

4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section of the EIR addresses historic and pre-historic resources that together comprise Cultural Resources. Information for this section is summarized from the *Phase I Cultural Resources Investigation for the Bates Specific Plan Project Area on Haven Avenue in the City of Ontario*, prepared by McKenna et. al., August 30, 2006. The Cultural Resources Survey Report is included as Appendix D in this EIR.

4.4.2 Environmental Setting

Cultural resources generally consist of sites of archeological significance that are prehistoric or historic, and a few historic structures. Prehistoric archaeological resources may date from prior to 8,000 years ago to around 1770, the time of historic contact between indigenous people and Europeans. Historic archaeological resources include refuse deposits such as can and bottle dumps, filled-in privy pits and cisterns, melted adobe walls and foundations, collapsed structures and associated features, and roads and trails. They may date back from the earliest Spanish mission to the beginning of the last century, roughly the period between 1770 and 1900.

The project site is within an area generally associated with the Italian Vineyard Association and the Guasti Winery and the 1981 USGS Guasti Quadrangle illustrates the area as being surrounded by vineyards. Many of the vines have been removed in the last twenty years and the area is now dominated by modern commercial developments. The project site is relatively flat, except for alterations made to accommodate the adjacent freeway-on-ramp. There are eucalyptus windrows along the northern and eastern boundaries. Additional trees are located around the warehouse facility. Evidence of the original vineyards can be seen in the northern portion of the project site, where striations in the ground are still visible. There is no natural vegetation (Desert Scrub) within the boundaries of the project site or in the immediate vicinity.

Background search of the study area was performed by:

- Archaeological Records Check – completed through the San Bernardino County Museum Archaeological Information Center.
- Historic Research – the historic research was completed by reviewing the records on file at the San Bernardino County Archives and supplemented by data provided through the Bureau of Land Management, Riverside; the Historic Map Library at the University of California, Riverside; and in-house McKenna et. al. documentation.
- Native American Consultation – McKenna et. al. contacted the California Native American Heritage Commission (CNAHC) in Sacramento to inquire as to the presence/absence of significant resources in the area.
- Paleontological Overview – previously compiled data was applied for nearby project with respect to the paleontological overview of the project area.

Previous Studies Conducted in the Project Area

Previous research for this area was investigated through the San Bernardino County Museum Archaeological Information Center, Redlands and supplemented by data compiled by McKenna et. al. summarizing the data provided by the Museum Archaeological Information Center. This particular project area was not previously surveyed for cultural resources, but the majority of the area to the south was surveyed for the Ontario Industrial Park (Smith and Lerch 1981). Additional surveys completed in the immediate area include those of Hatheway and McKenna (1987); Wlodarski (1993); Love (2000); and Duke (2001).

Of particular interest with respect to the current project area is the presence of the Union Pacific Railroad (UPRR) bounding the southern boundary of the project area and the reported presence of the San Bernardino/Sonora Road running through the project area (parallel to the railroad). The UPRR began construction in Southern California in 1800s and completed the route through Ontario in 1875. This alignment has been declared eligible for listing in the National Register of Historic Places (NRHP).

The San Bernardino/Sonora Road was established prior to 1822 and has been referred to as the Emigrant Trail. It is reported that the padres from the Mission San Gabriel used this route to access the Redlands *Asistencia* and settlers used the route to enter and exit Southern California throughout the 1800s (Kaiser 1973). Historic maps indicate this trail ran just north of the current railroad alignment and crossed the project area from west to east, just north of the existing structures. Evidence of the road may be present beneath the existing parking lot.

No prehistoric resources have been recorded in the area. The property may yield evidence of historic archaeological resources associated with either the railroad development or the San Bernardino/Sonora Road. Based on the current level of information for this area, the project area is considered highly sensitive for historic archaeological resources and historic resources, but low for prehistoric resources. The sensitivity for ethnic or cultural landscapes and/or ethnic resources is unknown.

