

## 4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

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### INTRODUCTION

Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, or architectural activities. Tribal Cultural Resources include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are, among other things, determined to be eligible for inclusion in the California Register of Historical Resources. This Section of the Draft EIR evaluates the potential for implementation of the proposed Plan to impact cultural resources within the Plan Area and in the immediate surrounding area. Information from the following sources are incorporated herein and included as Appendix E of this Draft EIR:

- Cultural Resources Technical Report for the Etiwanda Heights Neighborhood and Conservation Plan, Rancho Cucamonga, California, prepared by Dudek, November 2018.
- NAHC Response Letter and Notification letters to Tribes

### ENVIRONMENTAL SETTING

#### Regulatory Framework

Historic resources fall within the jurisdiction of several levels of government. Federal laws provide the framework for the identification and, in certain instances, protection of historic resources. Additionally, states and local jurisdictions play active roles in the identification, documentation, and protection of such resources within their communities. The primary federal and State laws governing and affecting preservation of historic resources of national, State, regional, and local significance are the National Historic Preservation Act (NHPA) of 1966, as amended; the California Environmental Quality Act (CEQA); and the California Register of Historical Resources (California Register), Public Resources Code (PRC) 5024. As archaeological resources are also considered historic, regulations applicable to historic resources are also applicable to archaeological resources and are discussed and analyzed in this section. Descriptions of these relevant laws and regulations are presented below.

#### *a. Federal*

##### Archaeological Resources Protection Act

The intent of the Archaeological Resources Protection Act of 1979 (ARPA) is to ensure preservation and protection of archaeological resources on public and Native American lands.<sup>1</sup> ARPA places primary

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1 16 United States Code (USC). sec. 470aa–470mm, Archaeological Resources Protection Act of 1979, Public Law (PL) 96-95, as amended, accessed July 2018, available at [https://www.nps.gov/subjects/historicpreservation/upload/NPS\\_FHPL\\_book\\_online.pdf](https://www.nps.gov/subjects/historicpreservation/upload/NPS_FHPL_book_online.pdf).

emphasis upon a Federal permitting process in order to control the disturbance and investigation of archaeological sites on these lands. In addition, ARPA's protective provisions are enforced by civil penalties for violation of the Act.

Under this regulation, the term “archaeological resources” includes but is not limited to:

*pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.<sup>2</sup>*

ARPA mandates consultation procedures before initiation of archaeological research on Native American lands or involving Native American archaeological resources. Section 4(c) requires Native American tribes be notified of possible harm to, or destruction of, sites having religious or cultural significance to that group. The Federal land manager must notify affected tribes before issuing the permit for archaeological work. Section (g)(2) specifies that permits to excavate or remove archaeological resources from Indian lands require consent of the Native American or Native American tribe owning or having jurisdiction over such lands. The permit, it is also stipulated, must include such terms and conditions as may be requested by the affected Native Americans.

Concerning the custody of archaeological resources, ARPA stipulates that any exchange or ultimate disposition of archaeological resources excavated or removed from Native American lands must be subject to the consent of the Native American or Native American tribe that owns or has jurisdiction over such lands.

### **National Historic Preservation Act**

The 1966 NHPA authorized formation of the National Register of Historic Places (National Register) and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. Buildings, districts, sites, and structures may be eligible for listing in the National Register if they possess significance at the national, State, or local level in American history, culture, architecture, or archaeology and, in general, are more than 50 years old. Significance is measured against the following established criteria (National Register Bulletin 16):

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<sup>2</sup> 16 USC sec. 470aa–470mm, Archaeological Resources Protection Act of 1979, Public Law 96-95, as amended, sec. 3.

- Are associated with events that have made a significant contribution to the broad patterns of our history; or
- Are associated with the lives of persons significant in our past; or
- 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
- Yield, or may be likely to yield, information important in prehistory or history.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. A Section 106 Review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation (ACHP), an independent federal agency, administers the review process, with assistance from the State Historic Preservation Offices (SHPOs). If any impacts are identified, the agency undergoing the project must identify the appropriate SHPO to consult with during the process.

The ACHP includes requirements for consultation with Native American tribes when federal agencies are undertaking an activity that could cause harm to a historic resource or a potential historic resource under Title 36 of the Code of Federal Regulations, Part 800, Protection of Historic Properties, which became effective January 11, 2001.

### **National Register of Historic Places**

The National Register was established by the NHPA, as “an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>3</sup> The National Register recognizes properties that are significant at the national, State, and/or local levels.

To be eligible for listing in the National Register, a property must be at least 50 years of age (unless the property is of “exceptional importance”) and possess significance in American history and culture, architecture, or archaeology. A property of potential significance must meet one or more of the following four established criteria:<sup>4</sup> (a) Associated with events that have made a significant contribution to the broad patterns of our history; or (b) Associated with the lives of persons significant in our past; or (c) 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

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3 36 Code of Federal Regulations (CFR), pt. 60.2.

4 36 CFR, pt. 60.4.

entity whose components may lack individual distinction; or (d) Potential to yield information important in prehistory or history.

## **b. State**

### **California Public Resources Code**

Archaeological, paleontological, and historical sites are protected pursuant to a wide variety of State policies and regulations enumerated under the PRC. In addition, cultural and paleontological resources are recognized as a nonrenewable resource and, therefore, receive protection under the PRC and CEQA.

As part of the determination made pursuant to PRC Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources (PRC Section 21083.2). PRC Section 21083.2(b) provides the following guidance on how to mitigate or avoid the significant effects that a project may have on unique archeological resources, stating:

*If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:*

1. *Planning construction to avoid archaeological sites.*
2. *Deeding archaeological sites into permanent conservation easements.*
3. *Capping or covering archaeological sites with a layer of soil before building on the sites.*
4. *Planning parks, greenspace, or other open space to incorporate archaeological sites.*

As defined within PRC Section 21083.2(g), “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

As defined in PRC Section 21083.2(h), “nonunique archaeological resource” means an archaeological artifact, object, or site that does not meet the criteria in subdivision (g). A nonunique archaeological

resource need be given no further consideration other than the simple recording of its existence by the lead agency, if it so elects. Pursuant to PRC Section 21083.2(i), as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

If additional archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2.

Personnel of the proposed Plan shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Plan Area. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in PRC Section 21083.2:

- Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
- Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

State regulations mandate protection of paleontological resources on public lands, and CEQA requires evaluation of impacts to paleontological sites. Paleontological resources are also subject to certain State regulations for historical resources. Appendix G of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, indicating that a project would have a significant impact on paleontological resources if it were to disturb or destroy a unique paleontological resource or site or unique geologic feature. Section 5097.5 of the PRC specifies that any unauthorized removal of paleontological remains is a misdemeanor. Further, California Penal Code Section 622.5 sets the penalties for the unlawful damage or removal of paleontological resources. Refer to **Section 4.6: Geology and Soils**, for impacts to paleontological resources.

