February 8, 2013

Bob Stark, AICP
PMC
6020 Cornerstone Court West, Suite 260
San Diego, CA 92121

Re: Negative Archaeological Assessment for the Town Center Village Apartments Project,
City of El Centro, California (PL# 2722.01)

Dear Mr. Stark:

This letter report presents the results of an archaeological assessment conducted for the Town Center Village Apartments project (project) in the City of El Centro, Imperial County, California. Pacific Legacy, Inc. was retained by PMC to conduct this assessment. Studies included a records search and literature review, Native American outreach, and field survey. This assessment was conducted in compliance with the California Environmental Quality Act (CEQA). This letter report provides study results and recommendations required for preparation of a Mitigated Negative Declaration. The purpose of this investigation was to identify and document any historical or prehistoric resources within the study area that may be adversely impacted by the project.

Project Description

The proposed project would subdivide 41 acres of vacant land into five parcels and a remainder lot. Three of the parcels would be developed as an apartment complex; the remaining parcels would be improved with ground cover. The project also includes the expansion of an existing basin and related storm water conveyance infrastructure located north of the proposed apartment site. In addition to construction of the apartment buildings and expansion of the basin, project activities would include construction of roadways, bicycle lanes, landscaping, curbs, gutters, and ADA access ramps; relocation/extension of gas, telephone, and cable lines; and other related improvements. Both the 41-acre main parcel and the area of the expansion basin were included in this assessment. Figure 1 depicts the project area on the El Centro, Calif. 7.5-minute USGS Quadrangle, including the 41-acre main project site and the basin expansion area. The project is located within Section 30 of Township 15 South, Range 14 East. Figure 2 shows the project area on an aerial photo.
Records Search
A records search was conducted by the South Coastal Information Center (SCIC) of the California Historical Resources Information System (CHRIS) on January 29, 2013. This included a review of site records and reports on file with CHRIS, national and state historic resources inventories, historic maps, and other archives.

The records search indicates that twenty-five cultural resources studies have been conducted within a one mile radius of the project area, though only two of these (BLM 2006, 2007) extend into the current project area. These two reports, a draft and final Environmental Impact Report/Environmental Impact Statement for a pipeline expansion project, pertain to a single study with the same project boundary, which overlaps only very slightly with the southwest corner of the current project area. The remaining 23 studies range in age from 1977 to 2006, and relate primarily to roadway, airport, pipeline, and other infrastructure improvements. These studies identified three sites within one mile of the project area, though no sites exist within the project area itself (Table 1).

Table 1. Resources Within 1 mile of the Project Area.

<table>
<thead>
<tr>
<th>P-Number</th>
<th>Trinomial</th>
<th>Type</th>
<th>In or Adjacent to Project Area?</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-13-008682</td>
<td>CA-IMP-8166H</td>
<td>Historic – Niland to Calexico Railroad</td>
<td>Within 1-mile</td>
</tr>
<tr>
<td>P-13-009302</td>
<td>CA-IMP-8489H</td>
<td>Historic – San Diego &amp; Arizona Eastern Railroad</td>
<td>Within 1-mile</td>
</tr>
<tr>
<td>P-13-014314</td>
<td>--</td>
<td>Historic – Villa Road</td>
<td>Within 1-mile</td>
</tr>
</tbody>
</table>

CA-IMP-8166H/P-13-008682 is a portion of the Niland to Calexico Railroad, which was constructed between 1902 and 1904 by the Southern Pacific Company, and runs 65 miles from Niland to Calexico. It was first recorded in 2003, with an update in 2011. The portion of the resource in the vicinity of the project runs south-southeast by north-northwest and passes just east of the project site. At its closest point, it comes within several hundred meters of the main project site, and perhaps 100 yards of the proposed basin expansion area. The railroad has not been evaluated for the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP), and is currently in use.

