

## 5.11 - CULTURAL RESOURCES

### 5.11.1 - Introduction

Information in this section is based on the following documents:

- Archaeological and Paleontological Resource Assessment Report for the Rich Haven Project, Ontario California, Cogstone Resource Management, Inc, August 2005, provided in Appendix H, Cultural Resources, of this Draft EIR.
- Historic Architecture Assessment for the Rich Haven Specific Plan, Michael Brandman Associates, September 21, 2006, provided in Appendix H, Cultural Resources, of this Draft EIR.
- City of Ontario's Historic Context for the NMC (Draft), September 2004.
- NMC Final EIR, City of Ontario, October 1997.
- NMC General Plan, City of Ontario, January 1998.

The New Model Colony (NMC) Final EIR identified potential impacts to cultural resources. No cultural resources were specifically identified within the study area. The NMC Final EIR was prepared at a broad programmatic level and is not sufficient for full and complete evaluation of the potential impact on cultural resources within the project area. Rather, information contained in the NMC Final EIR provides a framework under which detailed studies would be prepared for the development of individual subareas.

The NMC General Plan Goal 15.0 and Policies 15.1.1-15.1.5 provide for the preservation of archaeological, historical, and cultural resources through a number of policies and implementation measures. Included within these policies is the specific requirement that all development projects conduct a Phase 1 survey to determine significance. Also, all developments must propose avoidance and/or preservation plans for any significant archaeological or historic site, where necessary.

### 5.11.2 - Existing Conditions

The regional context for cultural resources, conditions on the project site, and the regulatory setting are described in the sections that follow.

## Regional Conditions

The project is located on an alluvial plain that slopes gently southward from the San Gabriel Mountains. The elevation ranges from 720 feet above mean sea level (msl) at the south edge of the property, to 790 feet msl at the north edge of the parcel.

The regional geology of the study area consists of Recent Quaternary Alluvium (Qal) that has been deposited within the last 10,000 years. The soils are medium-grained to coarse-grained loamy sands with some larger gravels and cobbles. The material has been deposited on the plain by the numerous creeks draining the southern slopes of the San Gabriel Mountains.

The project site and many of the surrounding undeveloped lands consist of dairy properties that were constructed after 1950. These typically have more than one very large residence, or a series of large residences that comprise at least one residence constructed after 1950, and enlarged residences from earlier periods. They also feature attached two car garages or garages attached to the residences by a covered breezeway, a large “herringbone” style milking parlor designed in the Ranch style, numerous pole structures, large silos, large milk storage tanks, breeding stalls, calf stalls, rows of stanchions, grain bins, etc, and a huge expanse of open space behind the dairy buildings that is used for the production of feed and the processing of manure

These properties also have additional small residences to house hired workers who live and work on the land which may be located near the family’s residences or may be located somewhere else on the property. These houses are generally small and may have been the original house from the early part of the century that was occupied by the dairy owner (or past dairy owners) prior to the proliferation and productivity of the current operation.

Almost all of the owner’s residences that are located on the post 1950 dairy properties are constructed in the Ranch architectural style of architecture; however, a few may be residences that were popular prior to that era, but may have been enlarged or remodeled to reflect the success of the more efficient dairy operations. Most of the worker’s houses either are very small examples of the Ranch style, or are smaller residences constructed in styles that were popular prior to this era. A few structures may still fall within this context even if the residence was constructed prior to 1950, as the dairy farmer may have adapted an earlier dairy property to a mechanized dairy operation with the addition of a large residence and large milking parlor.

## Project Site Conditions

The project site is generally level with a very slight slope (1 - 2 percent) trending toward the south, and has been primarily disturbed from dairy and agricultural activities that have resulted in modification of surface and below-grade conditions. Secondary site disturbances have resulted from

the construction and maintenance of the Southern California Edison high-voltage transmission line corridors and the development of dairies and a hog farm.

### ***Alluvium***

Consistent with the regional conditions, the project site is underlain by alluvium consisting of clayey sands with minor amounts of gravelly sands and silts. Figure 6-2 of the NMC General Plan identifies the entire project site as Delhi Fine Sand, a unit of the Tujunga-Delhi soil association. This soil is considered a Class III soil, as identified on Figure AG-1 of the NMC Final EIR, and is characterized as reaching depths of 60 inches below ground surface.

