RECON

Negative Cultural Resources Survey Report for the Inyo Retail Cannabis Project Inyo County, California

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Acronyms and Abbreviations

CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CRHR	California Register of Historic Resources
EIC	California Historical Resources Information System, Eastern Information Center
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
project	Inyo Retail Cannabis Project
USC	United States Code

1.0 Summary

This report provides the results of the cultural resources survey for the Inyo Retail Cannabis Project (project) in Inyo County, California. The total footprint encompassing permanent and temporary impacts consists of 9.65 acres of commercially-zoned land located in the unincorporated Charleston View area of the county, approximately 20 miles east of the community of Tecopa, California. The project site is located on the south side of Old Spanish Trail Highway, between Carpenter Road and Rose Avenue. The project site consists of four parcels owned by Inyo Face, LLC, totaling approximately 9.65 acres. The four parcels are proposed for development for both retail and production facilities for recreational cannabis.

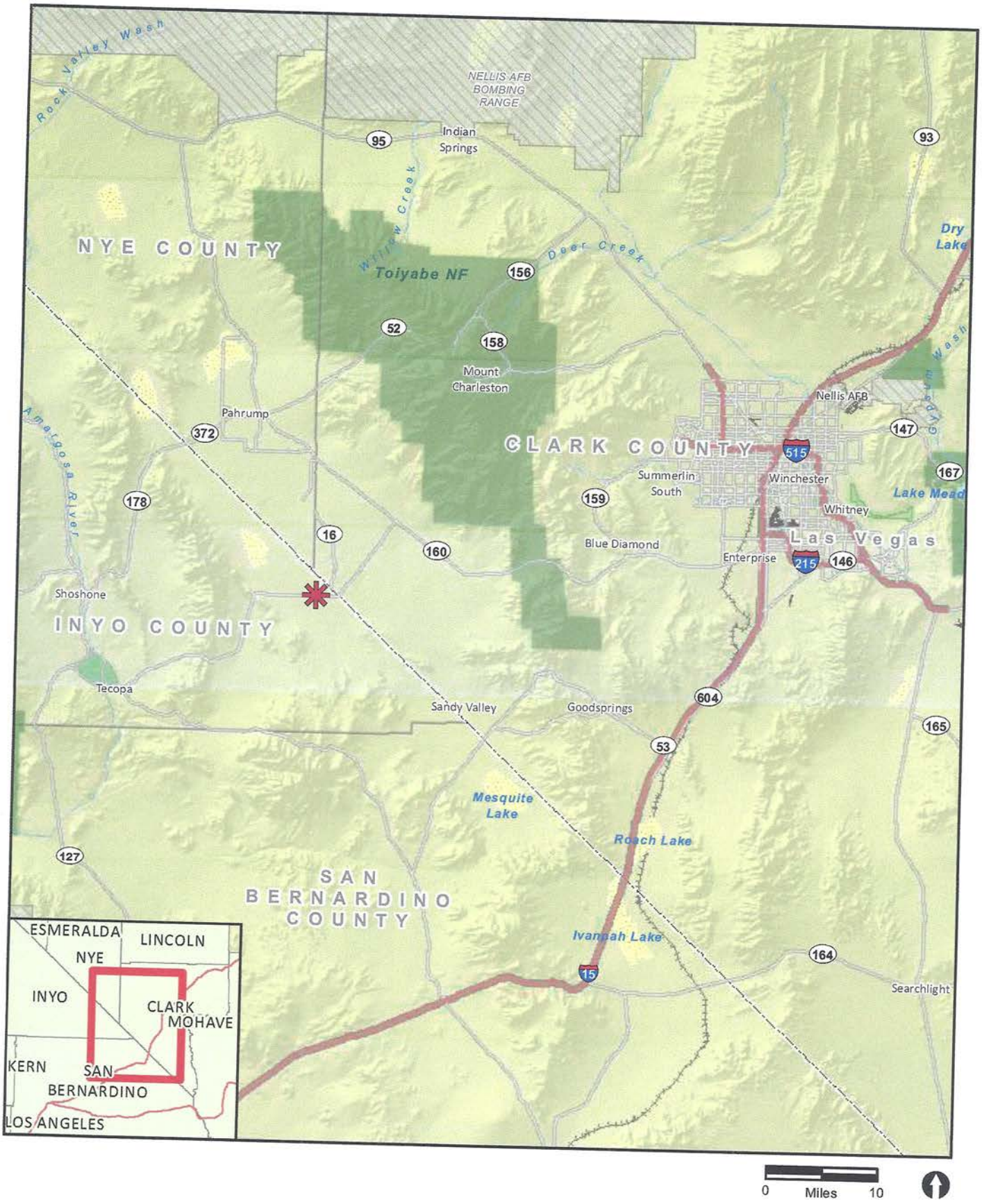
A records search was requested from the Eastern Information Center at University of California, Riverside. The Eastern Information Center is a representative member of the California State Historic Preservation Office. A cultural resources pedestrian survey was conducted by RECON Environmental, Inc. (RECON) as part of the review process. No archaeological or historical resources were identified during the records search or the pedestrian survey. No further action is recommended at this time.