### California Register of Historical Resources

The California Register is the authoritative guide to the State's significant archaeological and historical resources. It closely follows the eligibility criteria of the National Register but deals with State- and local-level resources. The California Register serves to identify, evaluate, register, and protect California's historical resources. For purposes of CEQA, a historical resource is any building, site, structure, object, or historic district listed in or eligible for listing in the California Register (Public Resources Code, Section 21084.1). As stated in the PRC, a resource is considered eligible for listing in the California Register if it meets any of the following criteria:

- a) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*
- b) *Is associated with the lives of persons important in our past.*
- c) *Embodies the distinctive characteristics of type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
- d) *Has yielded, or may be likely to yield, information important in prehistory or history [Public Resources Code Section 5024.1(c)].*

Historical resources meeting one or more of the criteria listed above are eligible for listing in the California Register. In addition to significance, resources must have integrity for a period of significance—the date or span of time within which significant events transpired or significant individuals made important contributions. Important archaeological resources are required to be at least 50 years old to be considered. “Integrity is the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Simply put, resources

must “retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.”<sup>5</sup>

CEQA also requires the lead agency to consider whether there is a significant effect on unique archaeological resources that are not eligible for listing in the California Register. As defined in CEQA, a unique archaeological resource is:

*an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:*

- 1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*
- 2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.*
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

If an archaeological resource is found eligible for listing in the California Register, then it is considered under CEQA to be a historic resource that needs to be protected. This may also apply to unique archaeological resources. If a historic resource may be impacted by activity, under CEQA, avoidance and preservation in place is the preferred alternative. If that is not possible, then a data recovery plan will need to be created and enacted to lessen impacts to the environment to a less than significant level. If the archaeological resource is not eligible for listing in the California Register, and it is not a unique archaeological resource, then no further action is required to protect or mitigate possible impacts to it.

### **Senate Bill 18**

Senate Bill 18 (SB 18) requires local governments to consult with California Native American tribes identified by the California Native American Heritage Commission prior to the adoption or amendment of a general plan or specific plan. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

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5 Secretary of the Interior's Standards and Guidelines, Archeology and Historic preservation. 1983.

## Assembly Bill 52

On September 25, 2014, Governor Brown signed into law Assembly Bill 52 (AB 52), which amended PRC Section 5097.94 and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to establish that an analysis of a project's impact on cultural resources include whether the project would impact "tribal cultural resources." As set forth in PRC Section 21074:

(a) "Tribal cultural resources" are 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 5020.1.1
  - (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 5024.1.2 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.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2,3 or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.24 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

AB 52 applies to any project for which a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration is filed on or after July 1, 2015. The lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if: (1) the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area; and (2) the tribe requests consultation, prior to the release of a negative declaration, mitigated negative declaration or environmental impact report for

a project. Section 21080.3.1(b) of the PRC defines “consultation” with a cross- reference to Government Code Section 65352.4, which applies when local governments consult with tribes on certain planning documents and states the following:

*“Consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.*

The new provisions in Section 21080.3.2(a) of the PRC enumerate topics that may be addressed during consultation, including identification of the significance of tribal cultural resources, determination of the potential significance of Project impacts on tribal cultural resources and the type of environmental document that should be prepared, and identification of possible mitigation measures and Project alternatives.

Section 21084.3 of the PRC also states that public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. This section of the PRC also includes examples of mitigation measures that may be considered to avoid or minimize the significant adverse effects.

Consultation ends when either of the following occurs prior to the release of the environmental document:

1. The parties agree to measures to avoid or mitigate a significant effect on a tribal cultural resource. Agreed upon mitigation measures shall be recommended for inclusion in the environmental document (PRC Section 21082.3(a)); or
2. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Sections 21080.3.2(b)(1)-(2) and 21080.3.1(b)(1)).

### **California Environmental Quality Act**

CEQA and the CEQA Guidelines have specific provisions relating to the evaluation of a project’s impact on historical and unique archaeological resources.

PRC Section 21084.1 and Section 15064.5 of the CEQA Guidelines together establish the prevailing test for determining whether a resource can or must be considered a historical resource under CEQA. First, a resource is considered a historical resource for purposes of CEQA if it is listed or “deemed eligible for

listing” in the California Register by the State Historical Resources Commission (SHRC).<sup>6</sup> Second, it will be considered a historical resource, based on a presumption of significance, if it is either (1) listed in a local register of historic resources as defined in PRC Section 5010.1.4, or (2) identified in a local survey of historic resources meeting the criteria set forth in PRC Section 5024.1.5. If a resource meets either of these criteria, the lead agency must treat the resource as historically significant unless the “preponderance of the evidence” indicates that the resource is not historically significant. Third, a lead agency may find a resource to be a historical resource even though it is not formally listed in the California Register, listed in a local register, or identified in a local survey.<sup>7</sup> Any such determination must be based on substantial evidence in light of the whole record.

CEQA also provides further guidance with respect to historical resources of an archeological nature and unique archaeological resources. A unique archeological resource is defined in PRC Section 21083.2(g) as:

*[A]n archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information, (2) has a special and particular quality such as being the oldest of its type or best available example of its type, and (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.*

According to the CEQA Guidelines Section 15064.5(b): “A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” This section of the guidelines defines historical resources as including both the built environment and archaeological resources.

A substantial adverse change is defined in the CEQA Guidelines Section 15064.5(4)(b)(1), as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of an historical resource is materially impaired, according to the CEQA Guidelines Section 15064.5(4)(b)(2), when a project:

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6 PRC sec. 21084.1 and 15064.5

7 PRC sec. 21084.1; sec. 15064.5(a)(3)(4)

- A. *Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or*
- B. *Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of the evidence that the resource is not historically or culturally significant; or*
- C. *Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.*

The CEQA Guidelines provide that “generally,” a project that follows the Secretary’s Standards “shall be considered as mitigated to a level of less than a significant impact on the historical resource.”

At the same time, however, a failure to precisely conform to the Secretary’s Standards in all respects does not necessarily mean that a project necessarily has a significant adverse impact on historical resources. There are circumstances where a project impacting historical resources may fail to conform to the Secretary’s Standards, and yet the lead agency can conclude based on substantial evidence that the overall impact is insignificant because the project does not “materially impair” the historical resource within the meaning of Section 15064.5(b).

CEQA Guidelines Section 15064.5 subsection (c) addresses impacts on archaeological sites. That section provides as follows:

- (1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).*
- (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.*

*(3) If an archaeological site does not meet the criteria defined in subsection (a) but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.*

For historical resources of an archaeological nature, “preservation in place is the preferred manner of mitigating impacts to archaeological sites.”<sup>8</sup> “When recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.” In practice, the California Office of Historic Preservation (OHP) has consistently determined that excavation, coupled with implementation of a data recovery plan, does not result in a significant environmental impact on a historical resource of an archaeological nature.

If a project would cause “damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state...To the extent that unique archaeological resources are not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.”<sup>9</sup> CEQA Guidelines Section 15064.5(f) provides that “a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction.”

CEQA Guidelines Section 15064.5(d) specifies a process for evaluating human remains, and this issue is identified on the CEQA Checklist as an issue for evaluation in environmental documents.

### **State Health and Safety Code**

If human remains are encountered unexpectedly during implementation of a project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.<sup>10</sup>

If the remains are determined to be of Native American descent, the following procedure must be observed:

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8 CEQA Guidelines sec. 15126.4(b)(3)(A).

