated under Build Alternative Option 1, 2, or 3 at the Tier 1/Program EIS/EIR evaluation level.</p>	<p>Not applicable</p>	<p>Not applicable</p>

Notes:

AB=Assembly Bill; EIS=environmental impact statement; EIR=environmental impact report; PRC=Public Resource Code; TCR=tribal cultural resource

3.13.8 Avoidance, Minimization, and Mitigation Strategies

Identified below are proposed mitigation strategies for further consideration in the Tier 2/Project-level analysis. Specific mitigation measures, to the extent required, would be identified and discussed during Tier 2/Project-level analysis after design details are known and specific impacts are identified for the site-specific rail infrastructure improvement or station facility being proposed. If any Tier 2/Project-level analysis results in an adverse effect on a property that is listed, eligible, or potentially eligible for listing in the NRHP or CRHR, potential site-specific mitigation measures could include additional research to recover data or exhaust the information potential of a site, changes in project design, development of a memorandum of agreement with a public involvement component, a programmatic agreement, site-specific archaeological treatment plans and historic building surveys, and other site-specific mitigation measures that may result from subsequent Tier 2/Project-level Section 106 and AB 52 consultation.

Additional Section 106 and AB 52 consultation with all applicable consulting parties, resource agencies, and/or Native American tribes over potentially affected properties would be key to developing successful Tier 2/Project-level documents for any of the Build Alternative Options. Decisions on avoidance methods would be evaluated and determined during Tier 2/Project-level analysis when site-specific details on the rail infrastructure improvement or station facility are known.

Mitigation Strategy CUL-1: During subsequent Tier 2/Project-level analysis, a preliminary cultural resource screening shall be conducted by the identified lead agency or agencies to determine if the Tier 2/Project-level improvement being proposed has the potential to impact cultural resources. If the proposed Tier 2/Project-level improvement has the potential to impact cultural resources, a qualified cultural resources specialist shall conduct a cultural resources assessment report to document the existing cultural resources within the Tier 2/Project-level Study Area. The report may include, but not be limited to, the following:

- Survey and inventory for archaeological resources, including those determined to be tribal cultural resources, including a review of updated information for the applicable cultural information center and other data repositories.
- Survey and inventory for historic, built-environment resources, including a review of updated information for the applicable cultural information center and other data repositories.
- All identified cultural resources shall be recorded using the appropriate California Department of Parks and Recreation cultural resources recordation forms.

- Cultural resources shall be evaluated for eligibility for inclusion in the National Register of Historic Places and California Register of Historical Resources, and evaluations shall be conducted by individuals who meet the Secretary of the Interior’s professional qualification standards in archaeology, history, and/or architectural history.
- Documentation of Tier 2/Project-level Section 106 and Assembly Bill 52 Native American consultation efforts and site-specific recommendations and input received from Native American tribes including but not limited to:
 - The provision of Native American monitors on site during ground disturbance activities
 - Identification of procedures regarding repatriation of cultural items
 - Notification and early coordination with the Bureau of Indian Affairs (BIA) and applicable Tribal Historic Preservation Officers for Tier 2/Project-level fieldwork and surveys occurring within Native American reservation lands.

If the resource is found to be a historical resource/historic property, the agency carrying out implementation of the Tier 2/Project-level improvement shall be required to identify and implement site-specific mitigation if the Tier 2/Project-level improvement has a substantial adverse change to the resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that convey its significance for inclusion in or eligibility for the NRHP, California Register of Historical Resources, or local register. These Tier 2/Project-level site-specific mitigation measures shall be developed in coordination with applicable Section 106 and AB 52 consultation requirements.