

4.16 Tribal Cultural Resources

This section describes the existing tribal cultural resources conditions of the project site and vicinity, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed project.

Methods for Analysis

In *EPIC v. Johnson* (1985) 170 Cal.App.3rd 604, the Court of Appeal held that the Native American Heritage Commission (NAHC), as a state agency with special expertise on tribal history, has jurisdiction over affected Native American resources that may be affected by proposed projects, including Native American burial sites and archaeological places of religious significance to Native Americans. On behalf of San Diego State University (SDSU), Dudek requested a search of the NAHC Sacred Lands File on December 19, 2018, to determine if any tribal cultural resources (TCRs) are present within 1 mile of the project area. Steven Quinn, NAHC associate government program analyst, facilitated this search and returned the results on January 3, 2019. The results of the Sacred Lands File search are summarized herein and discussed in detail in the Cultural Resources Technical Report prepared for the proposed project, which is included as Appendix 4.4-1 to this EIR. As part of the consultation process, the NAHC provided a list of tribal governments and individuals that should be consulted. Dudek sent outreach letters via certified mail to all representatives listed on the NAHC list on February 4, 2019.

Under the California Environmental Quality Act (CEQA), the lead agency must consult with Native American Tribes regarding a project's potential impacts on tribal resources (California PRC Section 21080.3.1). As lead agency, SDSU and its representatives have sent letters via certified mail to the Native American representatives included on the consultation list provided by the NAHC on December 21, 2018. SDSU tracked the certified mail return receipts and tried to establish contact via email or telephone with anyone from whom they did not receive a signed return receipt. The resulting consultations between SDSU and the Native American recipients are discussed below in Section 4.16.4, Impacts Analysis.

Summary of Notice of Preparation Comments

A Notice of Preparation (NOP) was circulated from January 19, 2019, to February 19, 2019. A total of 150 letters were received during this comment period. Comments on the NOP related to TCRs focused on the impacts which could occur to buried human remains, buried village context, traditional cultural property, and tribal monitoring. Please see Appendix 1-1, NOP Scoping Comments, for a complete compilation of comments received on the NOP. During the NOP period, SDSU also met with the Kumeyaay Diegueno Land Conservancy and Kumeyaay Heritage Preservation Committee at an in-person meeting where the university gave an overview of the project and received feedback from members of the organizations, which include representatives from a number of Kumeyaay tribes in the region.

4.16.1 Existing Conditions

The proposed project area of potential effect is dominated by the San Diego County Credit Union (SDCCU) Stadium, its associated paved parking lot, and the existing San Diego Trolley station. Land uses adjacent to the project site consist of the San Diego River, commercial development, and Interstate (I) 8 to the south; Friars Road, steep hillsides, and residential development to the north; retail/commercial development within Fenton Marketplace to the west; and Murphy Canyon Creek, I-15, and retail/residential development to the east. The elevation ranges from

approximately 35 feet above mean sea level to 300 feet above mean sea level. The majority of the project site is relatively flat within the existing large parking area surrounding the Stadium structure. Along the southern boundary of the project site there is a small berm beyond the parking lot, which descends into the lower floodplain of the San Diego River. Though ground surface is visible, there is evidence of earthmoving within the floodplain. In the western portion of the project site, there is a flat training field, and beyond that a storm drain outlet channel that conveys water down into the San Diego River floodplain.

Native American Consultation

The results of the NAHC search of the Sacred Lands File were positive, indicating that Native American resources have been reported within 1 mile of the area of potential effect. The NAHC advised Dudek to contact the Lipay Nation of Santa Ysabel and the Viejas Band of Kumeyaay Indians, and included a list of other tribal representatives who may possess tribal knowledge of the area of potential effect (Appendix 4.4-1). Dudek sent outreach letters via certified mail to all representatives listed on the NAHC list on February 4, 2019. All representatives listed on the NAHC contact list received letters except Lisa Haws of the Sycuan Band of the Kumeyaay Nation. Dudek spoke with Ms. Haws, and she indicated that she no longer represents Sycuan Band of the Kumeyaay Nation. Chairperson Cody J. Martinez of the Sycuan Band of the Kumeyaay Nation did receive an outreach letter, so the band has been properly notified.

To date, Dudek has received only one response from the NAHC outreach letters. Ray Teran, resource manager of the Viejas Band of Kumeyaay Indians, wrote a response letter to Dudek indicating that the “project site has cultural significance or ties to Viejas.” Mr. Teran requested that a Kumeyaay Cultural Monitor be on site during ground-disturbing activities and that the monitor inform Viejas of any inadvertent cultural discoveries. Mr. Teran did not indicate the presence of any known TCRs.