9 PRC sec. 21083.2(b) and (c).

10 California Health and Safety Code, sec. 7050.5 and 5097.98.

- a) The immediate vicinity must be secured according to generally accepted cultural or archaeological standards or practices.
- b) The coroner has 24 hours to notify the Native American Heritage Commission (NAHC).
- c) The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the Project Applicant, inspect the site of the discovery of the Native American remains and may recommend means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods.
- d) The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the Project Applicant to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The area must not be damaged or disturbed by further development activity until the Applicant has discussed and conferred with the MLD regarding their recommendations, if applicable, considering the possibility of multiple human remains.
- e) If the Project Applicant or his or her authorized representative rejects the recommendation of the MLD, the Project Applicant or MLD may request mediation per Subdivision (k) of PRC Section 5097.94.
- f) If the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the mediation provided for in Subdivision (k) of PRC Section 5097.94, if invoked, fails to provide reasonable treatment, then the human remains and items associated with Native American human remains must be interred with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

### ***c. Local***

#### **County of San Bernardino**

The County of San Bernardino adheres to the San Bernardino County Development Code Chapter 82.12 that consists of the Cultural Resources Preservation (CP) Overlay. The Overlay, which is established by Sections 82.01.020 and 82.01.030 of the Development Code, is intended to provide for the identification and preservation of important archaeological resources. This is necessary because:

- Many of the resources are unique and non-renewable; and
- The preservation of cultural resources provides a greater knowledge of County history, thus promoting County identity and conserving historic and scientific amenities for the benefit of future generations.

The County requires a project proposed within the CP Overlay to include a report prepared by a qualified professional archaeologist that determines, through appropriate investigation, the presence or absence of archaeological and/or historical resources on the Plan Area and within the project area. The report must also recommend appropriate data recovery or protection measures. The CP Overlay may be applied to areas (determined by cultural resources research and/or inventory) where archaeological and historic sites that warrant preservation are known or are likely to be present. The Plan Area is currently not within a CP Overlay area.<sup>11</sup>

If evidence of Native American cultural resources is discovered during grading or excavation of a development site within a highly sensitive CP Overlay District, as determined by a qualified professional archaeologist, the local tribe will be notified. If requested by the tribe, a Native American Monitor shall be required during such grading or excavation to ensure all artifacts are properly protected and/or recovered.

## **City of Rancho Cucamonga**

### ***General Plan***

The City's existing General Plan was adopted in 2010. The Resource Conservation Chapter guides the preservation, protection, conservation, re-use, replenishment, and efficient use of Rancho Cucamonga's limited natural resources, including, but not limited to cultural resources. The City will continue to screen development proposals in accordance with the requirements of CEQA and will require the research of any site that may be determined to have potential resources. Should any resources be discovered, the City will take appropriate measures in accordance with existing laws to ensure the proper handling and preservation of artifacts. This section of the Draft EIR provides the required analysis of impacts to cultural resources and identifies mitigation measures to reduce potential impacts.

The Managing Land Use, Community Design, and Historic Resources Chapter defines the distribution and location of land uses to achieve economic efficiency, to balance aesthetic appeal and functionality, and to preserve historical resources in an effort to enhance the overall quality of community life. The Historic Resources Element of the Managing Land Use, Community Design, and Historic Resources Chapter addresses the City's historical development, historic resources (sites and routes), and goals and policies for historic preservation.

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11 San Bernardino County, Zoning and Overlay Maps, accessed March 2019, <http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps.aspx>.

### ***Development Code***

The first Historic Preservation Ordinance for the City of Rancho Cucamonga was adopted in 1979, and the latest amendment was adopted in 2011. Local landmarks in the City of Rancho Cucamonga are known as either Historic Landmarks, Points of Historic Interest, or as Conservation Districts and are under the aegis of the City Council of the City of Rancho Cucamonga. They are defined in the Historic Preservation Ordinance as follows (Rancho Cucamonga Municipal Code Section Title 17. Article II. Chapter 17.18.020, added by Ordinance No. 848, effective July 7, 2011):

#### 17.18.020 Designations

##### Designation Criteria for Historic Landmarks

1. The City Council may designate a property as a historic landmark if it meets the requirements below.
2. Historic landmarks must meet at least one of the following criteria:
  - i. It is or was once associated with events that made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
  - ii. It is or was once associated with persons important to local, state, or national history.
  - iii. It embodies the distinctive characteristics of a type, period, or method of construction.
  - iv. It represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
  - v. It has yielded or has the potential to yield information important to the prehistory or history of the local area, California, or the nation.
3. Historic landmarks must retain integrity from their period of significance with respect to location, design, setting, materials, workmanship, feeling, association, or any combination of these factors. A proposed landmark need not retain all such original aspects, but must retain sufficient integrity to convey its historic, cultural, or architectural significance. Neither the deferred maintenance of a proposed landmark nor its dilapidated condition shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the property's eligibility.

Designation criteria for points of historic interest.

1. The City Council may designate a property as a point of historic interest if it meets the requirements applicable to historic landmarks under section 17.18.020.B (Designation Criteria for Historic Landmarks). Points of historic interest shall not be required to retain integrity from their periods of significance.
2. Designated points of historic interest shall not be subject to the same restrictions applicable to designated historic landmarks and contributing resources.
3. Nothing in this section shall be construed as limiting or foreclosing analysis of the impacts of a proposed project on a point of historic interest under the California Environmental Quality Act.
4. The [Historic Preservation] commission shall maintain a current register of points of historic interest for public use and information.

Designation criteria for historic districts and conservation districts.

1. The City Council may designate a property or collection of properties as a historic district if the proposed district meets the requirements of both section 17.18.020.B (Designation Criteria for Historic Landmarks) and section 17.18.020.C (Designation Criteria for Points of Historic Interest).
2. A historic district must meet at least one of the following criteria:
  - i. It has an identifiable, clear, and distinct boundary that possesses a significant concentration of structures sharing common historical, visual, aesthetical, cultural, archaeological, or architectural plan or physical development.
  - ii. It demonstrates character, interest, or value as part of the development, heritage, or cultural characteristics of the community, state, or country.
  - iii. It is the site of a significant local, state, or national event.
  - iv. It is associated with the lives of persons important to local, state, or national history.
  - v. It is identifiable as the work of a master builder, designer, architect, artist, or landscape architect whose individual work has influenced the development of the community, county, state, or country.
3. Historic districts must retain integrity from their period of significance with respect to location, design, setting, materials, workmanship, feeling, and association. Not all properties or structures in a proposed district need to retain all such original aspects, but a substantial number of such

properties and structures must retain sufficient integrity to convey the historic, cultural, or architectural significance of the district. Neither deferred maintenance within a proposed district nor the dilapidated condition of its constituent buildings and landscapes shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the district's eligibility.

## **Existing Conditions**

### ***a. Regional and Local Setting***

The 4,393-acre Plan Area consists of mostly undeveloped lands and open space. Only a small portion (306 acres) of the ENHCP is presently located within the City, the majority of the ENHCP Area consists of unincorporated land within the City's Sphere of Influence. The ENHCP Area is divided into two planning areas: The Rural/Conservation Area (RCA) and the Neighborhood Area (NA). The RCA is located at the base of the San Gabriel Mountains, bordered to the south by the City and the NA, as well as the San Gabriel Mountains to the east, west, and north. A portion of the RCA to the east extends from the San Gabriel Mountains south to Wilson Avenue. The RCA is planned to remain as open space with limited rural residential development permitted on privately owned property. The NA is located north of the I-210 freeway and bordered by the City to the east, south, and west, and the RCA to the north.