2.0 Introduction and Project Description

The project would be located in the unincorporated Charleston View area of the Pahrump Valley, in southeastern Inyo County, approximately 20 miles east of the community of Tecopa and approximately 45 miles west of the city of Las Vegas, Nevada. Figure 1 shows the regional location of the project. The project site comprises four parcels: Assessor Parcel Numbers 048-391-105 (Lot 5), 048-391-106 (Lot 6), 048-391-111 (Lot 11), and 048-391-112 (Lot 12), totaling approximately 9.65 acres owned by Inyo Face, LLC. Each parcel covers 2.41 acres, and is bounded by roads on two sides.

The project site is located in the northwestern quarter of Section 34, Township 22 North, Range 10 East, on the U.S. Geological Survey (USGS) Calvada Springs quadrangle (USGS 1984; Figure 2). An aerial photograph of the survey area is shown on Figure 3.

The project is a joint retail and production facility for recreational cannabis. The total proposed project development footprint, encompassing both temporary and permanent impacts, would be 9.65 acres; however, the four lots will be built separately. All four lots are planned for development but are scheduled to be built at different times. The first lots to be developed are 5 and 12 and would be the location of the described facility. The facility would consist of a single-story commercial building, parking lots, secure staging yard, and landscaping. There would be customer and delivery access from Old Spanish Trail Highway, and emergency access from Hall Lane. Electrical utilities are accessible from Old Spanish Trail Highway and water would be from a proposed well. Sewage would be handled with an on-site septic system.



Project Location

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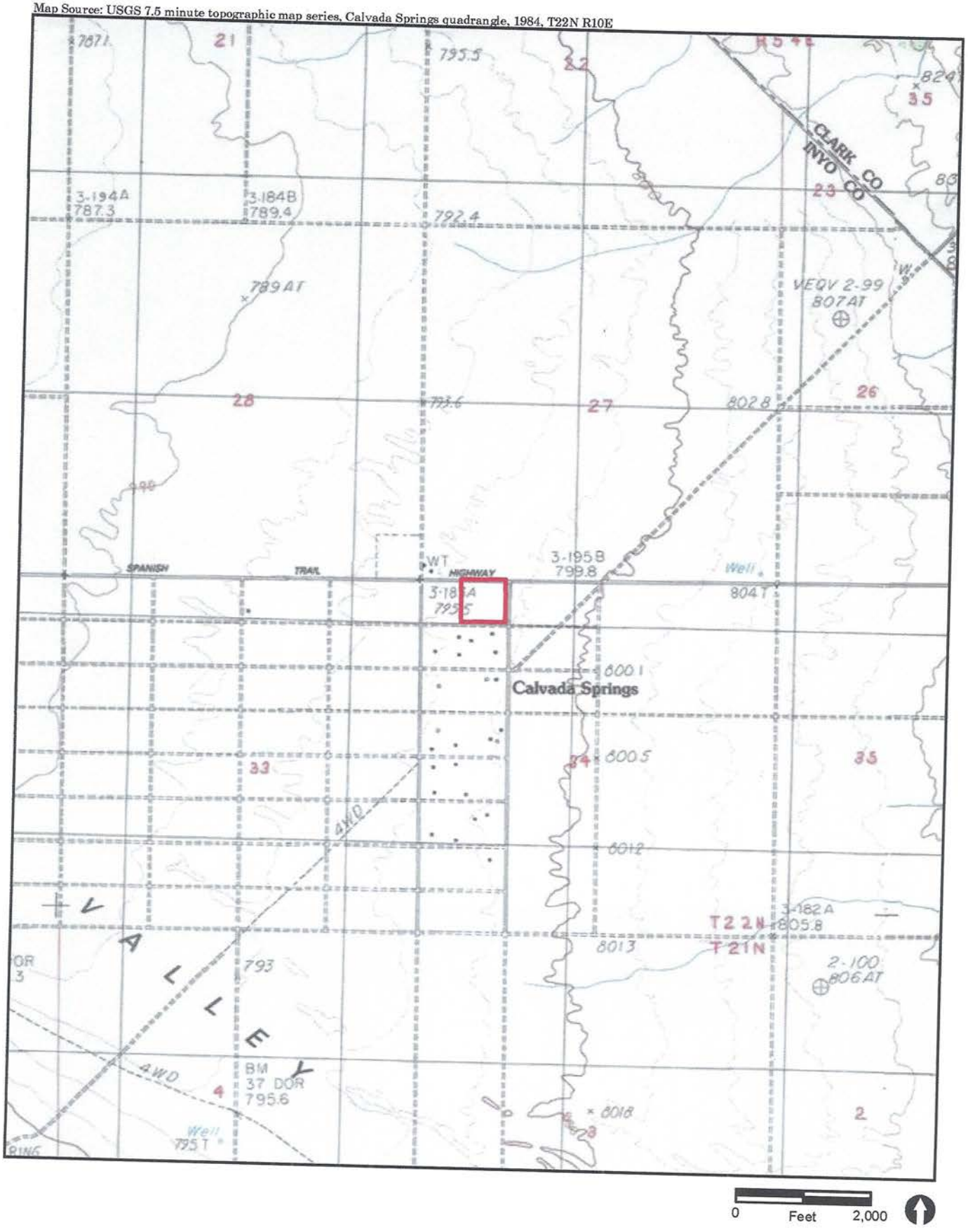
FIGURE 1
Regional Location

