



TECHNICAL MEMORANDUM

Date: October 15, 2019

Project: Cultural resources records search for General Plan Amendment and Zone Change for a New Facility at 1301 New Stine Road- Bakersfield, CA

To: Jaymie Brauer

From: Robert Parr, MS, RPA, Senior Archaeologist

Subject: Cultural Resources Records Search Results (RS #19-401)

Background

The purpose of the search was to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the subject property, and whether construction of the project would impact any known or potential cultural resources under the California Environmental Quality Act (CEQA). The Project requires approval of Tentative Tract Map 927.

Project Description

A Cultural resource assessment was conducted for the Rosewood Retirement Community. The Project will include the construction of a new 12,373 square-foot physical therapy center within the existing Rosewood Senior Living Facility, which will necessitate the approval of a General Plan Amendment, zoning change, and new parcel map on an 11.3-acre parcel of land proposed for residential development.

Location

The Project is in Bakersfield, Kern County, California (Attachment A, Figures 1-4). It is located at 1301 New Stine Road, on the southwest corner of Sundale Ave. and New Stine Road, within Section 3, Township 30S, Range 27E, Mount Diablo Base and Meridian (MDB&M), and the Gosford U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. The new physical therapy center will be constructed in the southwest corner of the Project.

Methodology

The records search covered an area within one-half mile of the project and included a review of the *National Register of Historic Places*, *California Points of Historical Interest*, *California Registry of Historic Resources*, *California Historical Landmarks*, *California State Historic Resources Inventory*, and a review of cultural resource reports on file.



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Results

Records Search

A cultural resources records search (RS #19-401) was conducted for the project at the Southern San Joaquin Valley Information Center at California State University, Bakersfield in order to determine whether any known cultural resources or previously conducted cultural resource surveys were located on or near the project.

The records search covered an area within one-half mile of the subject property and included a review of the *National Register of Historic Places*, *California Points of Historical Interest*, *California Registry of Historic Resources*, *California Historical Landmarks*, *California State Historic Resources Inventory*.

The records search indicated that the subject property had never been surveyed for cultural resources and it is not known if any are present there. Two cultural resource studies, both of which were records searches, have been conducted for properties within a half mile of the project (LSA 2001; Stillwell 2005).

No cultural resources have been recorded within a half mile of the subject property.

A Sacred Land Files search was requested from the Native American Heritage Commission (NAHC), and a response was received on November 5, 2019. As noted, the NAHC *Sacred Lands File*, results were negative and did not indicate the presence of any cultural places within the Project area (Attachment B).

Conclusions and Recommendations

Based on the results of cultural records search findings and the lack of historical or archaeological resources previously identified within a 0.5-mile radius of the proposed project, the potential to encounter subsurface historical or archaeological deposits would be considered unlikely. Operation of the proposed project would not result in impacts related to the disturbance of archaeological or historical resources.

However, there is still a possibility that historical or archaeological materials may be exposed during construction activities. Grading and trenching, as well as other ground-disturbing actions have the potential to damage or destroy these previously unidentified and potentially significant cultural resources within the project area, including historical or archaeological resources.

Implementation of recommended Measure CUL-1 and CUL-2 would reduce potential impacts on cultural resources and historical resources associated with the proposed project to less-than-significant levels.



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Recommended Measures

CUL-1: If prehistoric or historic-era cultural materials are encountered during construction activities, all work in the immediate vicinity of the find shall halt until a qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, can evaluate the significance of the find and make recommendations. Cultural resource materials may include prehistoric resources such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock as well as historic resources such as glass, metal, wood, brick, or structural remnants. If the qualified professional archaeologist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required to mitigate adverse impacts from project implementation. These additional studies may include avoidance, testing, and evaluation or data recovery excavation.

If a potentially-eligible resource is encountered, then the qualified professional archaeologist, the Lead Agency, and the project proponent shall arrange for either 1) total avoidance of the resource or 2) test excavations to evaluate eligibility and, if eligible, total data recovery. The determination shall be formally documented in writing and submitted to the Lead Agency as verification that the provisions for managing unanticipated discoveries have been met.

CUL-2: If human remains are discovered during construction or operational activities, further excavation or disturbance shall be prohibited pursuant to Section 7050.5 of the California Health and Safety Code. The specific protocol, guidelines, and channels of communication outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and Senate Bill 447 (Chapter 44, Statutes of 1987), shall be followed. Section 7050.5(c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County coroner. All reports, correspondence, and determinations regarding the discovery of human remains on the project site shall be submitted to the Lead Agency.