The Plan Area is largely within the Day Canyon and Deer Canyon drainages. One large heavily disturbed mining area occurs in the central portion of the area. Undeveloped land occurs to the north, northwest, and northeast of the area, which makes up the broader Etiwanda Fan area and includes Day Canyon and Deer Canyon. Two isolated San Bernardino National Forest parcels border the north end of the plan area, with the continuous San Bernardino National Forest boundary further to the north. Developed areas of the City of Rancho Cucamonga border the south, east, and west ends of the study area. Existing conservation areas surrounding the Plan Area include the North Etiwanda Preserve, the 137-acre San Sevaine Spreading Grounds, the 880-acre U.S. Forest Service Conservation Area, and a 35-acre conservation area that was purchased as mitigation for a housing development and set aside through a conservation easement to the San Bernardino County Flood Control District.

Historically, the Plan Area was an active alluvial fan primarily fed by the flows for Deer Creek and Day Creek. At the base of the foothills, the alluvial fan spread and co-mingled these flows creating a dynamic system of braided streams. Over the past 40 years, flood control projects within both the Day and Deer Creek watersheds have greatly diminished the amount of flow and sediment feeding into the alluvial fan.

Several flood control projects were implemented since 1980 that effectively eliminated debris and flood hazards for the protection of the developments downstream. In 1980, the United States Army Corps of

Engineers constructed a debris basin and channel system to contain most of the flows within Deer Creek. In 1990, the San Bernardino County Flood Control District (SBCFCD) constructed a debris basin, channel system, and levee within the Day Creek drainage system. The levee system is approximately 5,000 feet downstream of the Day Creek dam and consists of five small in-line debris basins that run along the upstream side of the levee. Each basin spills over into the next until they reach the Day Creek channel. These improvements cut off the majority of flow and sediment to the existing alluvial fan. The basins are equipped with a 36-inch riser, connected to a 24-inch reinforced concrete outlet pipe. These outlets divert minor flows through the levee, where they proceed south through the ENHCP area. These flood control facilities have cut off all flow and debris potential from the lower reach of the alluvial fan (below levee) and most of the flow and debris from the upper reach. As a result, the historical biological and fluvial conditions of the ENHCP area have been altered.

## ***b. Cultural Setting***

### **Prehistoric Background**

Evidence for continuous human occupation in Southern California spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad period have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions. Each of these reconstructions describes similar trends in assemblage composition in more or less detail. However, given the direction of research and differential timing of archaeological study following intensive development in the County, chronology building in the Inland Empire must rely on data from neighboring regions to fill the gaps. To be more inclusive, this research employs a common set of generalized terms used to describe chronological trends in assemblage composition: Paleoindian (pre-5500 BC), Archaic (8000 BC–AD 500), Late Prehistoric (AD 500–1769), and Ethnohistoric (post-AD 1769). Below is information provided by the Cultural Report.

### ***Paleoindian Period (pre-5500 BC)***

Evidence for Paleoindian occupation in the region is tenuous. Knowledge of associated cultural pattern(s) is informed by a relatively sparse body of data that has been collected from within an area extending from coastal San Diego, through the Mojave Desert, and beyond. One of the earliest dated archaeological assemblages in coastal Southern California (excluding the Channel Islands) derives from SDI-4669/W-12 in La Jolla. A human burial from SDI-4669 was radiocarbon dated to 9,590–9,920 years before present (95.4 percent probability). The burial is part of a larger site complex that contained more than 29 human burials associated with an assemblage that fits the Archaic profile (i.e., large amounts of ground stone, battered cobbles, and expedient flake tools). In contrast, typical Paleoindian assemblages include large

stemmed projectile points, high proportions of formal lithic tools, bifacial lithic reduction strategies, and relatively small proportions of ground stone tools. Prime examples of this pattern are sites that were studied by Emma Lou Davis on Naval Air Weapons Station China Lake near Ridgecrest, California. These sites contained fluted and unfluted stemmed points and large numbers of formal flake tools (e.g., shaped scrapers, blades). Other typical Paleoindian sites include the Komodo site (MNO-679)—a multicomponent fluted point site, and MNO-680—a single component Great Basined Stemmed point site. At MNO-679 and -680, ground stone tools were rare while finely-made projectile points were common.

Warren claimed that a biface manufacturing tradition present at the Harris site complex (SDI-149) is representative of typical Paleoindian occupation in the San Diego region that possibly dates between 10,365 and 8200 BC. Termed San Dieguito, assemblages at the Harris site are qualitatively distinct from most others in the San Diego region because the site has large numbers of finely-made bifaces (including projectile points), formal flake tools, a biface reduction trajectory, and relatively small amounts of processing tools. Despite the unique assemblage composition, the definition of San Dieguito as a separate cultural tradition is hotly debated. Gallegos suggested that the San Dieguito pattern is simply an inland manifestation of a broader economic pattern. Gallegos's interpretation of San Dieguito has been widely accepted in recent years, in part because of the difficulty in distinguishing San Dieguito components from other assemblage constituents.

The large number of finished bifaces (i.e., projectile points and non-projectile blades), along with large numbers of formal flake tools at the Harris site complex, is very different than nearly all other assemblages throughout the San Diego region, regardless of age. Warren et al made this point, tabulating basic assemblage constituents for key early Holocene sites. Producing finely-made bifaces and formal flake tools implies that relatively large amounts of time were spent for tool manufacture. Such a strategy contrasts with the expedient flake-based tools and cobble-core reduction strategy that typifies non-San Dieguito Archaic sites. It can be inferred from the uniquely high degree of San Dieguito assemblage formality that the Harris site complex represents a distinct economic strategy from non-San Dieguito assemblages.

San Dieguito sites are rare in the inland valleys, with one possible candidate, RIV-2798/H, located on the shore of Lake Elsinore. Excavations at Locus B at RIV-2798/H produced a toolkit consisting predominately of flaked stone tools, including crescents, points, and bifaces, and lesser amounts of ground stone tools, among other items. A calibrated and reservoir-corrected radiocarbon date from a shell produced a date of 6630 BC. Grenda (1997) suggested this site represents seasonal exploitation of lacustrine resources and small game and resembles coastal San Dieguito assemblages and spatial patterning.

If San Dieguito truly represents a distinct socioeconomic strategy from the non-San Dieguito Archaic processing regime, its rarity implies that it was not only short-lived, but that it was not as economically

successful as the Archaic strategy. Such a conclusion would fit with other trends in Southern California deserts, where hunting-related tools were replaced by processing tools during the early Holocene.

### ***Archaic Period (8000 BC–AD 500)***

The more than 2,500-year overlap between the presumed age of Paleoindian occupations and the Archaic period highlights the difficulty in defining a cultural chronology in Southern California. If San Dieguito is the only recognized Paleoindian component in the coastal Southern California, then the dominance of hunting tools implies that it derives from Great Basin adaptive strategies and is not necessarily a local adaptation. Warren et al. admitted as much, citing strong desert connections with San Dieguito. Thus, the Archaic pattern is the earliest local socioeconomic adaptation in the region.