Map Source: USGS 7.5 minute topographic map series, Calvada Springs quadrangle, 1984, T22N R10E



Project Boundary

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FIGURE 2
Project Location on USGS Map

Image Source: Maxar (flown June 2017)

Project Boundary

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FIGURE 3
Project Location on Aerial Photograph

3.0 Background

3.1 Environmental Setting

The project site is located in the Pahrump Valley within the Mojave Desert. The Mojave is the driest of the North American deserts (MacKay 2003). Mountain chains along the southern and western margins cast a broad "rain shadow" by blocking and redirecting the prevailing moisture-bearing westerly winds from the coast. Generally, Death Valley notwithstanding, the lower lying areas of the western Mojave average about five inches of precipitation per year, while the elevated areas of the eastern Mojave average approximately two inches per year. In the western Mojave, the predominant rainy season period is during the winter months, whereas in the eastern Mojave, summer monsoons provide the bulk of precipitation, often accounting for more than half of the annual rainfall total (MacKay 2003).

3.1.1 Physical Characteristics

The project site consists of commercially- and rural residential-zoned land that is partially disturbed due to vehicle access, dumping, and utility corridors. The project site is bounded by Old Spanish Trail Highway to the north, undeveloped privately-owned lots to the east and west, and a rural residential area to the south. Infrastructure that occurs within the project site includes an electrical distribution line and a community refuse collection dumpster. All four parcels are relatively homogenous and contain similar levels of disturbance.

3.1.2 Topography, Soils, and Hydrology

Elevation within the project site is approximately 2,600 feet above mean sea level (USGS 1984). Topography is generally level, with the exception of human-made ditches along the boundaries of the project site. The area currently does not have soil maps but the substrate consists of stable alluvium from the surrounding mountains and is likely an aridosol or entisol, as shown on the nearest soil maps in Clark County, Nevada, approximately 2.5 miles east (USDA 2006). Aridosols are soils formed in dry, hot climates, and often exhibit hardpans composed of soluble minerals. The hardpans can support deep animal burrows. Entisols are soils lacking extensive soil horizon development, due to factors such as limited water movement such as in an arid environment. The site is within the Pahrump Valley watershed, a closed basin draining toward a dry lake (USGS 1984).

3.1.3 Vegetation

The project site supports creosote bush scrub (*Larrea tridentata* Shrubland Alliance) and disturbed habitat. Creosote bush scrub occupies most of the project site. This community occurs in the desert areas that have been subjected to minimal historical disturbance. Disturbed habitat consists of bare ground and dirt roads that are subjected to continued disturbance, preventing establishment of substantial vegetation cover. The few plants that

occur within or along the edges of these areas include redstem filaree, red brome, saltlover (*Halogeton glomeratus*), and occasional shrubs near the edges (RECON 2020).

3.2 Cultural Setting

3.2.1 Culture History and Chronology

The prehistory of the Pahrump Valley spans four general temporal periods: Late Pleistocene and Early, Middle, and Late Holocene. In light of the many cultural sequences for the Mojave Desert and Great Basin, the temporal periods are described below.

3.2.1.1 Late Pleistocene (20,000-10,500 B.P.)

Human occupation during the Late Pleistocene has been termed the Paleoindian Period. The earliest part of the Paleoindian Period is represented by the Clovis Complex, characterized by the Fluted Point Tradition. However, the dates for these points are problematic in the Great Basin and California because no fluted points in California have been associated with radiocarbon dates nor found in association with Pleistocene fauna (Rondeau et al. 2007). Obsidian hydration measurements have been used to date fluted points in the Mojave Desert (Sutton et al. 2007). Fluted points are typically found on the surface and rarely in buried contexts and more often in the north and west than in other parts of the Mojave Desert. Significant concentrations of these points appear in the drainage basins of the Pleistocene lakes of China and Thompson (Sutton et al. 2007). Traditionally the people during the early Holocene were thought to be mobile big-game hunters; however, recent studies suggest that their economies were more diverse and focused on smaller animals and plant foods, and that large game played a minor role (Erlandson et al. 2007). They lived in small populations in temporary camps located near permanent water sources (Sutton et al. 2007).