### ***Structures***

Three farming complexes were identified by the City as containing structural elements more than 45 years old. The structures are located at Assessor's Parcel Number (APN) 218-21-115-0000 (14100 South Milliken Avenue/11111 E. Edison Avenue), 218-16-104-0000 (10513 E. Riverside Drive), and 218-21-102-0000 (13751 S. Haven Avenue). These parcels are considered the full Area of Potential Effect (APE) for historic resources within the Rich Haven Specific Plan.

## **Regional Cultural Setting**

### ***Prehistoric***

In general, cultural developments in Southern California have occurred gradually and have shown long-term stability; thus, developing chronologies and applying them to specific locales have often been problematic. Southern California researchers have used changing artifact assemblages and evolving ecological adaptations to divide regional prehistory into four stages. Major cultural developments divide a prehistory into four periods, or cultural horizons: the Early Period, the Milling Stone Period, the Intermediate Period, and the Late Period.

### ***The Early Period (Prior to 6000 BC)***

The Early Period (also known as the Hunting Period) covers the interval from the first presence of humans in Southern California until post-glacial times (5500 to 6000 BC). Artifacts and cultural activities from this period represent and predominately hunting culture; diagnostic artifacts include extremely large, often fluted bifaces associated with use of the spear and the atlatl.

### ***The Milling Stone Period (6000 BC-3000 BC)***

The transition from the Early Period to the Milling Stone Period is marked by an increased emphasis on the processing of seeds and edible plants and is estimated to have occurred between 6000 BC and 3000 BC. Wild seeds and edible plants formed the primary food source during this period, with only limited use of shellfish and faunal resources; plant resources were processed using deep-basined mills

and handstones, hence the term Milling Stone Period. Milling Stone Period settlements were larger and were occupied for longer periods than those of Early Period, and mortuary practices include both flexed and extended burials, as well as reburials. Diagnostic artifacts recovered from Milling Stone Period archaeological sites included metates and manos, and large projectile points indicating the continued use of darts and atlatls. Among the more enigmatic artifacts from this period are discoidals and cogged stones.

### ***The Intermediate Period (3000 BC to AD 500)***

By approximately 3000 BC, the inhabitants of Southern California were exploiting a diverse array of food resources including seeds and edible plants, shellfish, fish, and mammals. In the interior regions such as the Mojave Desert, the return of cooler, moister conditions led to increased populations along streams and lakes. Hunting appears to have been the primary food gathering activity in these interior areas; the best-known sites in this region are located at Pinto Basin in northeastern Riverside County. Intermediate Period sites are characterized by the appearance of the mortar and pestle (although the mano and metate continued in use) and small projectile points. The use of the mortar and pestle may indicate an increased reliance on acorns as a food source, while the small projectile points suggest that the bow and arrow was in limited use.

### ***The Late Period (AD 500 to 1769)***

The Late Period, which began in approximately AD 500, witnessed a number of important cultural developments in Southern California, including the concentration of larger populations in settlements and communities, greater utilization of the available food resources, and the development of regional subcultures. Cremation was the preferred method of burial during the Late Period, and elaborate mortuary customs with abundant grave goods were common. Other cultural traits diagnostic of the Late Period include increased use of the bow and arrow, steatite containers, circular shell fishhooks, asphaltum (as an adhesive), bone tools and personal ornaments of bone, shell, and stone. Because many of these artifacts are also recovered from earlier periods, other indicators must sometimes be used to distinguish Late Period sites. Among the most useful of these indicators are lithic artifacts manufactured from obsidian and fused shale. Obsidian from Obsidian Buttes near the Salton Sea from used sporadically in the manufacture of lithic artifacts until sometime after AD 1000; in Orange County, Grimes Canyon fused shale obtained from Ventura County was also used in tool manufacture.