CA-IMP-84889H/P-13-009302 is a portion of the San Diego & Arizona Eastern Railroad (SD&AE), constructed between 1907 and 1919. At El Centro, it connected Southern Pacific’s network of rail lines to the eastern United States, and as such has been recommended as eligible to the CRHR and NRHP. The resource was first recorded in 2007, with numerous updates of various portions along the length of the rail line in 2007, 2008, 2009, and 2010. Within the project vicinity, the railroad passes east-west just under a mile south of the project site.

P-13-014314 is Villa Road, an east-west trending paved road that appears on USGS 7.5’ El Centro quadrangle maps from 1955 and 1957. The resource was recorded in 2012, and its
western terminus occurs approximately ¾-mile from the southwest corner of the current project site.

The records search shows that several historic period resources occur in the project vicinity, and an examination of USGS maps shows numerous structures on maps dated as early as 1936. Because of this, and because only a very small portion of the current project area has been surveyed, a pedestrian survey of the project parcels was deemed necessary.

**Native American Consultation**
On January 23, 2013, Pacific Legacy requested a search of the Sacred Lands Inventory maintained by the Native American Heritage Commission (NAHC). The search did not identify any resources of concern on file at the NAHC. The NAHC also provided a list of Native American contacts with interest in the area. Letters inviting comment were sent to those individuals on January 28, 2013. In a letter dated January 30, 2013, the Cocopah Indian Tribe declined to comment on the project. As of February 8, 2013, no other responses have been received. Native American correspondence is included as Appendix A.

**Archaeological Survey**
A pedestrian survey of the two components of the project was conducted on February 5, 2013, by Pacific Legacy archaeologist Michael Bever, PhD, RPA. The boundaries of the two parcels were identified on maps provided to Pacific Legacy, and confirmed in the field using boundary streets and other features. The project area was surveyed in 15 to 20 meter-wide transects. Visibility across the both parcels was excellent (95-100% surface visibility). Both project areas are flat and clear, showing evidence of recent grading and other preparation for development, as well as past tilling. The vertical extent of ground disturbance could not be determined, but it appears to be substantial. Scattered modern trash is common, particularly around the perimeter of the main project parcel. A large retail complex borders the main project parcel to the west, and a new apartment complex to the east. A new road is being construction to the east of both parcels. Several older houses occur just south of the main project parcel. Figure 3 shows a photo of the main project area, while Figure 4 shows the area of the retention basin expansion. No cultural resources were identified during the pedestrian survey.

**Results**
A records search at the SCIC shows that the majority of the project area had not been previously surveyed. Further, the records search identified three historic period resources within one mile of the project area, but none within the project parcels. A pedestrian survey of the two components of the project did not identify any cultural resources.
Figure 3. Main project area, view to N, taken from near SE corner.

Figure 4. Proposed retention basin expansion area, view to NE, taken from SW corner.
**Conclusion**

Although no cultural resources were identified in the project area as a result of this study, construction for the proposed project, including both the main apartment complex area and the retention basin expansion area, will involve ground disturbing activities that could result in the discovery of as-yet unidentified, buried archaeological resources. Further, construction activities could result in impacts to these resources, including the loss of integrity, the loss of important information, or the alteration of site setting. Impacts to cultural resources would be considered significant if: 1) the resources are considered eligible for listing on the CRHR or otherwise important per CEQA, and 2) the project causes substantial, adverse change to the resources. However, since no cultural resources were identified, specific mitigation measures per se are not appropriate. Rather, a series of protective measures and management recommendations are presented below.

To facilitate the preparation of an MND, the results of this assessment are presented following the format of the CEQA Environmental Checklist Form, Appendix G, for Cultural Resources.

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The records search and pedestrian survey did not identify any prehistoric resources in or within one mile of the project area. The records search did identify three built resources within one mile of the project area: two segments of railroad and one roadway. Two of these— the San Diego & Arizona Eastern Railroad (CA-IMP-84889H/P-13-009302) and Villa Road (P-13-014314)—are not visible from the project area. The third resource, the Niland to Calexico Railroad (CA-IMP-8166H/P-13-008682), occurs just to the east of both project parcels. The railroad will not be impacted by the project directly, but the proposed project would be visible from the railroad. However, given that other large, modern buildings are present in the area, including large shopping complexes and an apartment complex immediately adjacent to the railroad (i.e., between the current project and the railroad), the current project would not introduce a new type of visual elements to the area, and so would not indirectly impact the resource.