Under CEQA, the lead agency must consult with Native American Tribes (California PRC Section 21080.3.1.). SDSU attempted to notify all Native American representatives included on the consultation list provided by the NAHC via certified mail, email, or telephone (Appendix 4.4-1). SDSU’s efforts resulted in responses from six tribal representatives requesting consultation.

Cody Martinez with Sycuan Band of Kumeyaay Nation requested consultation with SDSU on the proposed project on February 26, 2019. SDSU responded with a letter on April 10, 2019 suggesting dates and times for possible meetings but never received a response from Sycuan Band. SDSU also sent an email to the email address provided on the NAHC contact list. Having not received a response to these outreach efforts, Dudek archaeologist, Matthew DeCarlo, sent a follow-up email and left a voice message with Sycuan’s office inquiring whether Sycuan Band still wanted to pursue consultation on June 20, 2019. Sycuan did not respond. On July 17, 2019, SDSU Director of Planning Laura Shinn emailed a letter to Sycuan Band informing them that SDSU understands that Sycuan Band is no longer seeking consultation with SDSU concerning the project. As such, SDSU considers AB 52 consultation closed with Sycuan Band.

Additionally, Lisa Cumper, the tribal historic preservation officer for the Jamul Indian Village, requested consultation with SDSU on April 11, 2019. SDSU Director of Planning Laura Shinn met with Chairwoman Erica Pinto, Secretary Carlene Chamberlain, and Ms. Cumper of Jamul Indian Village on the SDSU campus on May 27, 2019. Also in attendance were Dudek Deputy Project Manager Sean Kilkenny and project Archaeologist Matthew DeCarlo. The meeting opened with a discussion of the proposed project and the future development of the area. Mr. DeCarlo then described this cultural study, including its methods and the results of the records search, Native American outreach, and pedestrian survey. Jamul’s representatives expressed their concerns about the project area. Jamul’s

representatives described the cultural sensitivity of Mission Valley, stating that the valley was a major thoroughfare of prehistoric activity and noting the trail system that connected the ocean and the desert. Jamul’s representatives also mentioned funerary practices that further attributed to the cultural sensitivity of Mission Valley. They further requested that any Native American materials identified during construction be treated with respect, specifically mentioning human remains and cremation urns. The group then discussed the proposed mitigation measures and how SDSU plans to manage unanticipated finds (See Section 4.16-6). The meeting concluded with SDSU including Jamul representatives on its distribution list for the project cultural report and the environmental impact report (EIR), which will give Jamul representatives the opportunity to comment on the documents. On June 5, 2019, Ms. Cumper emailed Ms. Shinn and notified her that the Jamul Indian Village wished to close consultation at this time but asked to be updated of any changes to the project

Ralph Goff, chairman of the Campo Band of Mission Indians, requested consultation with SDSU on January 3, 2019. SDSU emailed Campo Band contact person Marcus Cuero on January 28, 2019, with dates for consultation. Upon not receiving a response, SDSU left a voicemail for the Campo representatives on January 31, 2019. Having not received a response from the Campo Band, SDSU sent a follow up email to Mr. Goff and Mr. Cuero on April 11, 2019, asking for an in-person meeting. The email also stated that if there was no response by April 26, 2019, SDSU would assume the Campo representatives no longer wished to consult on the proposed project. No further response was received.

Clint Linton, director of cultural resources for the Lipay Nation of Santa Ysabel and representative of the Kumeyaay Cultural Repatriation Committee (KCRC) sent an Assembly Bill 52 letter to SDSU via email. Mr. Linton’s email stated that he “remove(d) opposition from me, Santa Ysabel, and KCRC.” He then stated that the proposed project likely overlays the Kumeyaay trail system, a Kumeyaay traditional cultural property. He requested that Dudek, to the extent possible, document the resource. In response to this, Dudek conducted extra research on the Kumeyaay trail system and included it in the Cultural Resources Technical Report (Appendix 4.4-1). Mr. Linton also stated that the vital route needs to be commemorated. Mr. Linton stated that Kumeyaay villages were often established where trails met waterways. Due to the proposed project’s geographic placement, there is a heightened potential that buried village context may be encountered, and because human remains are “always” identified at village sites, that there is a higher probability of encountering buried human remains. Mr. Linton recommended that Campo, Viejas, Sycuan, and Jamul participate in the proposed project as tribal monitors, on a rotating basis. Mr. Linton offered Red Tail Environmental’s services to coordinate tribal monitoring. Lastly, Mr. Linton advised SDSU of the kindness of Jack Murphy towards the Kumeyaay and recommended that the final proposed project plan commemorate him.