Robert E. Parr

(s) Robert E. Parr, MS, RPA
Senior Archaeologist

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Attachment A- Figures

Attachment B- NAHC *Sacred Lands File*



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References

LSA

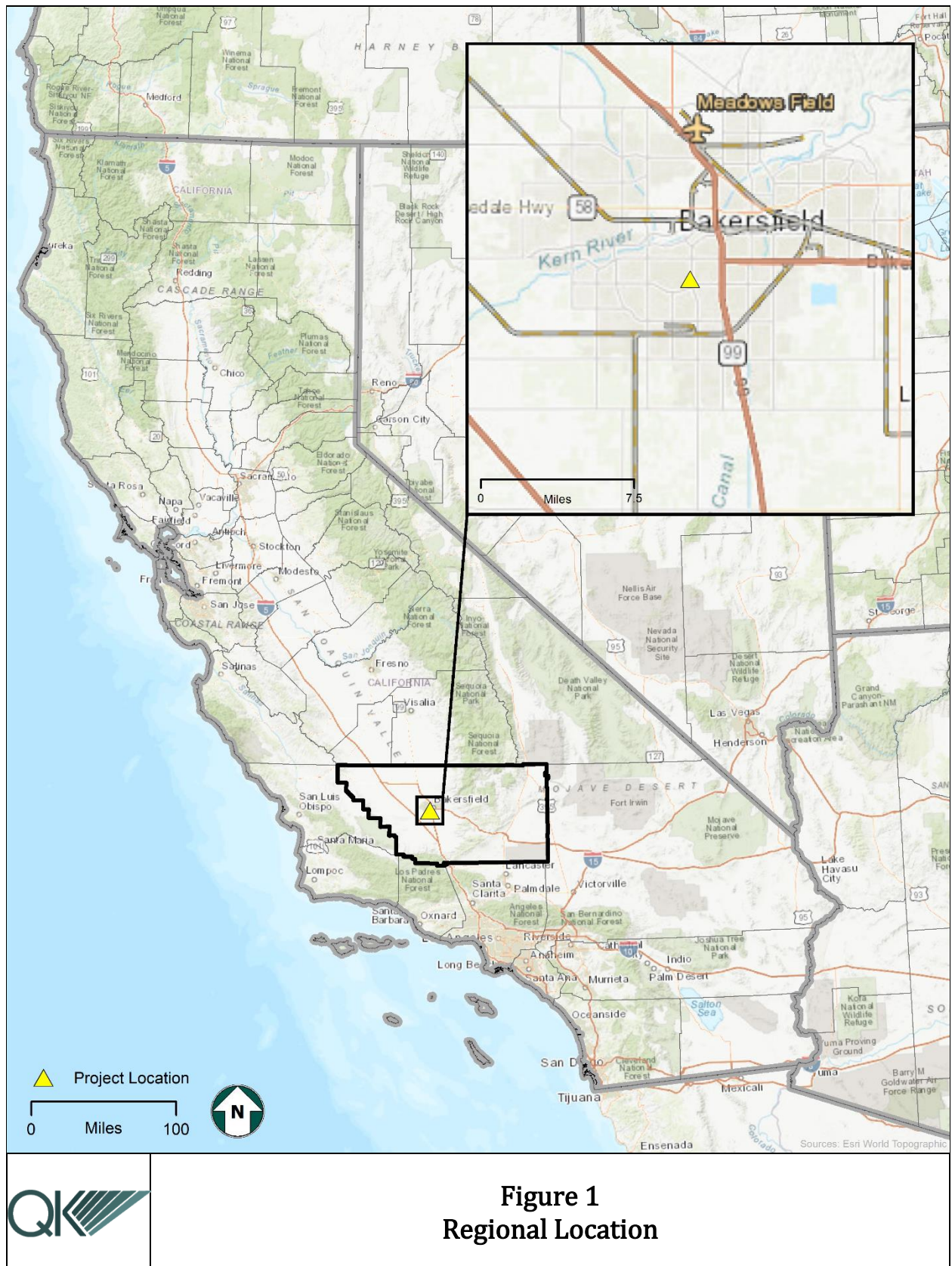
2001 Cultural Resource Assessment, Cingular Wireless Facility No. VY-077-01, Kern County, California. (KE-02537)

Stillwell, Larry

2005 New Tower ("NT") Submission Packet, FCC Form 620 for NEXTEL Communications facility at 912 New Stine Road, Bakersfield, CA. (KE-03251)

ATTACHMENT A
PROJECT FIGURES

Rosewood Senior Living Center Construction Project



33 34 35

29S 27E
30S 27E

0 1,250
Feet

4 3 2

USGS Quad:
Gosford

9 10 11

Project Location

PLSS Townships

PLSS Sections

USGS Quads 24k

Source: Esri, DigitalGlobe, GeoEye, Earthstar, etc.