Given that this study did not identify any historical resources within the project area, based on available information the proposed project would have No Impact on historical resources.

Even though no archaeological resources were identified in the project area, most areas of the southern basin of Lake Cahuilla, where the project is located, are typically considered to have a moderate to high sensitivity for buried resources. In the current project area, covered by deep layers of Quaternary alluvium and lake deposits, buried archaeological resources could be present, potentially at great depth. If buried cultural resources are encountered during construction, the assessment of No Impact might need to be revisited.
Given the potential for buried resources, it is recommended that, prior to the initiation of construction or ground-disturbing activities, all construction personnel should be alerted to the possibility of buried cultural materials (i.e., prehistoric or historic archaeological resources). Potential cultural materials include historic and prehistoric artifacts, features, and structural remains that may consist of but are not limited to:

- historic artifacts, such as glass bottles and fragments, metal cans, nails, ceramic and pottery sherds, and other metal objects;
- flaked-stone artifacts anddebitage, consisting of obsidian, basalt, and/or chert;
- groundstone artifacts, such as mortars, pestles, and grinding slabs;
- faunal remains, including animal bone and shell; and
- archaeological midden-type soil that may be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire-affected rock.

Personnel should be instructed that upon discovery of buried cultural remains, work in the immediate vicinity of the find should cease and a qualified archaeologist should be contacted immediately. Once the find has been identified, plans for treatment and evaluation of the find will need to be developed. If the find is determined eligible for the CRHR, plans for mitigating impacts to the resource will also need to be developed.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in § 15064.5?

No archaeological resources were identified in the project area through the records search and field survey. Therefore, based on available information, the proposed project would have No Impact on archaeological resources. However, as mentioned above, ground disturbing activities could encounter previously unrecorded resources. For this reason, the recommendations presented in checklist item (a), above, should be followed. Further, if buried cultural resources are encountered, the assessment of No Impact would need to be revisited.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project occurs in an area of deep Quaternary alluvium and will not encounter bedrock formations that might contain embedded vertebrate or invertebrate fossils. Though the Lake Cahuilla bed deposits, upon which the project rests, are known to contain fossils, such finds typically occur at depths greater than several meters and likely will not be encountered during construction. For these reasons, the current project will have No Impact on a unique paleontological resource or geologic feature.
d) **Would the project disturb any human remains, including those interred outside of formal cemeteries?**

No human remains were identified in the project area through the records search and field survey, and it is anticipated that the project will have No Impact on human remains. Again, however, unidentified humans remains, whether as part of a prehistoric cemetery, an archaeological site, or an isolated occurrence, could be present below the ground surface.

If human remains are encountered during construction, work within the immediate area must halt, the remains must be protected, and the Imperial County Coroner must be notified immediately. If the remains are determined to be Native American, then the NAHC must be notified (typically by the coroner) within 24 hours, as required by Public Resources Code 5097. The NAHC will identify and contact a Most Likely Descendant (MLD), who will be given the opportunity to provide recommendations for the treatment of the remains within 48 hours of being granted access to the site.

Should you need further information, or if I can be of further assistance, please contact me at (858) 900-8024.

Sincerely,

Michael R. Bever, Ph.D., RPA  
Principal and Senior Archaeologist

Attachments: Figure 1 - Project Location Map  
Figure 2 – Aerial Overview of Project Location  
Appendix A – Native American Correspondence
References Cited

Bureau of Land Management

2006  Draft Environmental Impact Statement/Environmental Impact Report and Draft Land Use Plan Amendment – Volumes I and II – North Baja Pipeline Expansion Project. NADB# 1101243, on file at the South Coastal Information Center, San Diego State University.