The Archaic pattern, which has also been termed the Millingstone Horizon (among others), is relatively easy to define with assemblages that consist primarily of processing tools, such as millingstones, handstones, battered cobbles, heavy crude scrapers, incipient flake-based tools, and cobble-core reduction. These assemblages occur in all environments across the region with little variability in tool composition. Low assemblage variability over time and space among Archaic sites has been equated with cultural conservatism. Despite enormous amounts of archaeological work at Archaic sites, little change in assemblage composition occurred until the bow and arrow were adopted around AD 500, as well as ceramics at approximately the same time. Even then, assemblage formality remained low. After the bow was adopted, small arrow points appear in large quantities and already low amounts of formal flake tools are replaced by increasing amounts of expedient flake tools. Similarly, shaped millingstones and handstones decreased in proportion relative to expedient, unshaped ground stone tools. Thus, the terminus of the Archaic period is equally as hard to define as its beginning because basic assemblage constituents and patterns of manufacturing investment remain stable, complemented only by the addition of the bows and ceramics.

### ***Late Prehistoric Period (AD 500–1769)***

The period of time following the Archaic and before Ethnohistoric times (AD 1769) is commonly referred to as the Late Prehistoric; however, several other subdivisions continue to be used to describe various shifts in assemblage composition. In general, this period is defined by the addition of arrow points and ceramics, as well as the widespread use of bedrock mortars. The fundamental Late Prehistoric assemblage is very similar to the Archaic pattern but includes arrow points and large quantities of fine debitage from producing arrow points, ceramics, and cremations. The appearance of mortars and pestles is difficult to place in time because most mortars are on bedrock surfaces. Some argue that the Ethnohistoric intensive acorn economy extends as far back as AD 500. However, there is no substantial evidence that reliance on acorns, and the accompanying use of mortars and pestles, occurred before AD 1400. In San Bernardino

County and the surrounding region, millingstones and handstones persisted in higher frequencies than mortars and pestles until the last 500 years; even then, weighing the economic significance of milling stone-handstone versus mortar-pestle technology is tenuous due to incomplete information on archaeological assemblages.

### ***Ethnohistoric Period (post-AD 1769)***

The history of the Native American communities before the mid-1700s was largely reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early twentieth century. The principal intent of these researchers was to record the pre-contact, culturally-specific practices, ideologies, and languages that survived the destabilizing effects of missionization and colonialism. Such research, often understood as “salvage ethnography,” was driven by the understanding that traditional knowledge was being lost due to the impacts of modernization and cultural assimilation. Alfred Kroeber applied his “memory culture” approach by recording languages and oral histories within the region. Ethnographic research by Dubois, Kroeber, Harrington, Spier, and others during the early twentieth century seem to indicate that traditional cultural practices and beliefs survived among local Native American communities.

It is important to note that even though there were many informants for these early ethnographies who were able to provide information from personal experiences about native life before the Europeans, a significantly large proportion of these informants were born after 1850; therefore, the documentation of pre-contact aboriginal culture was increasingly supplied by individuals born in California after considerable contact with Europeans. As Robert F. Heizer stated, this is an important issue to note when examining these ethnographies, since considerable culture change undoubtedly occurred by 1850 among the Native American survivors of California.

Based on ethnographic information, it is believed that at least 88 different languages were spoken from Baja California Sur to the southern Oregon state border at the time of Spanish contact. The distribution of recorded Native American languages has been dispersed as a geographic mosaic across California through six primary language families. Since the plan area is in the San Bernardino area, the Native American inhabitants of the region would have spoken the Gabrielino variety of Takic, although the Serrano variety

was likely spoken as well, as the traditional boundary between the Serrano and Gabrielino groups is near the plan area.

Victor Golla contends that one can interpret the amount of variability within specific language groups as being associated with the relative “time depth” of the speaking populations. A large amount of variation within the language of a group represents a greater time depth than a group’s language with less internal diversity. One method that he employed was drawing comparisons with historically documented changes in Germanic and Romantic language groups. Golla observed that the “absolute chronology of the internal diversification within a language family” can be correlated with archaeological dates. This type of interpretation is modeled on concepts of genetic drift and gene flows that are associated with migration and population isolation in the biological sciences.

The tribes of this area traditionally spoke Takic languages that may be assigned to the larger Uto–Aztecan family. These groups include the Gabrielino and Serrano. Golla interpreted the amount of internal diversity within these language-speaking communities to reflect a time depth of approximately 2,000 years. Other researchers contend that Takic may have diverged from Uto–Aztecan ca. 2600 BC–AD 1, which was later followed by the diversification within the Takic-speaking tribes, occurring approximately 1500 BC–AD 1000.

The Plan is located within the area associated with the Gabrielino, a name derived from the association with the San Gabriel Mission, who are also known as the Tongva. According to the archaeological record, they were not the first inhabitants of the San Bernardino Valley basin but displaced indigenous Hokan speakers around 500 BC. The Gabrielino shared boundaries with the Chumash to the west, the Tataviam to the north, Serrano to the northeast, the Cahuilla to the east, and the Luiseño and Juaneño to the southwest.

As with many Native groups, it is quite difficult to make population estimates for the Gabrielino, although one estimate gives village population ranges between 50 and 200 people for possibly more than 50 or 100 villages. The arrival of the Spanish decimated Native peoples through disease and changed living conditions, leaving few Gabrielinos by the time ethnographic studies were conducted. This makes it difficult to make definitive statements about their culture. The tribes of the region were organized into patrilineal clans or bands centered on a chief, each of which had its own territorial land or range where food and other resources were collected at different locations throughout the year. Place-names were assigned to each territory, often reflecting common animals, plants, physical landmarks, or cosmological elements that were understood as being related to that location. Marriages were sometimes arranged by parents or guardians, and chiefs occasionally had multiple wives.

Shamanism was a major component in tribal life. Shamans, who derived their power through dreams or visions, served individual villages. They cured illnesses using a variety of tools and plants. Some locations and natural resources were of cultural significance. Springs and other water-related features were thought to be related with spirits. These resources, often a component of origin stories, had power that came with a variety of risks and properties to those who became affected. Mourning ceremonies were similar throughout the region, generally involving burning of the deceased's possessions, dancing, and ritual wailing, followed by the burning of the deceased's remaining items a year after.

### **Ethnographic Background**

What is now the City of Rancho Cucamonga area was occupied during the Late Prehistoric Period by the Native American societies commonly known to anthropologists as the Gabrielino (Kroeber 1925; Bean and Shipek 1978; Bean and Smith 1978). The City is named after the Gabrielino village of Kukamo or Cucamonga (Kroeber 1925), which was located in the eastern extreme of the tribe's territory. The name is thought to come from a Gabrielino word meaning "sandy place" (CRM Tech 2007). The term "Gabrielino" identifies those Native Americans who were under the control of the Spanish Mission San Gabriel. The overwhelming number of people here were of the same ethnic nationality and language group who generally referred to themselves as Tongva. Their territory included the entire Los Angeles Basin and extended from northern Orange County north to the San Fernando Valley in Los Angeles County and eastward to the Riverside and San Bernardino area. It also included the watersheds of the Los Angeles, San Gabriel, and Santa Ana Rivers (Bean and Smith 1978). The language of the group is derived from the Takic family, part of the Uto-Aztecan linguistic stock.