Consultation was closed on July 17, 2019.

4.16.2 Relevant Plans, Policies, and Ordinances

Federal

The National Historic Preservation Act

The National Historic Preservation Act (NHPA) established the National Register of Historic Places (NRHP) and the President’s Advisory Council on Historic Preservation, and provided that states may establish State Historic Preservation Officers to carry out some of the functions of the NHPA. NHPA Section 106 directs that “[t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to

license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP.” NHPA Section 106 also affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking (16 USC 470f).

36 Code of Federal Regulations, Part 800 (36 CFR 800) implements NHPA Section 106. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values, to determine whether or not they may be adversely affected by a proposed undertaking and the process for eliminating, reducing, or mitigating the adverse effects. The content of 36 CFR 60.4 defines criteria for determining eligibility for listing in the NRHP. The significance of cultural resources identified during an inventory must be formally evaluated for historic significance in consultation with the Advisory Council on Historic Preservation and the California State Historic Preservation Officer to determine if the resources are eligible for inclusion in the NRHP. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association.

The Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) became effective November 16, 1990. NAGPRA addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to human remains and certain cultural items with which they are affiliated. NAGPRA directs federal agencies and museums to identify, in consultation with Native Americans, the cultural affiliation of Native American human remains and associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony, in holdings or collections under their possession (i.e., physical custody) or control (i.e., having sufficient legal interest). Ultimately, the intent is to repatriate the human remains and other cultural items to the appropriate lineal descendants or tribe. NAGPRA authorizes provisions for federal grants supporting activities of repatriation, and outlines penalties for non-compliance and illegal trafficking of funerary or sacred items. Such civil penalties are to be assessed by the Secretary of the Interior, and generally correspond with those defined in the Archaeological Resources Protection Act (ARPA).

Archaeological Resources Protection Act

ARPA requires landholding federal agencies to notify federally recognized Indian tribes before a permit is issued for archaeological excavation on sites of religious or cultural importance to them in national parks, wildlife refuges, or forests, or on Indian lands. ARPA raised the penalty for looting objects older than 100 years to \$20,000 dollars for a first-time felony infraction. For a repeat infringement the fine was raised to \$100,000 and up to 5 years in prison.

Federally recognized tribes must be notified 30 days before issuing a permit for excavations on public land; upon request, the federal land manager must meet with them in those 30 days to discuss their concerns. On Indian lands, Indian Tribe or individual consent must be obtained before the permit is granted. Uniform rules and regulations were published by the Departments of the Interior (43 CFR Section 7), Agriculture (36 CFR Section 296), and Defense (32 CFR Section 229), and the Tennessee Valley Authority (18 CFR Section 1313) in the January 6, 1984, Federal Register. Similar regulations were published for implementing ARPA on Indian lands (25 CFR Section 262) in the December 13, 1993, Federal Register.

The regulations also state that the federal agency also may notify any other Native American group known by the agency to consider the sites to be of cultural or religious importance. The intentional excavation of human remains, funerary objects, sacred objects, or objects of cultural patrimony from federal lands and tribal lands must follow both the requirements of ARPA and NAGPRA. The Bureau of Indian Affairs will issue any ARPA permits needed for excavation on private lands within the exterior boundaries of Indian reservations.

State

California Environmental Quality Act

CEQA requires that all private and public activities not specifically exempted be evaluated for their potential to cause environmental impacts. In 2014, CEQA was amended to apply to “tribal culture resources” as well. Specifically, California Public Resources Code Section 21074 provides guidance for defining TCRs as either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (a) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (b) Included in a local register of historical resources as defined in subdivision (k) of [Section] 5020.1.
- (2) 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 [Section] 5024.1. In applying the criteria set forth in subdivision (c) of [Section] 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

Additionally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. If Native American human remains or related cultural material are encountered, Section 15064.5(e) of the CEQA Guidelines (as incorporated from California PRC Section 5097.98) and Health and Safety Code Section 7050.5 define the subsequent protocol. In the event of the accidental discovery or recognition of any human remains, excavation or other disturbances shall be suspended of the site or any nearby area reasonably suspected to overlie adjacent human remains or related material. Protocol requires that a county-approved coroner be contacted in order to determine if the remains are of Native American origin. Should the coroner determine the remains to be Native American, the coroner must contact the NAHC within 24 hours. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating, with appropriate dignity, the human remains and any associated grave goods as provided in California Public Resources Code Section 5097.98 (14 CCR 15064.5(e)).