## **Ethnography**

### ***The Gabrielino Indians***

The Gabrielino practiced a hunter-gatherer lifestyle and lived in permanent communities located near the intersection of two or more environmental zones (habitats); commonly chosen sites included: rivers, streams and inland watercourses; sheltered coastal bays and estuaries; and the transition zone

marking the interface between prairies and foothills. The most important factors in choosing a community site were the presence of a stable food supply and some measure of protection from flooding. Community populations generally ranged from 50-100 inhabitants, although larger settlements may have existed. Gabrielino communities located in the interior regions maintained permanent geographical territories or usage areas that may have averaged 30 square miles; however, it is unclear whether this pattern also held for the coastal settlements, where food resources may have been more plentiful. In addition to these permanent settlements, the Gabrielino occupied temporary campsites that were used on a seasonal basis for hunting, fishing, and gathering wild plant foods and shellfish.

Three distinctive settlement-subsistence patterns have been identified for the Gabrielino communities. The first pattern was found in the interior mountains, where primary settlements were located in the lower reaches of canyons that offered protection against cold weather during the winter. During spring and summer, individual families traveled to seasonal camps to gather bulbs, seeds, and plant foods; in the fall, they moved to oak groves to gather acorns. A second pattern prevailed on the inland prairies; each winter, the populations of these communities divided into family units and migrated to coastal shellfish-gathering camps. The third settlement and subsistence pattern was found among the coastal settlements located in the region north of San Pedro; during the winter season (when the seas were too rough for fishing), the inhabitants of these communities dispersed to inland camps to hunt and gather acorns and plant foods.

## **The Historic Period**

### ***The Spanish Colonial Period (1796-1821)***

The first recorded contact between the mainland Gabrielino and Europeans occurred when Gaspar de Portola expedition crossed present-day Los Angeles and Orange counties in 1769. Two years later, in 1771, Mission San Gabriel was established in the Gabrielino territory near Whittier Narrows; several years later, the Whittier Narrows site was abandoned and the mission was moved to its present location. In 1819, an *asistencia* was established in San Bernardino, and those inhabitants not directly affected by Mission San Gabriel became a part of the Mission system through the *asistencia*. Spanish records indicate that the primary Gabrielino villages within this *asistencia* were Guachama, near the present town of Loma Linda, and Hurungna, known as Jurupa to the Spanish, near the present city of Riverside.

On March 21, 1774, Juan Bautista de Anza was searching for an inland route from Sonora, Mexico to Monterey. His first expedition camped along the San Antonio Creek, near where De Anza Park is today, located at the Southwest Corner of Euclid Avenue and Phillips Street. San Antonio Creek was originally called Arroyo de Los Osos, but by 1776, during de Anza's second expedition was changed

to Arroyo de Los Alisos, for the surrounding Sycamore trees. There was an Indian rancheria called Guapiana, located on the San Antonio Creek on about the same location as Ontario is today.

### ***Mexican Period (1821-1848)***

During the Mexican Rancho Period, the power of the missions declined and by 1833, when the Mexican government passed the Secularization Act, the missions were reorganized as parish churches, lost their vast land holdings, and released their newly ordained priests.

In 1834, Mexico began turning over mission lands to settlers as land grants. This period is referred to as the Rancho Period. In 1841, Antonio Maria Lugo was deeded the Ranchos Santa Ana del Chino, which was comprised of Chino and a portion of present-day South Ontario, including the project area.

### ***The American Period (1848-Present)***

The United States assumed control of the territory in 1848 following the Mexican-American War. In 1881, Richard Gird purchased Rancho del Chino. In 1887, he subdivided 24,000 acres into small ranches and 640 areas in the town site of Chino. Many of the ranches eventually turned to dairy farming and at one point the Chino area was the largest dairy producer in the United States. The current project area is a legacy of that dairy tradition.

### ***Dairy Farming***

Most of the dairy operations on this site were built by former dairy farmers that had relocated in the Chino Valley after having moved from the Artesia area. Because of the proceeds they had gained from selling their land in Los Angeles County, the dairy farmers constructed these large dairy operations all at once and included the most advanced and efficient dairy facilities available in the nation at the time. The multitude of the buildings and structures on the property combined with their geometric arrangement demonstrates the introduction of scientific feeding and breeding, resulting in larger herds and more productive dairy operations. Additionally, the size and style of the Ranch houses reflect the wealth that these dairy farmers had attained. Many of the larger Ranch style residences from this period appear to have been designed by architects or prominent builders, which further demonstrates the image and opulence of the post-1950 dairy farmers.