The Gabrielino/Tongva arrived in the Los Angeles Basin prior to 500 BCE, gradually displacing the indigenous peoples. Large, permanent villages were established in the fertile lowlands along rivers and streams and in sheltered areas along the coast. Eventually, Gabrielino territory encompassed the greater Los Angeles Basin, the coastal regions from Topanga Canyon in the north to perhaps as far south as Aliso Creek, as well as the islands of San Clemente, San Nicholas, and Santa Catalina (Bean and Smith 1978). The subsistence economy of the Gabrielino was one of hunting and gathering. A wide variety of tools and implements were employed by the Gabrielino to gather, collect, and process food resources.

### **Historical Background**

Post-contact history for the State of California is generally divided into three periods: the Spanish Period (1769–1821), Mexican Period (1821–1846), and American Period (1846–present). Although Spanish, Russian, and British explorers visited the area for brief periods between 1529 and 1769, the Spanish Period in California begins with the establishment in 1769 of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence

from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

### ***Spanish Period (1769–1821)***

Spanish explorers made sailing expeditions along the coast of Southern California between the mid-1500s and mid-1700s. In search of the legendary Northwest Passage, Juan Rodríguez Cabrillo stopped in 1542 at present-day San Diego Bay. With his crew, Cabrillo explored the shorelines of present Catalina Island as well as San Pedro and Santa Monica Bays. Much of the present California and Oregon coastline was mapped and recorded in the next half-century by Spanish naval officer Sebastián Vizcaíno. Vizcaíno's crew also landed on Santa Catalina Island and at San Pedro and Santa Monica Bays, giving each location its long-standing name. The Spanish crown laid claim to California based on the surveys conducted by Cabrillo and Vizcaíno (Bancroft 1885; Gumprecht 1999).

More than 200 years passed before Spain began the colonization and inland exploration of Alta California. The 1769 overland expedition by Captain Gaspar de Portolá marks the beginning of California's Historic period, occurring just after the king of Spain installed the Franciscan Order to direct religious and colonization matters in assigned territories of the Americas. With a band of 64 soldiers, missionaries, Baja (lower) California Native Americans, and Mexican civilians Portolá established the Presidio of San Diego, a fortified military outpost, as the first Spanish settlement in Alta California. In July of 1769, while Portolá was exploring Southern California, Franciscan Fr. Junípero Serra founded Mission San Diego de Alcalá at Presidio Hill, the first of the 21 missions that would be established in Alta California by the Spanish and the Franciscan Order between 1769 and 1823.

### ***Mexican Period (1821–1846)***

It was in the early 1820s that Spain's grip on its expansive subjugated territories began to unravel, which greatly affected the political and national identity of the Southern California territory. Mexico established its independence from Spain in 1821, secured California as a Mexican territory in 1822, and became a federal republic in 1824. After the Mexican independence and the 1833 confiscation of former Mission lands, Juan B. Alvarado became governor of the territory. In 1836, Alvarado began the process of subdividing the County into large ranchos: Rancho Jurupa in 1838; El Rincon in 1839; Rancho San Jacinto Viejo in 1842; Rancho San Jacinto y San Gorgonio in 1843; Ranchos La Laguna, Pauba, and Temecula in 1844; Ranchos Little Temecula and Potrereros de San Juan Capistrano in 1845; and Ranchos San Jacinto Sobrante, La Sierra (Sepulveda), La Sierra (Yorba), Santa Rosa, and San Jacinto Nuevo y Potrero in 1846 (Brown and Boyd 1922; Fitch 1993). While these ranchos were established in documentation, the cultural and commercial developments of the Ranchos were punctuated and generally slow with little

oversight or assistance from the government in Mexico. On May 22, 1840, Governor Alvarado granted the “11-league” Rancho Jurupa to Don Juan Bandini (Stonehouse 1965).

In 1843, La Placita de los Trujillos, or “La Placita” (also known as “San Salvador” and regionally nicknamed “Spanish Town”), was established and has been since recognized as one of the first non-native settlements in the San Bernardino Valley (Brown and Boyd 1922). A group of genízaro colonists from Abiquiú, New Mexico, arrived in the area in the early 1840s (Nostrand 1996). Don Juan Bandini donated a portion of Rancho Jurupa to them on the condition that they would assist in protecting his livestock from Indian raids. Lorenzo Trujillo led 10 of the colonist families to 2,000 acres on the “Bandini Donation” on the southeast bank of the Santa Ana River and formed the village of La Placita. In 1852, the same year that Leandro Serrano died, the Los Angeles County Board of Supervisors established a town called “San Salvador” encompassing a number of small, growing communities in the area initially known as “La Placita.” San Salvador was mainly a community of agriculture and animal husbandry until around the late 1860s with the occurrence of “the Great Flood of 1862” and a second flood later in 1886, causing the local population to abandon the immediate area, which had been largely a ghost town until the recent modern introduction of waste transferal and recycling facilities to the area (Elderbee 1918).

### ***American Period (1846–Present)***

In the late 1840s and early 1850s, after the arrival of a growing European-descended American and other foreign populations and the conclusion of the Mexican-American war with the Treaty of Guadalupe Hidalgo, issues concerning the land rights immediately ensued with results at often largely favored newly introduced American interests (Starr 2007; Hale 1888). The California Gold Rush was in full steam with a heavy influx of new immigrants from not only across the United States but international travelers many from Asian and Latin American countries changing the dynamics of the local populations. Growth in the region’s population was inevitable with the major shifts in the popular social perceptions of potential economic opportunities that California had to offer during the 1850s.

### ***c. Historical Resources***

The Planning Area is largely undeveloped, with the exception of remaining flood control facilities and a number of homes located in unincorporated County lands, in the north-northeastern portion of the RCA. A discussion of the historical development of the Plan Area is found below.

The Day Creek Improvement Area system components date between the early 1970s to the 1990s. None of the existing components is 45 years old or older. Additionally, water management systems like the Day Creek Improvement Area are common throughout the state of California. Some of the earliest systems that date back to the mid-1800s are still in place and in use today. As a water management system

established in the later part of the 20<sup>th</sup> century the Day Creek Improvement Area does not warrant consideration or evaluation under thresholds established for resources that have achieved exceptional significance before they have reached the age of 50. Consequently, there are no historic era-built resources located in the NA that required evaluation under NRHP or CRHR criteria. In summary, the NPA does not contain any built environment properties considered historical resources for the purposes of CEQA. However, according to the City's General Plan EIR, the Day Canyon, which is located in the North Etiwanda Preserve, is considered a Rancho Cucamonga Point of Interest.<sup>12</sup>

## ENVIRONMENTAL IMPACTS

### Methodology

The Cultural Resources Technical Report for the Plan involved a California Historical Resources Information System Records Search. A records search was conducted for the Plan Area and a one-mile radius surrounding the Plan at the South Central Coastal Information Center (SCCIC) on June 15, 2015. This search included reviewing their collection of mapped prehistoric, historical and built-environment resources, Department of Parks and Recreation (DPR) Site Records, technical reports, archival resources, and ethnographic references. Additional consulted sources included the National Register of Historic Places (NRHP), California Inventory of Historical Resources (CRHR) and listed Office of Historic Preservation Archaeological Determinations of Eligibility, California Points of Historical Interest, California Historical Landmarks, and Caltrans Bridge Survey information.