Local

Because SDSU is a component of the California State University, which is a state agency, the proposed project is not subject to local government planning and land use plans, policies, or regulations. However, for informational purposes, SDSU has considered the following planning documents and the project’s site location within, and relationship to, each. The proposed project would be subject to federal and state agency planning documents described above, but would not be subject to regional or local planning documents such as the City’s General Plan, Mission Valley Community Plan, or City municipal zoning code.

City of San Diego General Plan

The City of San Diego’s (City’s) cultural resources regulations build on federal and state cultural resources laws and guidelines in an attempt to streamline the process of considering impacts to cultural resources within the City’s jurisdiction, while maintaining that some resources not significant under federal or state law may be considered historical under the City’s guidelines. In order to apply the criteria and determine the significance of potential project impacts to a cultural resource, the project’s area of potential effect must be defined for both direct impacts and indirect impacts. Indirect impacts can include increased public access to an archaeological site, or visual impairment of a historically significant viewshed related to a historic building or structure.

4.16.3 Significance Criteria

The significance criteria used to evaluate the project impacts to TCRs are based on CEQA Guidelines Appendix G. According to Appendix G, a significant impact related to TCRs would occur if the project would:

1. 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:
 - a. 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).
 - b. 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.16.4 Impacts Analysis

Would the project 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:

- a. ***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)?***

Construction Impacts

No California Register of Historical Resources (CRHR) listed or eligible cultural resources were identified through the South Coast Information System records search or through intensive pedestrian survey of the area. The area has been substantially disturbed, and is unlikely to contain intact archaeological deposits. However, due to the immediate proximity of the proposed project to the San Diego River, the Kumeyaay trail system, and the prehistoric village of Nipawai, there is an increase potential that buried cultural deposits are located within the proposed project area. Likewise, through NAHC outreach letters and Assembly Bill 52 consultation, Kumeyaay tribal representatives expressed concern for the sensitivity of the proposed project area. Construction related to the proposed project may have a direct impact to previously

unidentified CRHR eligible cultural resources. Dudek recommends archaeological and Native American monitoring during initial ground-disturbing activities. Should construction or other personnel encounter any CRHR eligible cultural resources within the proposed project area, the proposed project would result in **potentially significant impacts (Impact TCR-1)**.

Operational Impacts

As previously stated, no CRHR listed or eligible cultural resources were identified through the South Coast Information System records search or through the intensive pedestrian survey of the area. Although there is an increased probability that buried cultural deposits are located within the proposed project area as described above, operational/permanent activities related to the proposed project would not have a direct impact to previously identified CRHR eligible cultural resources since they would have been handled during initial discovery (during construction). After construction is finished, operational/permanent activities would result in **less-than-significant impacts** to CRHR eligible cultural resources.

- b. 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Construction Impacts

Through NAHC outreach letters and Assembly Bill 52 consultation, Kumeyaay tribal representatives expressed concern for the sensitivity of the proposed project area. Due to the immediate proximity of the proposed project to the San Diego River, the Kumeyaay trail system, and the prehistoric village of Nipawai, there is an increased potential that buried TCRs are located within the proposed project area. Clint Linton with the Lipay Nation of Santa Ysabel and KCRC identified Mission Valley as the location of Kumeyaay trail system and expressed concern that the proposed project area likely overlays the trail system. Construction related to the proposed project may have a direct impact to previously unidentified TCRs. As such, Dudek recommends archaeological and Native American monitoring during initial ground-disturbing activities. Should construction or other personnel encounter any historical, archaeological, or TCR material within the proposed project area, the proposed project would result in **potentially significant impacts (Impact TCR-2)**.

Operational Impacts

As previously stated, through NAHC outreach and the Assembly Bill 52 consultation process, Kumeyaay tribal representatives expressed concern for the sensitivity of the proposed project area. Although there is an increased probability that buried TCRs are located within the proposed project area due to the immediate proximity of the project site to the Kumeyaay trail system, and the prehistoric village of Nipawai; operational/permanent activities related to the proposed project are not expected to have a direct impact to previously identified TCRs since they would have been handled during initial discovery (during construction). After construction is finished, operational/permanent activities would result in **less-than-significant impacts** to TCRs.