## **Onsite Cultural Setting**

### ***Record Search for Archaeological and Historic Resources***

Searches for archaeological and historic period records were completed at the Eastern Information Center at the University of California at Riverside and at the San Bernardino Archaeological Information Center, San Bernardino County Museum. The project area and a one-mile radius were searched for resources. One prehistoric and one historic resource were recorded within one mile of

the project area. These are the Anza Trail on the north part of the project site and an historic trash dump in Riverside County. No historic properties are listed on the National Register of Historic Places or the California Register of Historic Places. The Anza trail is a California Point of Historic Interest and there is a marker in Anza Park at the corner of Euclid and Phillips over 10 miles to the west. The trash dump is located over 0.5 mile to the east in Riverside County. The maps of the Anza trail show that it once traversed the project site just south of Riverside Drive. However, there are no remnants of the trail on the site.

### ***Results of Records Search***

The results of the records and literature search conducted by CRM (2005) indicated that the project area had not been previously surveyed. One cultural resource (the Anza Trail) has been documented as being in the northern portion of the project site although the exact location is not known.

Surveys and excavation reports within one-half mile of the project area include Cottrell (1978), Foster and Greenwood (1980) and (1985) Macko et al. (1983), and Bean and Vane (1979). One interview report, Scott (1976), includes the project area.

### ***Native American Heritage Commission***

The Native American Heritage Commission (NAHC) did not respond to the Notice of Preparation. Subsequently, the NAHC was contacted and recommended that 31 Native American tribes or individuals should be contacted. Inquiry letters were mailed to all the parties recommended by the NAHC. Two responses, both negative, were received.

### **Existing Regulations and Standard Conditions:**

The regulatory setting includes the following the City's Historic Preservation Ordinance, Native American Heritage Commission, National Historic Preservation Act, and Senate Bill 18.

### ***City of Ontario Historic Preservation Ordinance***

The following are excerpts from Article 26 of the Historic Preservation Ordinance:

#### **Sec. 9-1.2605: Purpose and authorization**

The purpose of the Historic Preservation Article is to promote the public health, safety, and general welfare by:

- A. Safeguarding the character and history of the City which is reflected in its unique cultural, historical, and architectural heritage, with emphasis on the "Model Colony"

as recognized by an Act of Congress and presented at the St. Louis World's Fair in 1904.

- B. Promoting public knowledge, appreciation, and understanding of the City's past.
- C. Fostering civic and neighborhood pride in the beauty and accomplishments of the past.
- D. Promoting enjoyment and use of Historical Resources appropriate for the education and recreation of the people of the City.
- E. Enhancing the visual and aesthetic character, diversity and interest of the City.
- F. Enhancing property values and stabilizing neighborhoods within the City.
- G. Recognizing Historical Resources and protecting areas of historical buildings from encroachment of incompatible designs.
- H. Providing economic benefits to the City and its inhabitants through financial incentives for preservation.
- I. Protecting and enhancing the City's attraction to tourists and visitors.
- J. Stimulating business and industry.
- K. Promoting public awareness of the benefits of preservation.
- L. Encouraging public participation in historic preservation, thereby increasing civic pride in the City's heritage.

#### **Sec. 9-1.2615: Designation Criteria**

The following criteria are established for the designation of Historical Resources into one of the following categories:

- A. Historic Landmarks. Any Historical Resource may be designated an Historic Landmark by the City Council pursuant to Section 9-1.2620 if it:
  - 1. Meets the criteria for listing on the National Register of Historic Places or the California Register of Historical Resources; or
  - 2. Is at least 50 years old or, if of exceptional importance; and is one or more of the following:
    - a. It exemplifies or reflects special elements of the City's history.
    - b. It is identified with persons or events significant in local, state, or national history.



- c. It is representative of the work of a notable builder, designer, architect, or artist.
- d. It embodies distinguishing architectural characteristics of a style, type, period, or method of construction.
- e. It is a noteworthy example of the use of indigenous materials or craftsmanship.
- f. It embodies elements that represent a significant structural, engineering, or architectural achievement or innovation.
- g. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood, community or the City.
- h. It is one of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen.