An intensive-level pedestrian survey of 1,212-acres including the entire NA and the southern portion of the RCA (proposed Etiwanda Heights Preserve) was conducted in July and September 2015. In addition, a Built Environment Pedestrian Survey of the NA portion of the Plan Area was conducted on December 7, 2018. During the survey, all accessible portions of the flood control channels, major levees, and Spreading Grounds were surveyed and documented.

In addition, Native American coordination for the Plan was initiated on June 12, 2015. As part of the process of identifying cultural resources within or near the Plan, Dudek contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands File (SLF). In addition, a list was requested a of appropriate contacts for Senate Bill (SB) 18 consultation since the NA is part of the larger Plan. The NAHC emailed a response on July 6, 2015 and stated that the SLF search "indicates the potential of Native American cultural resources in the Rancho Cucamonga Quad that may be impacted." The NAHC recommended contacting the San Manuel Band of Mission Indians for specific information. The NAHC also

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<sup>12</sup> Rancho Cucamonga General Plan EIR, Section 4.6, Figure 4.6-1, 2010.

provided a contact list of Native American individuals and/or tribal organizations that may have knowledge of cultural resources in or near the Plan area. Letters were sent to each of the persons and entities on the contact list, requesting information about cultural sites and resources in or near the Plan. These letters contained a brief description of the proposed plan, reference maps, and a summary of the NAHC.

Further, as required under Assembly Bill (AB) 52 and SB 18, tribal notification letters were sent in January 2019 by the City of Rancho Cucamonga. The City complied with AB 52 and PRC Section 21080.3.1 and has initiated consultation with two tribes that responded to the letters: Gabrieleno Band of Mission Indians – Kizh Nation and the Morongo Band of Mission Indians.

### Thresholds of Significance

To assist in determining whether the proposed Plan would have a significant effect on the environment, the City finds the proposed Plan may be deemed to have a significant impact related to cultural resources if it would:

**Threshold CUL-1: Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?**

**Threshold CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

**Threshold CUL-3: Disturb any human remains, including those interred outside of formal cemeteries?**

To assist in determining whether the Plan would have a significant effect on the environment, the City finds the Plan may be deemed to have a significant impact related to cultural resources if it would 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 the cultural value to a California Native American tribe, and that is:

**Threshold TCUL-1: 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), or**

**Threshold TCUL-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 (c11) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (d) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

## Project Impact Analysis

**Threshold CUL-1:** Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

### *Rural/Conservation Area*

Based on the results of the records searches, eighteen potential resources are recorded within the RCA. The majority of the previously recorded resources located within the RCA consist of historic era homestead structures, water conveyance systems, remnants of mining operations, and transmission lines. The Day Creek Improvement Area system components date between the early 1970s to the 1990s. None of the existing components is 45 years old or older. Additionally, water management systems like the Day Creek Improvement Area are common throughout the state of California. Some of the earliest systems that date back to the mid-1800s are still in place and in use today. As a water management system established in the later part of the 20th century, the Day Creek Improvement Area does not warrant consideration or evaluation under thresholds established for resources that have achieved exceptional significance before they have reached the age of 50.

The intensive pedestrian survey identified six archaeological resources including three isolates and three sites in the lower portion of the RCA, the proposed Etiwanda Heights Preserve and the NA. However, none of these resources (isolates or sites) were found to contain information that would qualify them for a finding of significance and/or eligibility for listing in the California Register of Historical Resources (CRHR) under any significance criteria. None meet the thresholds for evaluation under CEQA or NHPA. Furthermore, the survey area was found to be highly disturbed from high velocity colluvial events (flash floods and erosion) and thus having a low sensitivity for the discovery of significant archaeological resources. As such, impacts to historical period artifacts within the RCA would be less than significant.

### *Neighborhood Area*

The intensive pedestrian survey identified six archaeological resources including three isolates and three sites in the NA. However, none of these resources (isolates or site) were found to contain information that would qualify them for a finding of significance and/or eligibility for listing in the California Register of

Historical Resources (CRHR) under any significance criteria. None meet the thresholds for evaluation under CEQA or NHPA (for the USACE resources). As with the determination for the RCA, the survey area was found to be highly disturbed from high velocity colluvial events (flash floods and erosion) and thus having a low sensitivity for the discovery of significant archaeological resources.

No previously recorded or evaluated built environment resources were identified in the records search findings. An investigation was conducted to determine the presence of historic era-built environment properties 45 years old or older and which would require evaluation for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR). No such buildings or structures are located in the NA. As such, less than significant impacts on historical period artifacts within the NA would occur.

**Threshold CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

***Rural/Conservation Area and Neighborhood Area***

The intensive pedestrian survey identified six archaeological resources including three historic isolates and three archaeological sites in the NA. The sites include two historic era trash scatters (9020-AD-01 and -02), and one prehistoric bedrock milling station (9020-BC-01). The isolates include a vertical pipe (9020-ISO-PH-01), a 1950's bottle and can (9020-ISO-AD-01), and a 1960's era pull-tab beer can (9020-ISO-KS-01). The vertical pipe appears to be older than 45 years in age, but no definitive information was obtained through archival research or field inspection to verify its age. As based on the CEQA evaluation criteria for historic and archaeological resources, none of these resources (isolates or site) were found to contain information that would qualify them for a finding of significance and/or eligibility for listing in the California Register of Historical Resources (CRHR) under any significance criteria as evaluated by the Cultural Report. As with much of the RCA, the survey area was found to be highly disturbed from high velocity colluvial events (flash floods and erosion) and thus having a low sensitivity for the discovery of significant archaeological resources.

Further, as stated in the Cultural Resources Report, the geology of the NA is such that there is a low probability of discovering significant archaeological resources during ground breaking activities. However, in the unlikely event that archaeological resources are unearthed, resulting in a potential loss of a previously unknown resource, a qualified archaeologist would be retained to evaluate the find and make decisions on its disposition. If found in the area during construction, all construction activities would have to stop pending the archaeologist's evaluation. With implementation of **Mitigation Measure (MM) TCUL-1**, impacts to archaeological resources would be less than significant.

**Threshold CUL-3: Disturb any human remains, including those interred outside of formal cemeteries?**

***Rural/Conservation Area and Neighborhood Area***

While limited areas within the RCA are developed with residential or flood detention facilities, no known conditions exist that suggest human remains are likely to found. It is not expected that human remains, including those interred outside formal cemeteries, would be encountered during ground-disturbing activities associated with the Plan. The NAHC Sacred Lands File search conducted for the proposed Plan did not indicate the presence of Native American cultural resources on the site.

