

5.4 CULTURAL RESOURCES

Cultural resources include buildings, structures, objects, and sites that are a result of human activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. Paleontological resources are the fossilized remains of animals and plants. This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Spring Trails project to impact cultural and paleontological resources in the City of San Bernardino.

The analysis in this section is based, in part, upon the following information:

- *Archaeological and Paleontological Resources Assessment Report with Mitigation Plan for the Spring Trails*, Cogstone Resource Management Inc., 2009; revised 2010 (See Appendix E)
- *Phase I Cultural Resources Assessment of the Spring Trails Project Road Alternatives, City of San Bernardino, California*, Michael Brandman Associates, 2008
- *A Supplemental Cultural Resources Study of the 353-acre Martin Ranch Project (Tentative Tract 15576), City of San Bernardino and Unincorporated San Bernardino County*, Archaeological Associates, 2004
- *Paleontology Literature and Records Review, Martin Ranch Residential Development, Tentative Tract Map #15576, San Bernardino, County, California*, Division of Earth Sciences, San Bernardino County Museum, 2000
- *Supplemental Cultural Resources Investigation: The Martin Ranch (TT 15576)*, Greenwood and Associates, 1998
- *Cultural Resources Survey of Martin Ranch, San Bernardino County*, RECON 1990

All archaeology reports are on file at the San Bernardino Archaeological Information Center. The paleontology report is on file in the Division of Earth Sciences, San Bernardino County Museum.

Study Methods

The Spring Trails project area has been studied and surveyed in six reports. In 1990, the first study consisted of a records search and field survey for the project area. The second study, in 1998, included intensive background research (local interviews and a more in-depth literature search) for the project area with a minor field survey for a potential road alignment. The third study, in 2000, was a review of paleontological records and project geology. The fourth study, in 2004, attempted to locate potential resources remembered by local residents and relocate previously identified resources in the project area. In 2008, the fifth study provided an assessment of road construction alternatives. The 2009 study relocated the cultural resources, prepared formal site records, surveyed project additions, and summarized all the previous work. An addition to the 2009 study was performed in 2010, when an attempt was made to locate a family cemetery using geophysical tools.



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5.4.1 Environmental Setting

Natural Setting

Paleontology

The project site is at the southern edge of the Transverse Range Province. Resulting from a bend in the San Andreas Fault Zone, the mountains of the Transverse Range Province are some of the fastest growing in the world. This province includes the Little San Bernardino Mountains at the east, traces westward through the San Bernardino, San Gabriel, and Santa Monica Mountains, and continues west through Ventura and southern Santa Barbara County. The project is mapped as early Pleistocene to Holocene alluvial fans and Paleozoic to Mesozoic Devil Canyon Gneiss. Most of these rock units are not sensitive for fossils with the exception of fine-grained Pleistocene alluvium. The topographic features on the project site are described in more detail in Section 5.5, *Geology and Soils*.

Cultural Setting

Historic Period

Mojave Indian Trail: In 1776, Mojave Indian guides escorted Padre Francisco Garcés from the desert down into the San Bernardino Valley. They took what has been become known as the Mojave Indian Trail, which crossed the study area from its highest elevation down the vast alluvial fan to the mouth of Cajon Canyon. The trail was later used by Jedediah Smith when, in 1826 and 1827, he opened the first of the great transcontinental routes to California. Only a dozen or so years passed before Juan Bandini, grantee of the Jurupa Rancho, gained exclusive rights to a logging tract in the mountains just above the study area. Bandini and other rancheros placed their logs in the crotches of great tree limbs called “lizards,” which were hauled by oxen.

The trail also served the needs of marauders in the form of Paiute and Ute Indian stock thieves who used it for access from the Mojave Desert to the great pasture lands of the San Bernardino Valley. The rancheros attempted to deal with this problem by establishing a ranch for a man named Michael White who, in return for his “Rancho Muscupiabe,” was supposed to discourage the lawless Indians. This White failed to do. However, his rancho initiated the chain of title for most of the property in the mouth of Cajon Canyon, including the study area.

Cable Canyon Ranch: Although White quickly moved to Los Angeles, he retained ownership of Muscupiabe. In 1857, a lawyer named Granger received half the rancho for defending White’s title after the American takeover of California. White sold the other half to a surveyor named Henry Hancock, who mapped the entire rancho.

Only a few years before Hancock’s acquisition, the George Martin family had established a ranch and way-station for traffic moving up and down the Cajon Canyon. The Martin ranch was located at Glen Helen, near modern Devore, in the mouth of the Cajon. The Martins had two sons and a daughter when they arrived and had two more sons and daughters after they settled. The eldest of the latter children, Samuel, was born in 1854. Following George Martin’s death in 1874, Hancock began exercising his rights as legal owner of the mouth of the Canyon, including the Martin property. It was probably as a result of this that young Samuel decided to move off the Muscupiabe and establish himself at the headwaters of Cable Canyon at the northern end of the project area. The land Martin homesteaded was contiguous with the Rancho Mucupiabe boundary and it may be that Samuel used one of Hancock’s own survey stations (#22, a prominent boulder) to establish his property line.