*Would the project result in a cumulative impact to tribal cultural resources?***Construction Impacts**

Future probable proposed projects within the City may potentially contribute to cumulative impacts on cultural and TCRs. In many cases, site redesign or use of fill could minimize these adverse impacts. The increased human activity near potential unidentified TCRs would lead to greater exposure and potential for illicit artifact collection and inadvertent impacts during construction. The City and County of San Diego both maintain guidelines and protocols for addressing project impacts to cultural resources. These include both systematic surveys in areas of high site location potential to identify resources and monitoring programs to ensure that construction work is halted if significant resources are discovered. Although no known archaeological resources have been identified through the records searches, NAHC and tribal correspondence, or the intensive pedestrian survey of the area; there is still the potential for unanticipated archaeological finds during construction of the proposed project. Therefore, the proposed project's contribution to cumulative impacts on archaeological resources is considered to be **potentially cumulatively considerable**.

Operational Impacts

As previously described in the operational analysis under Thresholds 1a) and 1b), operational/permanent activities related to the proposed project are not expected to result in impacts to tribal cultural resources, as findings of any previously unidentified TCRs would have been handled during initial discovery (during construction). Therefore, after construction is finished, operational/permanent activities would result in **less than cumulatively considerable** impacts to TCRs.

4.16.5 Summary of Impacts Prior to Mitigation

Impact TCR-1 A significant impact to previously unidentified CRHR-eligible cultural resources could occur as a result of proposed project construction. Should construction or other personnel encounter any CRHR-eligible cultural resources within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation is provided. (Please refer to mitigation measure **MM-CUL-4** outlined in Section 4.4, Cultural Resources, of this EIR.)

Impact TCR-2 A significant impact to previously unidentified TCRs, or previously undocumented human remains, could occur as a result of proposed project construction. Should construction or other personnel encounter any historical, archaeological, or TCR material within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation is provided. (Please refer to mitigation measures **MM-CUL-4** and **MM-CUL-5** outlined in Section 4.4, Cultural Resources, of this EIR.)

4.16.6 Mitigation Measures

Mitigation measures **MM-CUL-4** and **MM-CUL-5** outlined in Section 4.4, Cultural Resources, of this EIR would reduce the potential for impacts on cultural resources. No additional mitigation is proposed.

4.16.7 Level of Significance After Mitigation

Construction of the proposed project could result in potentially significant impacts to previously unidentified CRHR-eligible cultural resources (**Impact TCR-1**). Should construction or other personnel encounter any CRHR-eligible cultural resources within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation measure **MM-CUL-4**, outlined in Section 4.4 of this EIR, is proposed in order to mitigate impacts to cultural resources. **MM-CUL-4** outlines procedures for proper treatment of unanticipated archaeological finds that comply with the CEQA Guidelines. Adherence to these requirements during initial earth-disturbing activities would ensure the proper treatment of unanticipated archaeological or Native American cultural material. With implementation of **MM-CUL-4**, impacts to CRHR-eligible cultural resources during construction of the proposed project would be reduced to a level of less than significant. Therefore, construction impacts are determined to be **less than significant with mitigation incorporated**. After construction is finished, operational/permanent activities would **not result in significant impacts** to CRHR eligible cultural resources.

Construction of the proposed project could result in potentially significant impacts to previously unidentified TCRs (**Impact TCR-2**). Should construction or other personnel encounter any historical, archaeological, or TCR material within the proposed project area, the proposed project would result in potentially significant impacts. Therefore, mitigation measures **MM-CUL-4** and **MM-CUL-5**, outlined in Section 4.4 of this EIR, are proposed in order to mitigate impacts to TCRs. **MM-CUL-4** outlines procedures for proper treatment of unanticipated archaeological finds that comply with the CEQA Guidelines. **MM-CUL-5** outlines procedures to ensure proper treatment of unanticipated human remains finds during construction activities, and compliance with applicable regulations. Adherence to these requirements during initial earth-disturbing activities would assure the proper treatment of unanticipated archaeological or Native American cultural material. With implementation of **MM-CUL-4** and **MM-CUL-5**, impacts to TCRs during construction of the proposed project would be reduced to a level of less than significant. Therefore, construction impacts are determined to be **less than significant with mitigation incorporated**. After construction is finished, operational/permanent activities would **not result in significant impacts** to TCRs.

As discussed above, future probable proposed projects within the City may potentially contribute to cumulative impacts on cultural resources and TCRs. Although the project site has been previously developed, and no known archaeological resources have been identified through the records searches, NAHC and tribal correspondence, or the intensive pedestrian survey of the area, there is still the potential for unanticipated archaeological finds during construction of the proposed project. However, mitigation measures **MM-CUL-4** and **MM-CUL-5** described above, and outlined in Section 4.4 of this EIR, would reduce the potential for cumulative impacts to **less than cumulatively considerable**.

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