3.2.1.2 Early Holocene (10,000-7,500 B.P.)

The best-known complex during the Early Holocene is the Lake Mojave Complex. It spanned approximately 10,000 to 7,000 years ago. The Lake Mojave Complex consists of projectile points of the Great Basin stemmed series and abundant bifaces, along with steep-edged unifaces, crescents, and occasional cobble-core tools and ground stone implements. These sites tend to be surface only and are found around fossil pluvial lakeshores such as Lake Mojave and China Lake. Its inhabitants had adapted to wetland environments and hunted, gathered, and fished. The people lived in small social units that used a forager-like strategy and revisited the same locations. Sites types in the Mojave Desert and western Great Basin include residential bases, lithic workshops, and small camps. Lake Mojave sites generally lack reliable radiocarbon dates; however, some radiocarbon dates exist from Lake Mojave, Fort Irwin, Rosamond Lake, and China Lake sites (Sutton et al. 2007).

3.2.1.3 Middle Holocene (7,500-4,000 B.P.)

The early part of the Middle Holocene is characterized by the Pinto Complex (7,000 to 4,000 B.P.). Radiocarbon data from some sites in the Mojave Desert suggest that there was an overlap between the Lake Mojave and Pinto complexes and that the Pinto Complex may have begun in the Early Holocene (Sutton et al. 2007). During the first part of the Middle Holocene, a drier climate resulted in shallow and fluctuating lake levels. Sites occur within remnant pluvial lake basins, along ancient dry stream channels, spring/seep locations, and in upland contexts in the Mojave Desert. The artifact assemblage includes Pinto points, leaf-shaped points and knives, drills, heavy-keeled scrapers, retouched flakes, choppers, hammerstones, shell beads, and small fauna. Manos and flat milling stones appear in abundance for the first time during prehistory. Based on this high abundance of milling tools, intensive plant exploitation is considered one of the inhabitants' subsistence strategies and access to plant resources must have been an important factor in determining site placement (Sutton et al. 2007). Groups most likely consisted of multiple families living in centralized sites near logistically close to locations used to gather resources (Sutton et al. 2007).

3.2.1.4 Late Holocene (after 4,000 B.P.)

Following an approximate 1,000-year hiatus in the Mojave Desert and western Great Basin, the Gypsum Complex emerged amid conditions that were somewhat wetter and cooler than the conditions of the Pinto Complex. The artifact assemblage of archaeological sites representing this period consists of Elko, Humboldt, and Gypsum Cave points; triangular knives; large points with straight bases and shoulders; hammerstones; choppers; flake-based scrapers; scraper-planes; large drills with expanding bases; stone pendants; limited shell beads; milling stones; manos; mortars; and pestles. The presence of split-twig figurines and pit houses in the northeastern Mojave Desert reflected influence from the Southwest (Warren 1984). Evidence of ritual activities at several sites includes quartz crystals, paint, and rock art. Sites are smaller but more numerous and in more diverse locations; however, there is a paucity of major Gypsum Period sites in the southern and eastern portions of the Mojave Desert. Trade and social complexity increased during the Gypsum Complex (Sutton et al. 2007). In the northeastern Mojave Desert, sites are located in dunes near mesquite, flat gravel-covered benches, ridgetops, and along the Amargosa River and surrounding mountains (Warren 1984).

From about 1,500 B.P. to the historic era, the cultural complex in the Mojave Deserts has been termed the Late Prehistoric Period, which spanned from about 1,500 B.P. to the time of the historic era. The cultural sequence in eastern Mojave Desert was influenced by the Ancestral Puebloan during the early part of the period (Warren 1984). Most archaeologists view this period as the extension of the ethnographic present. A series of dry and wet episodes characterize the climate during this period (Sutton 1996).

During the first part of the Late Holocene (1,500 to 1,000 B.P.) in the Mojave Desert, evidence of the Rose Springs Period appeared and marked the beginning of the bow-and-arrow technology. These sites have well-developed middens and a variety of

material culture including Eastgate and Rose Spring projectile points, stone knives, drills, pipes, bone awls, milling tools, marine shell artifacts, and large quantities of obsidian (Sutton et al. 2007). The sites are found near springs (Saratoga, Rose), along washes, and sometimes along lakeshores (Rogers/Rosamond and Koehn lakes). Evidence of wickiups and pit houses has been found at two sites in the western Mojave Desert (Sutton et al. 2007).

During the latter part of the Late Prehistoric Period, lakes in the Mojave Desert evaporated, forcing the area of occupation to shift to nearby ephemeral water sources. Numic-speaking populations moved into the southern part of the western Mojave Desert at this time. Sites are centered in the Coso Volcanic Field, Coso Hot Springs, and near the Mojave River. There is evidence of Ancestral Puebloan materials near the turquoise mines near Halloran Springs, along the Mojave Desert, and in the Cronese Lakes area. Artifacts from this time include Desert series projectile points, buffware and brownware ceramics, shell beads, incised stones, and milling tools. The use of obsidian decreased (Sutton et al. 2007).