2007  Final Environmental Impact Statement/Environmental Impact Report and Proposed Land Use Plan Amendment – Volumes I and II – North Baja Pipeline Expansion Project. NADB# 1101242, on file at the South Coastal Information Center, San Diego State University.
Figure 1. Project Location Map
Figure 2. Aerial Overview of Project Area
Appendix A

Native American Correspondence
January 23, 2012

Dr. Michael R. Bever, Ph.D., RPA
Pacific Legacy Incorporated
P.O. Box 421282
San Diego, CA 92142

Sent by FAX to: 510-524-4419
No. Pages: 5

Re: Request of a Sacred Lands File Search and Native American Contacts List for the “City of El Centro Town Center Development Project 2722.01 Project;” located in Imperial County, California

Dear Dr. Bever:

The Native American Heritage Commission (NAHC) conducted a search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the area of potential project effect (Area of Potential Effect or APE) referenced above. Please note that the absence of specific site information in the Sacred Lands File does not indicate the absence of Native American traditional cultural places or cultural landscapes in any APE. While in this case, a search of the NAHC Sacred Lands File did not indicate the presence of Native American cultural sites within the APE based on the location data you provided.

Also, a Native American tribe or individual may be the only source for the presence of traditional cultural places. For that reason, enclosed is a list of Native American individuals/organizations who may have knowledge of traditional cultural places in your project area. This list should provide a starting place in locating any areas of potential adverse impact.

California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to. California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction.

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites.

The California Environmental Quality Act (CEQA — CA Public Resources Code §§ 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as ‘a substantial, or potentially substantial, adverse change in any of physical conditions within
an area affected by the proposed project, including objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. CA Government Code §65040.12(e) defines "environmental justice" provisions and is applicable to the environmental review processes. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Local Native Americans may have knowledge of the religious and cultural significance of the historic properties of the proposed project for the area (e.g. APE). Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). We urge consultation with those tribes and interested Native Americans on the list that the NAHC has provided in order to see if your proposed project might impact Native American cultural resources. Lead agencies should consider avoidance as defined in §15370 of the CEQA Guidelines when significant cultural resources as defined by the CEQA Guidelines §15064.5 (b)(c)(f) may be affected by a proposed project. If so, Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "substantial," and Section 21083.2 which requires documentation, data recovery of cultural resources.

The NAHC makes no recommendation or preference of any single individual, or group over another. All of those on the list should be contacted, 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 or group. If a response has not been received within two weeks of notification, the NAHC requests that you follow-up with a telephone call to ensure that the project information has been received.

The 1992 Secretary of the Interior's Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Partnering with local tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 4(f), Section 110 and (k) of the federal NHPA (16 U.S.C. 470 et seq), Section 4(f) of the Department of Transportation Act of 1966 (23 CFR 774); 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interior's Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful,
supportive guides for Section 106 consultation. The NAHC remains concerned about the limitations and methods employed for NHPA Section 106 Consultation.

Also, California Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery', another important reason to have Native American Monitors on board with the project.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. An excellent way to reinforce the relationship between a project and local tribes is to employ Native American Monitors in all phases of proposed projects including the planning phases.

Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Attachment: Native American Contact List
Native American Contacts
Imperial County
January 23, 2013

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120
Boulevard, CA 91905
parada@lapostacasino.
(619) 478-2113
619-478-2125

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775
Pine Valley, CA 91962
(619) 709-4207

Manzanita Band of Kumeyaay Nation
Leroy J. Elliott, Chairperson
PO Box 1302
Boulevard, CA 91905
ljbirdssinger@aol.com
(619) 766-4930
(619) 766-4957 Fax

Fort Yuma Quechan Indian Nation
Keeny Escalanti, Sr., President
PO Box 1899
Yuma, AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Campo Band of Mission Indians
Ralph Goff, Chairperson
36190 Church Road, Suite 1
Campo, CA 91906
chairoff@aol.com
(619) 478-9046
(619) 478-5818 Fax

Ewilaapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road
Alpine, CA 91901
wmicklin@leaningrock.net
(619) 445-6315 - voice
(619) 445-9126 - fax

Chemehuevi Reservation
Edward Smith, Chairperson
P.O. Box 1976
Chemehuevi Valley, CA 92363
chaircit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

Quenchan Indian Nation
THPO
P.O. Box 1899
Yuma, AZ 85366
jbathke@quechantribe.
(928) 920-6068 - CELL
(760) 572-2423
(760) 572-0515 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.54 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed City of El Centro Town Center Development Project 2722.01; located in Imperial County, California for which a Sacred Lands File search and Native American Contacts list were requested.
Native American Contacts
Imperial County
January 23, 2013

Ah-Mut-Pipa Foundation
Preston J. Arrow-weed
P.O. Box 160
Bard, CA 92222
Quechan
ahmut@earthlink.net
(928) 388-9456

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road
Alpine, CA 91901
Diegueno/Kumeyaay
frankbrown6928@gmail.com
(619) 884-6437

Kumeyaay Cultural Repatriation Committee
Bernice Paipa, Vice Spokesperson
1095 Barona Road
Lakeside, CA 92040
Diegueno/Kumeyaay
(619) 478-2113
(KCRC is a Coalition of
Kumeyaay Governments

Cocopah Indian Reservation
Attn: H. Jill McCormick, Tribal Archaeologist
County 15th & Avenue G
Sommerton, AZ 85350
Cocopah
culturalres@ocopah.com
(928) 530-2291

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.84 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed City of El Centro Town Center Development Project 2722.01; located in Imperial County, California for which a Sacred Lands File search and Native American Contacts list were requested.
January 24, 2013

[Name, Title]
[Organization]
[Address]
[City, State Zip]

Re: Town Center Development Project, City of El Centro, Imperial County (PL# 2722.01)

Dear [Mr./Ms. Last Name]:

Pacific Legacy, Inc. has been retained by PMC, an environmental consulting firm, to conduct a cultural resources assessment for a proposed new apartment complex, which will be constructed within a portion of a 40-acre parcel within the City of El Centro, Imperial County, California. Our studies, including field survey, an archival records search, and Native American outreach, are being conducted pursuant to the California Environmental Quality Act. The attached map depicts the project area on the El Centro, California 7.5’ USGS Quadrangle.

A review of the Sacred Lands Inventory by the Native American Heritage Commission (NAHC) failed to indicate the presence of cultural resources in the immediate project area. The NAHC also provided us with your name as a contact to identify locations of concern to local Native American groups within the project area. We respectfully request your participation in our inventory studies and ask, if appropriate, that you provide us with any information you may have regarding locations of concern in the project area. Any information will be used for project planning only and will be kept confidential per state and federal law. If you feel it is not appropriate to divulge sensitive resource information, the resources, or portions of the project area, can simply be noted as “environmentally sensitive.”

You may respond by mail, email, phone, or fax. We look forward to receiving your reply within 14 days. If you have any questions or concerns, please contact me at (858)900-8024 or bever@pacificlegacy.com. Thank you for your kind attention to this matter.

Sincerely,

Michael R. Bever, PhD, RPA
Principal and Senior Archaeologist
Southern California Division

Attachment: Figure 1. Project Location Map
Figure 1. Project Location Map
January 30, 2013

Pacific Legacy Historic Preservation
Southern California Division
P.O. Box 421281
San Diego, CA 92142

RE: El Centro Town Center Development Project

Dear Mr. Michael R. Bever

The Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted the Cocopah on this cultural resource issue for the purpose of solicitation of our input and to address our concerns on this matter. However, at this time we wish to make no comments on the development of the project.

If you have any questions or need additional information please feel free to contact the cultural resource department. We will be happy to assist you with any future concerns or questions.

Sincerely,

[Signature]
H. Jill McCormick, M.A.
Cultural Resource Manager