Results of the Field Survey

A field reconnaissance of the project site was completed on August 28, 2006 by M. Abraham McKenna, B. A., Associate Archeologist. The archaeological survey was completed by walking various portions of the project area in a systematic fashion – where access was possible, and random manner where structures prohibited transects. The field survey was supplemented by notes and photography.

At the time of the survey, the property was dominated by a modern commercial complex identified as the BMC Warehouse. There was evidence of the tree lines (modern) bounding the complex.

No evidence of prehistoric resources was found on the property. Likewise, no evidence of paleontological resources was found, as the area is not conducive to such resources. With respect

to the historic use of the property, evidence of the vineyards was identified in the form of minor striations representing the old vine alignments.

The railroad alignment was confirmed to be outside the project area boundaries. No evidence of the San Bernardino/Sonora Road was identified. However, there may be evidence of the road alignment beneath the existing parking lot. Overall, the property is clear of any identified cultural resources.

Applicable Policies and regulations

The treatment of cultural resources is governed by federal and state laws and guidelines. There are specific criteria for determining whether prehistoric and historic sites or objects are significant and/or protected by law. Federal and state significance criteria generally focus on the resource's uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may, nevertheless, be considered significant by state criteria. The laws and regulations that seek to address and/or mitigate impacts on significant prehistoric or historic resources are summarized below.

Federal

The National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Properties listed in the NRHP, or “determined eligible” for listing, must meet certain criteria for historical significance and possess integrity of form, location, and setting.

Significance is determined by four aspects of American history or prehistory recognized by the NRHP Criteria, which are listed below:

1. Associated with events that have made a significant contribution to the broad patterns of our history.
2. Associated with the lives of persons significant in our past.
3. Embody the distinctive characteristics of a type; period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction.
4. Have yielded, or may be likely to yield, information important in prehistory or history.
(See 36 CFR §60.4).

Eligible properties must meet at least one of the criteria and possess integrity of location, design, setting, materials, workmanship, feeling, and association. Historical integrity is measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of changes to the

property. The National Register recognizes these seven aspects or qualities that, in various combinations, define the integrity of a property:

1. Location—Location is the place where the historic property was constructed or the place where the historic event occurred.
2. Design—Design is the combination of elements that create the form, plan, space, structure, and style of a property.
3. Setting—Setting is the physical environment of a historic property.
4. Materials—Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. Workmanship—Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or pre-history.
6. Feeling—Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association—Association is the direct link between an important historic event or person and a historic property.

State

The California Register of Historic Resources (CRHR) (Public Resources Code Section 5020 et seq.)

The State Historic Preservation Office (SHPO) maintains the CRHR. Properties listed, or formally designated as eligible for listing, on the NRHP are automatically listed on the CRHR, as are State Landmarks and Points of Interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

State law seeks to protect cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in Section 15064.5(a)(3) of the CEQA Guidelines. These criteria, which are nearly identical to those for the NRHP, are listed below.

- 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 lives of persons important in our past.
- c. Embodies the distinctive characteristics of a 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.

As stated earlier, CEQA Section 15064.5(a)(4) also affords the lead agency the ability to determine whether a resource may be an historical resource without it being listed in the CRHR.

Resources eligible for listing in the California Register must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Buildings, structures, or objects that have been moved or reconstructed, and resources that have achieved significance within the past 50 years may also be considered for listing in the California Register under specific circumstances.

California Health and Safety Code Sections 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

California Public Resources Code Section 15064.5 (e)

This law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction. The section establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project and establishes the Native American Heritage Commission as the entity responsible to resolve disputes regarding the disposition of such remains.

Local

City of Ontario

Locally the City's Historic Preservation Ordinance Article 26 of the Ontario Development Code regulates Historic Properties in the City. The purpose of the historic preservation program, as outline in Section 9-1.2605 of the Ontario Municipal Code is to:

- Promoting public knowledge, appreciation, and understanding of the City's past;
- Fostering civic and neighborhood pride in the beauty and accomplishments of the past;
- Recognizing Historical Resources and protecting areas of historical buildings from encroachment of incompatible designs;
- Promoting public awareness of the benefits of preservation;
- Encouraging public participation in historic preservation, thereby increasing civic pride in the City's heritage.