3.2.2 Ethnographic Context

At the time of European contact, regional residents were the Southern Paiute Tribe as well as the Chemehuevi Tribe (included with the Paiute). The Southern Paiute (Nuwuvi) Tribe is made up of independent bands, or groups. Each band has its own government. The Southern Paiute Tribe was located in the more southerly portions of the area and the Western Shoshone in the more westerly section (Euler 1966; Kelly and Fowler 1986; Steward 1938). The Mojave and Hualapai tribes were located to the south and southeast. There was considerable interaction among these groups as they moved in and out of Eastern California and Southern Nevada (Ruppert 1976).

Southern Paiute habitation structures known archaeologically and ethnographically consisted of wickiups (a conical frame of branches covered with layers of bark, grass, or brush) in winter and brush shelters in summer (Inter-Tribal Council of Nevada 1976). Material culture comprised a wide range of basketry forms for storage, transport, resource gathering, and cooking, as well as ceramics in some groups (Fowler and Dawson 1986; Fowler and Fowler 1981; Kelly 1964; Stewart 1942). Baskets were apparently favored over the heavier pottery owing to the nomadic Paiute lifestyle. Other items of material culture included the bow and arrow, nets, woven items, grinding implements, and flint knives, with trade items such as shells and cloth (Euler 1966).

The Southern Paiute subsistence base emphasized hunting, foraging, and farming in the valley bottoms. The Southern Paiute used many plants and animals ranging from insects and small mammals to deer and mountain sheep. Wild plant foods were prickly pear, yucca, piñon nuts, grass seeds, agave, acorns, wild grapes, and roots. While hunting was emphasized in men's social organization, wild plant foods were primarily gathered by the women, which provided the bulk of dietary needs. Mesquite beans and pods continued to be of considerable importance, while maize, beans, squash, sunflower, and amaranth were farmed (Kelly 1964; Ruppert 1976).

Resources were generally obtained in a seasonally transhumant round (seasonal movement to gather resources), which varied from group to group and habitat to habitat. Farming was normally not intensive; older people often cared for the fields while the remainder of the group gathered resources in other locations (Ezzo and Majewski 1996; Inter-Tribal Council of Nevada 1976; Kelly and Fowler 1986). Most sources agree that the nuclear family was the primary unit of social organization for the Southern Paiute with aggregation and dispersal of larger and smaller groups throughout the year (Euler 1966; Kelly 1964; Steward 1938).

3.2.3 Historic Period

The first reported direct European contacts were with the Spanish in the late 1700s. The expeditions of Garcés and of Domínguez and Escalante attempted to establish a viable route between Santa Fe, New Mexico, and Monterey, California. Part of their route became a portion of the Old Spanish Trail, which consisted of previously existing trails used for raiding and trading (Harper et al. 2006). In 1830, a caravan of traders from New Mexico lead by Antonio Armijo traveled from waterhole to waterhole along a similar route. John C. Fremont's expedition traveled through the area to further explore the Great Basin and Pacific Coast in 1845 (Rolle and Verge 2008). The Old Spanish Trail became increasingly important to trade in the 1830s, being used by many American trappers and traders. The Mojave River Valley was also a popular route for horse and cattle thieves and Native American slave traders bound for the established settlements in New Mexico (Malouf and Findlay 1986).

During the 1850s, after the Mormons (Church of Jesus Christ of Latter-day Saints) improved the trail to allow for wagons, the Old Spanish Trail became the Mormon Road, which brought settlers and other travelers to the area (Harper et al. 2006). After the discovery of gold, prospectors also began using the trail among other routes that crossed the desert. Increased Euro-American settlement displaced the Southern Paiute from long-used agricultural, foraging, and hunting lands, which became depleted by livestock grazing and larger farming operations. Interactions with Mormon settlers increased so that by the 1870s the majority of Southern Paiute had direct contact with Euro-Americans, with some settling near Mormon communities (Kelly and Fowler 1986).

Beginning in 1850–1860s, numerous mines including gold, silver, borate, and borax were established in the surrounding areas of Death Valley, Calico, Ivanpah, and Providence Mountains (Greene 1981, 1983, and Ross 2002). By 1860, the community of Tecopa served as the primary settlement for local miners. The settlement was moved in 1907 to be along the Tonopah and Tidewater Railroad rail line, which ran approximately 200 miles through the Mojave Desert from Ludlow, California through Death Valley and Amargosa Valley ending at Tonopah and Goldfield, Nevada (County of Inyo 2016).

The influx of Americans into the area resulted in conflicts with Native American groups (Norwood et al. 1980). A chain of military posts was established in San Bernardino County between 1859 and 1860. These posts were created to protect the travel route from San Bernardino across the Mojave Desert to Fort Mojave, near Needles (Hector 1987). In Inyo County, Camp Independence was established in July 1862 to quell the conflicts between the

Native Americans and ranchers and protect the road to the mines in Nevada (California State Military Museum 2011).

Inyo County was established in 1866 from portions of Coso, Mono, and Tulare counties. Much of its development can be attributed to mining, railroad development, ranching, and farming. The area continues to be sparsely populated. The population as of the 2010 census was 18,546, (County of Inyo 2020).