State of California Public Resources Health and Safety Code Sections 7050.5-7055 describe the general provisions for the discovery of human remains. Specifically, Health and Safety Code 7050.5 requires that if human remains are discovered during excavation of a site, excavation must stop in the vicinity of the find (and any area that may be reasonably suspected to overlay adjacent remains) until the County Coroner has been called out, the remains investigated, and appropriate recommendations have been made for the treatment and disposition of the remains. If the coroner has reason to believe that the remains may be of a Native American, California Public Resources Code Section 5097.98 requires notification of the California NAHC.

Whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner, or the person responsible for the excavation work, means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of notification by the NAHC. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Whenever the commission is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of Section 5097.94 of the California Public Resources Code fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and

items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

### **National Historic Preservation Act**

Section 106 of the National Historic Preservation Act of 1996 requires consideration of the effects of a proposed project on historical properties. To assist in this determination, the following Native American entities were contacted in writing:

- Gabrielino, Cahuilla, and Luiseno c/o Samuel H. Dunlap
- Cupa Cultural Center (Pala Band)
- Gabrielino/Tongva Tribal Council
- Gabrielino Band of Mission Indians of California
- Gabrielino/Tongva Indians of California Tribal Council
- Morongo Band of Mission Indians
- Pechanga Band of Mission Indians
- San Fernando Band of Mission Indians
- San Luis Rey Band of Mission Indians
- San Manuel Band of Mission Indians
- Soboba Band of Luiseno Indians
- Ti'At Society

### **Senate Bill 18**

Government Code §65352.3 requires local government to consult with tribes prior to the adoption or amendment of a general or specific plan proposed on or after March 1, 2005. Local governments should consider the following when determining whether a general plan or specific plan adoption or amendment is subject to notice and consultation requirements:

In the case of an applicant-initiated plan proposal, if the local government accepts a complete application (as defined in Government Code Section 65943) on or after March 1, 2005, the proposal is subject to Government Code § 65352.3.

This development proposal and applications were submitted and deemed complete in the year 2004. Therefore, the above described requirements do not apply to this project. Nevertheless, Native American tribes were notified of this project.

### 5.11.3 - Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in §15065.5.
- Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

### 5.11.4 - Project Impacts

Following is a discussion of the project impacts that correspond to the thresholds of significance previously identified in Section 5.11.3, Thresholds of Significance.

#### ***Field Methods***

Cogstone Resource Management Inc. (CRM) conducted a reconnaissance of the proposed project site on August 15 and 17, 2005. When possible transects of the property were completed at 5 to 10 meter intervals. The surface sediments visible did not contain any paleontologic or prehistoric resources. Standing structures visible did not appear to be sufficiently old to warrant recording.

As previously referenced, the results of the Sacred Lands File Search determined that no Native American cultural resources are located in the immediate project area.

MBA Consulting Historic Architecture Specialists Ben Taniguchi and Rebecca Smith conducted a visit of the APE, conducted data collection at various historic document repositories, and recorded the three structure complexes between September 8 and 11, 2006. The purpose of the site visit was to define the APE, identify any resources therein that are more than 45 years old, and determine which of those may require further evaluation. The purpose of the data collection was to gather available background information that could lend supporting information during the criteria analysis. Since structures more than 45 years old were indeed identified, DPR523 forms were created for each structure complex. These forms are included in the Historic Architecture Assessment included in Appendix H, Cultural Resources.

It was determined that the evaluated properties are not eligible for inclusion in the California Register of Historic Resources (CR). Structures located at 14100 South Milliken Avenue/11111 E. Edison Avenue, 10513 E. Riverside Drive, and 13751 S. Haven Avenue are not historical resources for the purposes of CEQA because they fail to meet any of the four criteria associated with listing on the CR. None of the other buildings inside the Rich Haven Specific Plan are more than 45 years old, nor are there additional interesting or unique structural properties less than 45 years old that might be considered significant.