Rosewood Senior Living Center Construction Project

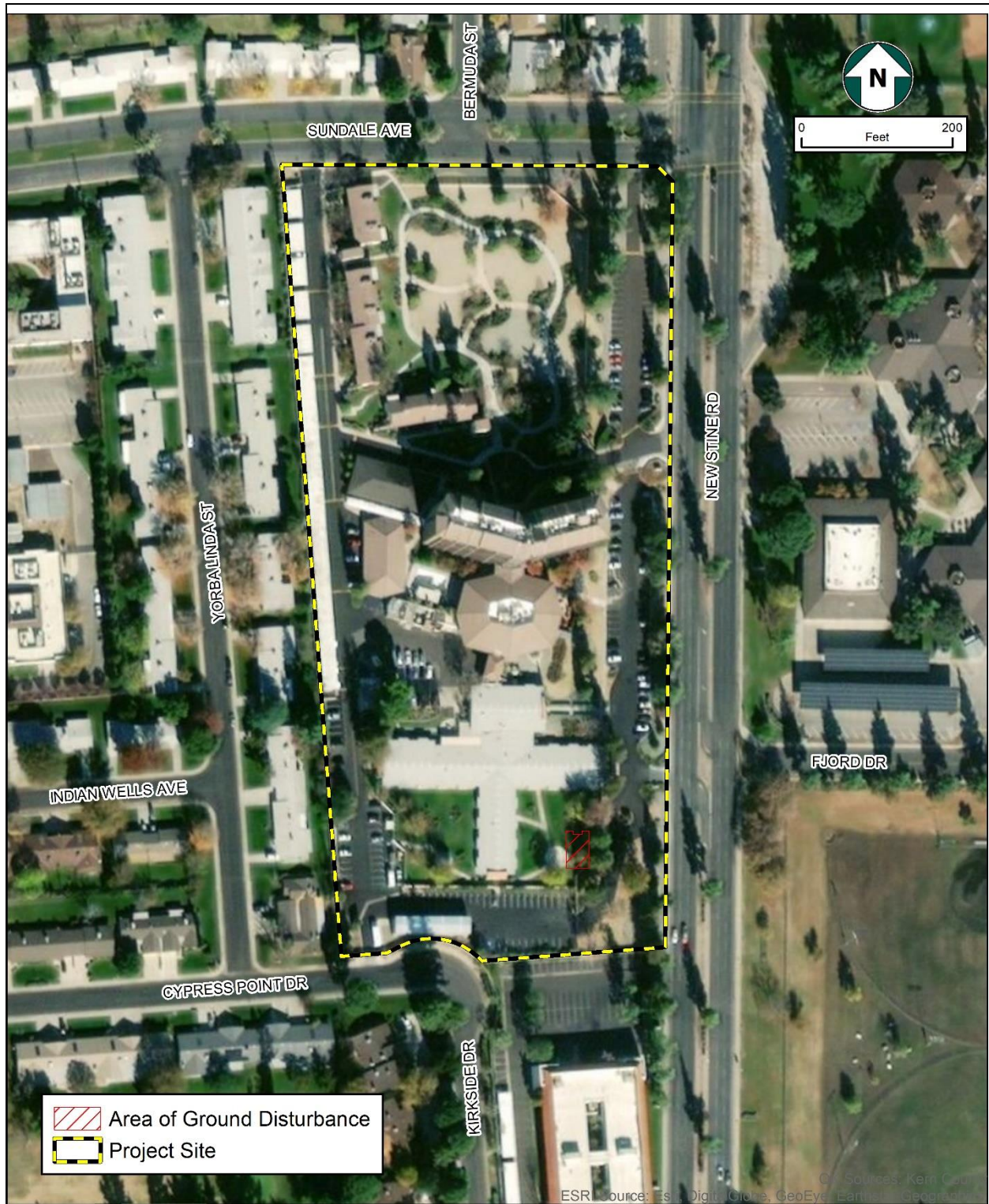


Figure -3
Project Site

Rosewood Senior Living Center Construction Project

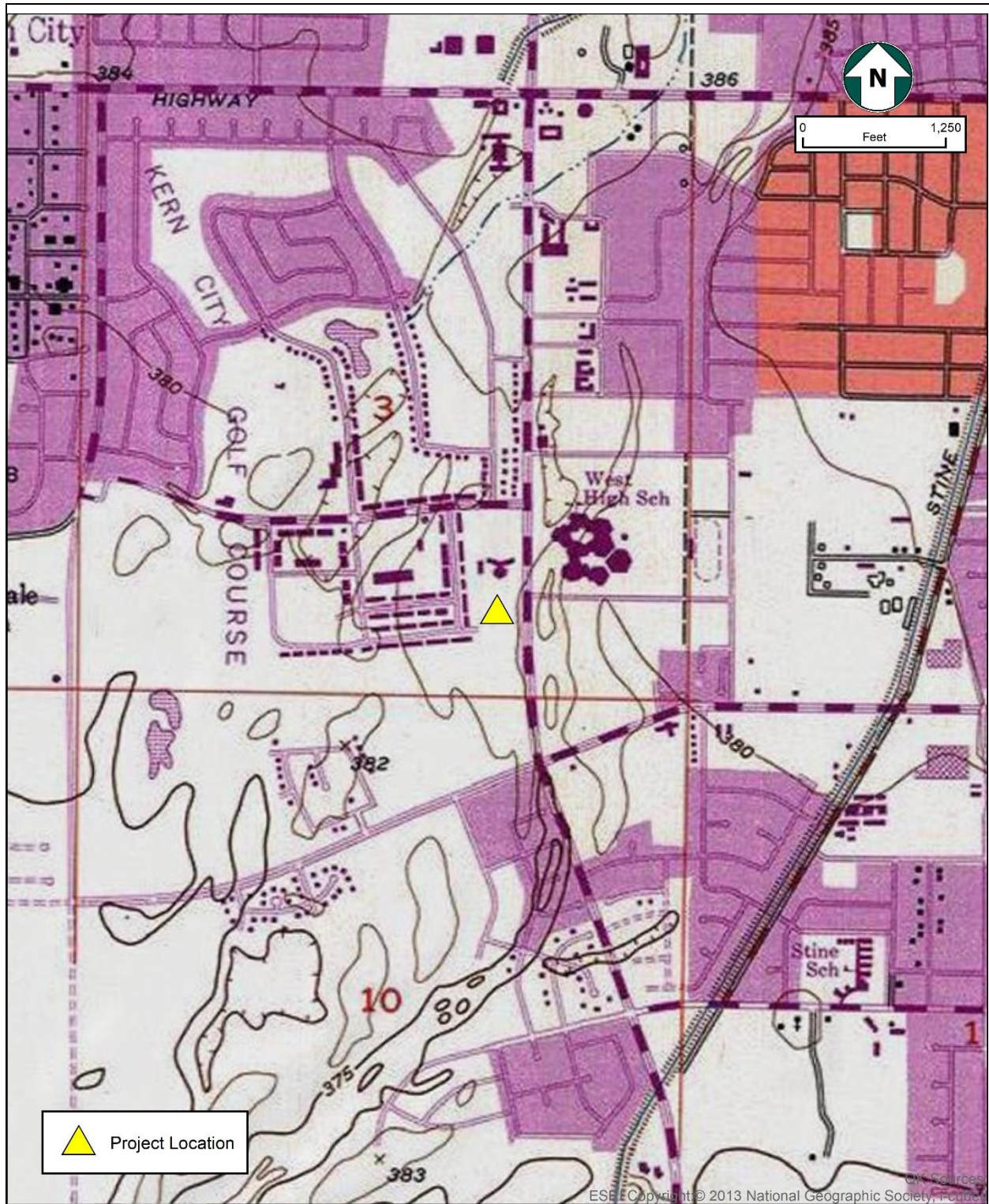


Figure -4
Topo

ATTACHMENT B
NAHC Sacred Lands File

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Website: <http://www.nahc.ca.gov>



Jaymie Brauer
QK

RE: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, City of Bakersfield Project No. 19-0345 located at 1301 New Stine Road Project, Kern County

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.
4. Any ethnographic studies conducted for any area including all or part of the APE; and
5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Staff Services Analyst

Attachment

**Native American Heritage Commission
Native American Contacts List
November 5, 2019**

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Tubatulabal
Kawaiisu

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Paiute

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Yowlumne
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Serrano

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

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

**This list is only applicable for contacting local Native Americans Tribes for the proposed:
City of Bakersfield Project No. 19-0345 located at 1301 New Stine Road Project, Kern County.**

**Native American Heritage Commission
Native American Contacts List
November 5, 2019**

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Yokut

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Wuksache

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