4.0 Methods

4.1 Archival Research

RECON requested a records search from the California Historical Resources Information System, Eastern Information Center at the University of California, Riverside (EIC) on March 23, 2020 (Confidential Attachment 1).

A letter was sent on March 23, 2020, to the Native American Heritage Commission (NAHC) requesting them to search their Sacred Lands Files to identify spiritually significant and/or sacred sites or traditional use areas in the project vicinity. The NAHC was also asked to provide a list of local Native American tribes, bands, or individuals who may have concerns or interests in the cultural resources of the project.

4.2 Survey Methods

An archaeological field survey of the project site was conducted between April 13 and 14, 2020 by RECON archaeologist Nathanial Yerka. The project site was inspected for evidence of archaeological materials such as flake debris, flaked and ground stone tools, ceramics, milling and thermal features, and human remains, as well as historic-period buildings, structures, objects, deposits, and infrastructure. The entire project site was surveyed in approximately 5-meter intervals. Notations concerning terrain, soils, land uses, and objects were drafted in the field at the time of the survey.

5.0 Results

5.1 Archival Research

A records search was requested from the EIC on March 23, 2020 and the results were returned to RECON July 20, 2020 (Confidential Attachment 1). The records search results indicate three previously recorded cultural resources within a one-mile radius of the project site; however, no cultural resources are recorded within the project site. The records search did indicate that two previous archaeological surveys had been conducted within one mile of the project site, but these did not include the project site parcels.

CA-INY-010323 is an 8,250-foot historic road segment that connects the old Nevada State Route 16 to the Tecopa Pass Road. The road segment is depicted on the 1910 USGS

30-minute Ivanpah map as well as the 1956 USGS 15-minute Horse Thief Springs quadrangle map. The road has been graded in the modern era and exhibits no remaining desert pavement (Lawson and Reid 2011). The road is situated approximately 550 feet southeast of the southeast corner of the project area.

CA-INY-010322 is the southern segment of an ephemeral trail or footpath that measures 0.7 kilometer in length and is approximately 35 to 40 centimeters wide. It is postulated that this is a prehistoric footpath that links area springs located at Hidden Hills Ranch or Browns Spring to the Tecopa Pass (Lawson and Reid 2011). The footpath is situated approximately 1.45 kilometers (0.90 miles) west-northwest of the northwest corner of the project area.

CA-INY-010321 is a 5.5 mile-long recorded segment of the Old Spanish Trail-Mormon Road that varies in width between 7 to 20 feet. The road varies in construction from ephemeral wheel ruts to a graded dirt road and is situated approximately 0.88 mile south of the southeast corner of the project area (Lawson and Spaulding 2012). A primary route for the growing trade was the Old Spanish Trail, pioneered as a trade route between New Mexico and California by Antonio Armijo in 1829 (Beck and Haase 1974). This trail is more than 2,700 miles in length and began in Santa Fe, New Mexico then crossed Colorado, Arizona, Utah, and Nevada, and ended at the Pueblo of Los Angeles, California. The various route alignments of this historic trail network were a combination of indigenous people's paths and horse and mule exploration and trade routes utilized to transport merchandise and people in the early 1800s. Armijo's route included portions of the routes blazed by de Rivera, Dominguez and de Escalante, and Jedediah Smith (Malouf and Findlay 1986). Many American trappers and traders used the Old Spanish Trail and it became increasingly important to trade in the 1830s (Malouf and Findlay 1986).

After 1848, use of the Old Spanish Trail declined as other routes to California were used. The Old Spanish National Historic Trail was established in 2002 and is co-administered by the National Park Service and Bureau of Land Management, but includes all land ownerships. The Old Spanish National Historic Trail is not a constructed contiguous trail with a demarcated alignment, and it has very few officially designated hiking trails along the trail corridor. Although portions of the trail are in private ownership, points along it have public access, viewpoints, and interpretive sites for visitors. Almost none of Old Spanish National Historic Trail is listed in the National Register of Historic Places (NRHP), and because it is hard to find through pedestrian survey, it is not likely to even be recorded and evaluated (NPS 2001).

A reply letter was received from the NAHC on March 27, 2020, indicating that they have no record of spiritually significant and/or sacred sites or traditional use areas in the project vicinity; however, they included a list of Native American tribes who may have knowledge of cultural resources within the project area. The response letter from the NAHC is included as Attachment 1.

5.2 Survey Results

The pedestrian archaeological survey of the project site was performed between April 13 and 14, 2020 by RECON archaeologist Nathanial Yerka. The survey took place under clear skies and calm conditions. The project site naturally comprises an alluvial bed with a surface of desert pavement and creosote bush scrub (Photographs 1 and 2). The project site exhibits a fair amount of surface disturbance owed mostly to off-road vehicle activity (Photographs 3 and 4). The most notable disturbance is a wide established ingress/egress dirt road located in the northern portion of the project site, which facilitates access to four community waste collection dumpsters (Photograph 5). Also noted was a possible well location with area spoils and associated two-track access road located at the approximate center of the project site (Photograph 6). An approximately 42-foot by 26-foot excavated pad with associated rebar occurs in the southeastern quadrant of the project site (Photograph 7). Other noted disturbances include the following: property boundary grading (owed to adjacent and established dirt roads, e.g., Carpenter Avenue); several electrical distribution line poles; off-road vehicle tracks; four waste collection dumpsters; a refrigerator; a wooden community message center sign; a bank of three cluster style United States Postal Service mailboxes; wooden road signage exhibiting buried posts; several metal U-Channel posts; several piles of cut vegetation; dumped imported gravel; dimensional lumber; and a small amount of surface rubbish.