4.4.3 Impacts and Mitigation Measures

Thresholds of Significance

Significant impacts related to cultural resources would result from development of the proposed project if the project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15604.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15604.5;
- Disturb a unique paleontological resource or site or unique geological feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Impacts Determined to be Potentially Significant

Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15604.5;

Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15604.5;

Disturb a unique paleontological resource or site or unique geological feature;

Disturb any human remains, including those interred outside of formal cemeteries.

Impact CR-1

The City of Ontario General Plan identifies two sites within 0.5 mile of the project site. This is a potentially significant impact.

The City of Ontario General Plan identifies two sites: Guasti Winery and Hofer Ranch, that are of historic importance and are eligible for the National Register of Historic Places; and lie approximately within one-quarter mile to the west and southwest of the project site, respectively. Different specific plans have been adopted for adaptive re-use for both these historic sites. Both the Guasti Plaza Specific Plan and Hofer Ranch Business Center Specific Plan provide for the preservation of the existing complex of Hofer Ranch Buildings and also provide standards new development that would be compatible with these buildings. The proposed developments within these specific plans are similar to the proposed project. Therefore, no impact is anticipated as a result of the proposed project.

Impact CR-2

Excavation during development may result in the disturbance of historic or archaeological resources. This is a potentially significant impact.

According to the previous research for the project area, the UPRR alignment that lies to the south of the project site has been declared eligible for listing in the National Register of Historic Places (NRHP). The San Bernardino/Sonora Road was established prior to 1822 and has been referred to as the Emigrant Trail. It is reported that the padres from the Mission San Gabriel used this route to access the Redlands *Asistencia* and settlers used the route to enter and exit Southern California throughout the 1800s (Kaiser 1973). Historic maps indicate this trail ran just north of the current railroad alignment and crossed the project area from west to east, just north of the existing structures. Evidence of the road may be present beneath the existing parking lot.

Previous research suggests that the property may yield evidence of historic archaeological resources associated with either the railroad development or the San Bernardino/Sonora Road. Based on the current level of information for this area, the project area is considered highly sensitive for historic archaeological resources and historic resources, but low for prehistoric resources. The following mitigation measure is required.

Mitigation Measure CR-1

During grading activities the project site shall be monitored by an archaeologist to record and/or evaluate any resources that may be uncovered as a result of ground altering activities.

Level of Significance after Mitigation

Application of the above mitigation will reduce the potential impacts to historic resources to less than significant.

Impact CR-3

Excavation during development may result in the disturbance of unique paleontological or geologic feature. This is a potentially significant impact.

According to the Cultural Resources survey conducted by McKenna et. al., no evidence of paleontological resources exists, as the area is not conducive to such resources. Therefore, no impact would occur.

Impact CR-4

Excavation during development may result in the disturbance of previously unidentified human remains. This is a potentially significant impact.

The Native American Heritage Commission (NAHC) in Sacramento was contacted to inquire as to the presence/absence of significant resources in the area. Contact was attempted with the San Manuel Band of Mission Indians in Highland and the Chair of the Gabrielino/Tongva, Anthony Morales. Mr. Morales responded with no specific concerns but requested he be informed should any materials be identified.

Pursuant to SB 18, the City contacted 15 tribes (list provided by NAHC) to identify any issues or concerns. The Morongo Band of Mission Indians responded indicating no concern regarding cultural resources. A copy of letters sent to various tribes is kept on file with the City.

The project site has been disturbed through previous sand and gravel operations. However, there is always a possibility that excavation during development may result in the disturbance of previously unidentified human remains. Therefore, the following mitigation measure is required:

Mitigation Measure CR-2

In the event any evidence of human remains is uncovered, the County Coroner shall be notified within 24 hours and permitted to assess the origin of the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified and permitted to name the Most Likely Descendant (MLD).

Level of Significance after Mitigation

Application of the above mitigation will reduce the potential impacts to unidentified human remains to less than significant.