However, if human remains were found, those remains would require proper treatment, in accordance with applicable laws. Sections 7050.5–7055 of the California Health and Safety Code describe the general provisions for human remains. Specifically, Section 7050.5 of the California Health and Safety Code describes the protocols to be followed in the event that human remains are accidentally discovered during excavation of a site. In addition, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented. If human remains are found during excavation, construction activities must stop in the vicinity of the find and in any area that is reasonably suspected to overlie adjacent remains until the County Coroner has been notified; the remains have been investigated; and appropriate recommendations have been made for the treatment and disposition of the remains.

Should archaeological resources be encountered during subsurface excavation activities, implementation of **Mitigation Measure MM TCUL-1** requires the completion of an archaeological monitoring plan prior to earth-moving activities and would require a qualified archaeologist to implement procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the resources, as appropriate. Furthermore, if human remains are uncovered during subsurface excavation activities, implementation of **Mitigation Measure MM TCUL-2** would require notification of the county coroner within 24 hours of the discovery to handle and identify the human remains. With implementation of **Mitigation Measures MM TCUL-1** and **MM TCUL-2**, impacts would be less than significant.

**Threshold TCUL-1: 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)?**

***Rural/Conservation Area and Neighborhood Area***

No previously recorded built environment resources were identified in the records search of the Plan Area. Several built environment structures associated with the Day Creek Improvement Area were identified during pedestrian survey. The majority of the previously recorded resources located within the

RCA consist of historic era homestead structures, water conveyance systems, remnants of mining operations, and transmission lines. Further, no previously recorded built environment resources were identified in the records search. As a result of the inventory and evaluation effort from the Cultural Report, these resources were found ineligible for the CRHR or local listing for tribal cultural resources and did not meet the thresholds for evaluation under CEQA or NHPA (for the USACE resources). As such, impacts to historical resources as defined in PRC 5020.1(k) within the Plan Area would be less than significant.

**Threshold TCUL-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 (c11) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (d) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

### ***Rural/Conservation Area and Neighborhood Area***

The majority of the previously recorded resources located within the Plan Area consist of historic era homestead structures, water conveyance systems, remnants of mining operations, and transmission lines. The NA consists solely of flood detention facilities. As previously stated, no previously recorded tribal cultural resources were identified within the NA or the RCA. Under SB 18, the City initiated Native American coordination for the Plan on June 12, 2015. As part of the process of identifying cultural resources within or near the Plan, the Native American Heritage Commission (NAHC) was contacted to request a review of the Sacred Lands File (SLF). In addition, a list of appropriate contacts for Senate Bill (SB) 18 consultation for the Plan was requested. The NAHC indicated “the potential of Native American cultural resources in the Rancho Cucamonga Quad that may be impacted” and recommended contacting the San Manuel Band of Mission Indians for specific information, along with persons identified on a contact list of Native American individuals and/or tribal organizations that may have knowledge of cultural resources in or near the Plan. After initial outreach, the Morongo Band of Mission Indians and the San Manuel Band of Mission Indians have responded to the request for information. In addition, in January 2019, the City complied with AB 52 and initiated consultation with two tribes: Gabrieleno Band of Mission Indians – Kizh Nation and the Morongo Band of Mission Indians.

the Morongo Band of Mission Indians responded that the Plan Area was outside of Morongo’s ancestral territory and recommended contacting the San Manuel Band of Mission Indians. The San Manuel Band of Mission Indians responded that the RCA is within the Tribe’s ancestral territory and is known for its sensitivity for prehistoric cultural resources. The Tribe further requested consultation with the lead agency for the Plan, requested a copy of the records search and survey report for review,

and recommended that hillside grading methods be used in the RCA to reduce impacts to cultural resources.

implementation of **Mitigation Measures MM TCUL-1** and **MM TCUL-2** would reduce impacts to less than significant for inadvertent discoveries. For these reasons, less than significant Tribal Cultural Resource impacts would occur.

## CUMULATIVE IMPACTS

### Cultural Resources

The cumulative area for cultural resources is the City of Rancho Cucamonga. As identified in the General Plan EIR, there are 18 archaeological sites identified within the City with one historical point of interest, Day Canyon, within the Plan Area. Day Canyon, although in the RCA, is located within the North Etiwanda Preserve and would not be subject to development. The City's geographic area, including the Plan Area, has a low potential to contain significant fossil resources. Direct impacts to on-site cultural resources are site-specific. The Plan, in conjunction with cumulative development, including projects implementing the City's General Plan, could lead to accelerated degradation of previously unknown archaeological resource sites. However, each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the proposed Plan as outlined in the City's General Plan and General Plan EIR. If there is a potential for significant impacts on cultural, an investigation will be required to determine the nature and extent of the resources and to identify appropriate mitigation measures, including requirements such as those identified in this section.

Ground-disturbing activities would have the potential to uncover previously unknown archeological resources and human remains. As discussed previously, the Plan would not significantly impact any historic resources. Thus, the Plan would not contribute to cumulative impacts to historic resources and would result in a less than significant impact. The Plan, in combination with cumulative development, could contribute to the loss of undeveloped land, which could potentially contain archaeological resources. Determinations regarding the significance of impacts of the related projects on archaeological resources would be made on a case-by-case basis and, if necessary, the applicants of the related projects would be required to implement appropriate site-specific mitigation measures or follow regulatory compliance. Furthermore, the Project's potential impacts to archaeological and human remains would be less than significant with the implementation of **Mitigation Measures MM TCUL-1** and **MM TCUL-2**. Therefore, the Plan would have no significant cumulative impacts associated with cultural resources.

## Tribal Cultural Resources

No tribal cultural resources have been identified within the Plan Area, however, locations of potential tribal cultural resources have been identified by initial outreach from Morongo Band of Mission Indians and the San Manuel Band of Mission Indians. As previously stated, the Morongo Band of Mission Indians and the San Manuel Band of Mission Indians have responded to the request for information. The Morongo Band of Mission Indians responded that the Plan Area was outside of Morongo's ancestral territory. The San Manuel Band of Mission Indians responded that the RCA is within the Tribe's ancestral territory and is known for its sensitivity for prehistoric cultural resources and requested further consultation with the City. A copy of the records search and survey report was provided to the Tribe, and hillside grading methods recommendations were suggested in the RCA to reduce impacts to cultural resources.

Further, in association with CEQA review, in order to identify tribal cultural resources future AB 52 consultations with Native American tribes could be required for projects outside of the scope of this EIR, and which have the potential to cause significant impacts to tribal cultural resources as defined in PRC Section 21074. For these reasons, the Plan would not contribute to cumulatively significant impacts to tribal cultural resources.

## MITIGATION MEASURES

The following mitigation measures has been identified to reduce potentially significant impacts related to archaeological resources, tribal-cultural resources, and human remains:

**MM TCUL-1 Unanticipated Discovery of Cultural Resources.** In the unlikely event that cultural resources are exposed during construction activities for the Plan, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.

**MM TCUL-2 Unanticipated Discovery of Human Remains.** In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the San Bernardino County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the coroner has determined, within 2 working days of

notification of the discovery, the appropriate treatment and disposition of the human remains. If the remains are determined to be Native American, the coroner shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

### **LEVEL OF SIGNIFICANCE AFTER MITIGATION**

As discussed above, **Mitigation Measures MM TCUL-1** and **MM TCUL-2**, would ensure that impacts to cultural and Tribal cultural resources and human remains would be less than significant. All other impacts would remain less than significant.