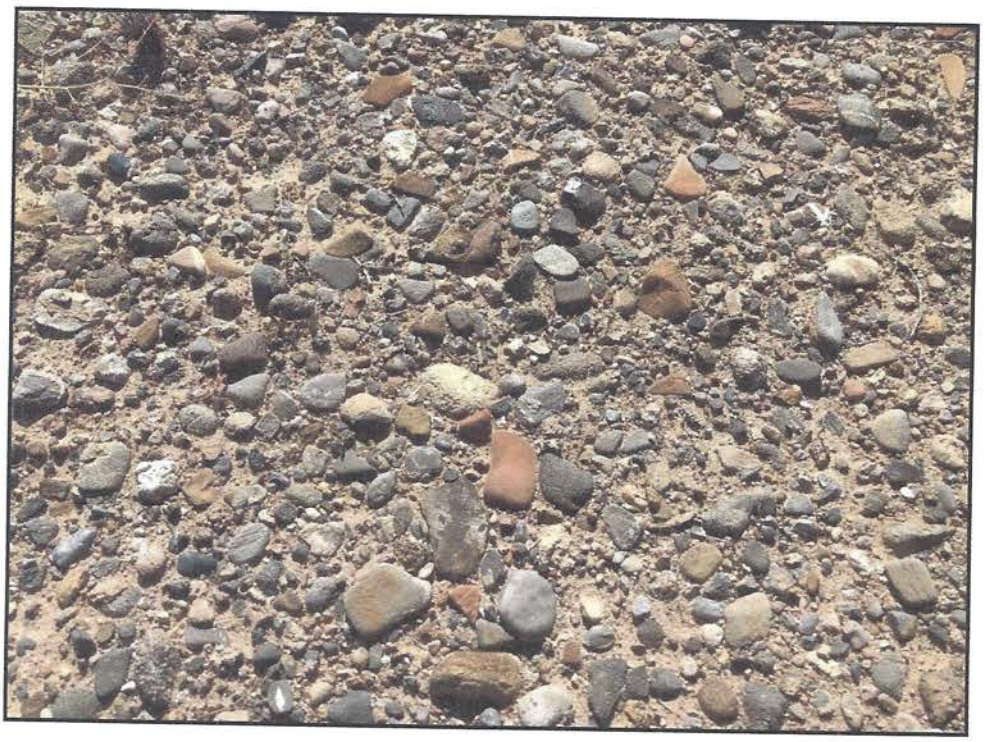
No prehistoric or historic cultural material was observed within the project area.

6.0 Regulatory Framework and Interpretation of Resource Significance

6.1 Federal Regulatory Setting

6.1.1 National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (16 United States Code [USC] 470), as amended, is the primary federal law governing the preservation of cultural and historic resources in the United States. The NHPA establishes the federal government policy on historic preservation and the programs through which this policy is implemented. Section 106 of the NHPA (16 USC 470f) requires federal agencies to take into account the effects of their *undertakings on any district, site, building, structure, or object that is included in or* determined eligible for inclusion in the NRHP and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings (36 Code of Federal Regulations [CFR] 800.1).



PHOTOGRAPH 1
Typical Desert Pavement Ground Surface

PHOTOGRAPH 2
Typical Creosote Bush Scrub and Desert Pavement,
Looking West

PHOTOGRAPH 3
Typical Off-Road Vehicle Use, Looking South

PHOTOGRAPH 4
Typical Off-Road Vehicle Use, Looking East-Southeast

PHOTOGRAPH 5
Ingress/Egress Dirt Road for Collection Dumpsters,
Looking West-Northwest

PHOTOGRAPH 6
Possible Well Location, Looking South-Southeast

PHOTOGRAPH 7
Excavated Pad with Associated Rebar, Looking North-Northwest

To be eligible for the NRHP, cultural resources must possess integrity and meet at least one of the following four criteria specified in 36 CFR 60.4. Pursuant to 36 CFR 60.4, these are the criteria by which properties are evaluated:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and
>
> A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
>
> B. That are associated with the lives of persons significant in our past; or
>
> 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 values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
>
> D. That have yielded or may be likely to yield, information important in prehistory or history.