In compliance with CEQA, MBA has also evaluated the potential for the Rich Haven Specific Plan to have a significant effect on the cultural environment (impact assessment). A project 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. (Public Resources Code [PRC] §21084.1). The Rich Haven Specific Plan includes the demolition of all buildings, grading, and construction of a mixed-use residential and commercial development. The proposed project does not include the demolition of any historical resource as defined by PRC §5024.1, Title 14 CCR, Chapter 11.5, Section 4852. Thus, the Rich Haven Specific Plan will not cause a significant impact on historical resources.

**Archaeological Resources:** During the course of the pedestrian survey, no prehistoric resources were observed. The project area is not located near any water resources, streambeds or other typical indicators for prehistoric resources and use; therefore, the likelihood of encountering prehistoric resources is less than significant.

**Paleontological Resources:** During the course of the survey, no paleontological resources were discovered. The project area is not located in or near the shore of a prehistoric lakebed, streambed or other indicators for paleontological fossils; therefore, the likelihood of encountering paleontological resources is less than significant.

Nevertheless, there is a potential that during grading, significant archeological and/or paleontological resources may be unearthed and mitigation is provided.

### 5.11.5 - Cumulative Impacts

Future development within the NMC would result in the conversion of predominantly agricultural uses to urban uses, consistent with the vision of the NMC General Plan. The proposed project and other related projects within the NMC would include mitigation measures to reduce potentially significant impacts to less than significant cumulative levels, as recommended by the NMC Final EIR.

Therefore, implementation of the Rich Haven Project, in combination with other related projects, would not result in cumulatively considerable impacts.

#### **5.11.6 - Mitigation Measures**

The Cultural Resources Section of the NMC Final EIR stated that the NMC is moderately sensitive to cultural resources and included a single mitigation measure (C-1). This mitigation measure recommended that cultural resources should be identified in advance of project implementation through records searches, field surveys of project sites, and evaluation of cultural resources, if determined to be present on a project site. For adverse impacts on significant cultural resources, this mitigation measure recommended a planning approach to reduce an impact below the level of significance. This mitigation measure also recommended the retention of an archaeological monitor for projects that would grade previously undisturbed soils. Lastly, this mitigation measure recommended implementation of the previous recommendations through conditions of approval on proposed projects.

Implementation of the NMC Final EIR mitigation measures and the following mitigation measures would reduce potentially significant impacts to a less than significant level.

- CR-1** Prior to issuance of a grading permit, the project sponsor shall provide written evidence to the City of Ontario that a qualified archaeologist, experienced with Native Americans and Native American resources, has been retained to observe grading activities and conduct salvage excavation of any archaeological resources or Native American resources that are discovered. The archeologist shall be present at the pre-grading conference, shall, establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work in order to permit the sampling, identification and evaluation of the artifacts. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the City of Ontario. If the archeological resources or Native American resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the City of Ontario, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Ontario.
- CR-2** Prior to issuance of a grading permit, the project sponsor shall provide written evidence to the City of Ontario that a qualified paleontologist has been retained to observe grading activities and salvage any discovered fossils. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils. If major paleontological

resources are discovered which require long term redirecting of grading, the paleontologist shall report such findings to the City of Ontario. The paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Ontario.

- CR-3** If human remains are discovered during construction related activities, in conformance with California Health and Safety Code Section 7050.5, disturbance of the immediate area shall be halted until the San Bernardino County Coroner has made a determination regarding the origin and disposition as required by California Public Resources Code Section 5097.98. If encountered remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified.

#### **5.11.7 - Level of Significance After Mitigation**

Mitigation measures CR-1, CR-2, and CR-4 require implementation prior to permit issuance. This eliminates the potential for construction-related activities to commence without the benefit of the recommended mitigation measures.

Mitigation measures CR-1 and CR-2 would prevent the destruction of Native American resources, archaeological resources, or fossils, if present on the project site.

Mitigation measure CR-3 would prevent the destruction of any human remains should they be present on the project site.

Mitigation measure CR-4 would require a cultural resources survey prior to the development of the commercial component on the eastern half of the project site, consistent with mitigation measures implemented for the residential component on the western half of the project site.

With the implementation of the recommended mitigation measures, the proposed project would result in less than significant impacts related to cultural resources.