Under Section 106 of the NHPA, a project's impacts on historic properties that affect the characteristics that qualify a property for NRHP inclusion are considered an adverse effect on the environment. Examples of adverse effects on historic properties are listed under 36 CFR 800.5(a)(2) and include, but are not limited to, physical destruction or damage to all or part of a property, change of the character or the use of the property or physical feature within the setting of the property that contributes to its significance, or introduction of visual, atmospheric, or audible elements that diminish the integrity of significant features of the property. If an adverse effect is identified, the agency shall act pursuant to 36 CFR 800.6 (36 CFR 800.5[d][2]) to resolve the adverse effect by developing and evaluating alternatives or modifications to the undertaking that "could avoid, minimize, or mitigate adverse effects on historic properties" (36 CFR 800.6[a]). Cultural resources that have been determined ineligible for the NRHP in consultation with the State Historic Preservation Office and interested parties require no further consideration unless new discoveries trigger re-evaluations.

6.2 State Regulatory Setting

The project is subject to California Environmental Quality Act (CEQA) compliance.

6.2.1 California Environmental Quality Act

The regulatory framework and methods for determining impacts on cultural resources include compliance with the requirements of CEQA as defined in Section 15064.5 of the CEQA Determining the Significance of Impacts to Archaeological and Historical Resources (CEQA Guidelines). These guidelines require the identification of cultural resources that could be affected by the project, the evaluation of the significance of such resources, an assessment of the project impacts on significant resources, and a development of a data

recovery program to avoid or address adverse effects to significant resources. Significant resources, also called historical resources, are those cultural resources (whether prehistoric or historic) that have been evaluated and determined to be eligible for listing in the California Register of Historical Resources (CRHR).

According to CEQA Section 15064.5 (a), a historical resource includes the following:

1. A resource listed in, or determined to be eligible for listing on, the CRHR.
2. A resource included in the local register.
3. A resource which an agency determines to be historically significant. Generally a resource shall be considered to be "historically significant," if the resource meets the criteria for listing on the California Register of Historical Places (Public Resources Code Section 5024.1 Title 14 California Code of Regulations, Section 4852) including the following:
   A. Is associated with events that have made a significant contribution to the broad patterns of California's history or cultural heritage;
   B. Is associated with the lives of persons important in our past;
   C. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of an important creative individual, or possesses high artistic values; or
   D. Has yielded, or maybe likely to yield, information important to prehistory or history.
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR or a local register does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

A resource must meet one of the above criteria and must have integrity; that is, it must evoke the resource's period of significance or, in the case of criterion D, it may be disturbed, but it must retain enough intact and undisturbed deposits to make a meaningful data contribution to regional research issues. Most archaeological sites typically qualify for listing under criterion D.

7.0 Recommendations

In consideration of the negative results of records search conducted at the EIC, and the negative results of the on-foot survey of the project parcels, it is recommended that no further archaeological actions are necessary, and that no significant historical resources will be affected by the proposed undertaking.

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ATTACHMENT 1

Native American Heritage Commission Correspondence

STATE OF CALIFORNIA — Gavin Newsom, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

March 27, 2020

Carmen Zepeda-Herman

RECON Environmental, Inc.

Via Email to: czepeda@reconenvironmental.com

Re: Inyo Retail Cannabis Project RECON #9619, Inyo County

Dear Ms. Zepeda-Herman:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Native American Contacts List
March 27, 2020

Big Pine Paiute Tribe of the Owens Valley
James Rambeau, Sr., Chairperson
P.O. Box 700 — Paiute - Shoshone
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(976) 938-2942 Fax

Big Pine Paiute Tribe of Owens Valley
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Bishop Paiute Tribe
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(760) 873-4143 Fax

Bishop Paiute Tribe
Monty Bengochia, THPO
50 Tu Su Lane — Paiute - Shoshone
Bishop ,CA 93514
(760) 873-8435 ext 250
(760) 873-4143 Fax

Death Valley Timbi-sha Shoshone Tribe
George Gholoson, Chairperson
P. O. Box 1779 / 1349 Rocking W Dri Western Shoshone
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(760) 873-9004 - FAX

Fort Independence Indian Community of Paiutes
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(760) 878-2311 FAX

Kern Valley Indian Community
Julie Turner, Secretary
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Lake Isabella ,CA 93240
(661) 340-0032 Cell

Kern Valley Indian Community
Robert Robinson, Chairperson
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Lone Pine Paiute-Shoshone Tribe
Mary Wuester, Chairwoman
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(760) 876-8302 Fax

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code,Section 5097.94 of the Public Resources Code, or Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans Tribes for the proposed:
Inyo Retail Cannabis Project RECON #9619, Inyo County.

Native American Heritage Commission
Native American Contacts List
March 27, 2020

Twenty-Nine Palms Band of Mission Indians
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29chairman@29palmsbomi-nsn.gov
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(760) 863-2449 Fax

Twenty-Nine Palms Band of Mission Indians
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Walker River Reservation
Melanie McFalls, Chairperson
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(775) 773-2585 Fax

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

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This list is only applicable for contacting local Native Americans Tribes for the proposed: Inyo Retail Cannabis Project RECON #9619, Inyo County.

CONFIDENTIAL ATTACHMENT 1

Records Search Results

(Not for Public Review)