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Samuel Martin married Elizabeth Rachel Brown in 1877 (probably at Cable Canyon), and the couple had two sons. They built a stone ranch house and a barn in addition to related outbuildings and probably some water-distribution-related structures. They continued to operate their ranch through the late 19th century while the neighboring Muscupiabe fell into the hands of land speculators and was subdivided. By 1900, the Martin's Cable Canyon Ranch had become a key location because it included the headwaters of both upper branches of Cable Canyon Creek as well as Stump Canyon Creek. Since these waters emanated from his property, Samuel Martin assumed all the water was his. The purchasers of the Muscupiabe, on the other hand, assumed that they had purchased water rights and that they had, therefore, a right to use the water coming from Cable Canyon. The matter led to some very hard feelings and finally wound up in court, the judge finding in favor of the Muscupiabe owners.

A few years later, Henry Meyer, the most prominent of the Muscupiabe owners, decided to replace an earthen dam on the Martin property with a concrete dam. He and his party were confronted by Samuel Martin, who reportedly "abused" them. Once again, the parties went to court with Samuel maintaining that Meyer had no right to build a dam on Martin property. The case lasted for five years. Ultimately, the Martins sold Cable Canyon Ranch to several Muscupiabe families in 1917 and moved to the San Bernardino area. No one has occupied the Cable Canyon Ranch property since the departure of the Martins. The stone ranchhouse continued to stand until the 1940s, when it was reportedly burned by vandals. The fate of the barn is uncertain but its footing may survive.

Small Arms Target Range: In June of 1943, the United States Secretary of War filed suit in federal district court for temporary acquisition of 45 acres in the central portion of Martin Ranch to use as a rifle range for military personnel at nearby Camp Ono. The range consists of a series of parallel trenches and berms, which still survive. Concrete pedestals that once supported the targets can also be seen at the northern end of the range.



Archaeological and Historical Resources

Archaeological Site Inventory

A total of 14 resources have been located in the vicinity of the project; however, only 9 are within the project boundaries. A spring is known to be in the project area but vegetation prevented direct observation. Of the 9 sites within the project boundaries, 4 are associated with the Martin family and 5 are associated with the Meyer family.

Onsite

Cable Canyon Ranch House Complex (P-36-007030). The site, initially recorded in 1990, was described as a single-structure foundation with associated trash scatter, but has since been expanded to include other structures surrounding the Ranch house. In 2004 the trash scatter noted in 1990 could not be relocated, possibly due to dense vegetation. The 2009 Cogstone survey could not relocate the trash scatter either, though sparse pieces of aqua and amber glass were noted in the vicinity of where the scatter was recorded.

Other features in the vicinity of the house were also probably associated with the site. These features—including a second and third rock wall located on the west side of the dirt road northwest of the structure that measures 40 feet by 10 feet—were located and recorded during the 2009 Cogstone survey and the site record was updated to reflect the ranch house complex. A series of eucalyptus windbreaks were also recorded, as they are nonnative and parallel the rock walls surrounding the complex on the east, west, and north sides. Directly to the south of the house in the drainage channel is a stone alignment that was possibly used to channel the wash, and is presumed to be associated with the ranch house complex. Finally, a scatter

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of bricks located east of the house complex and at the edge of the wash was also recorded. Other features connected to the ranch house complex should be present but their locations remain unknown.

Cogstone expects subsurface resources including at least one privy and additional trash disposal areas are present. Deposits such as these are of particular importance because they typically yield period artifacts. The probability of such features being present seems high because the grounds around the house have not been subject to significant disturbance. Given the layout of the house and the time period, the privy may be located at least 20 feet from the house within the walled enclosure.

Large Reservoir (P-36-014965). This site was first noted as a reservoir potentially associated with the Cable Canyon Ranch House in 2004. The site is described as a U-shaped structure measuring 22.6 feet on a side and 33 feet in length. The walls are built of rock and concrete, the concrete-lined interior sloping inward toward the bottom. This may have been the reservoir involved in the Martin-Meyer water dispute. In 2009 the site was recorded and described as a U-shaped, 35-foot-by-33.5-foot rectangular stone-laid rock alignment running northeast to southwest. The walls run roughly 32–55 inches in height, while the shape and positioning of the structure follows the natural contour of the hillside. Cement lining can still be seen on a portion of the interior (the west corner of alignment) of the structure and a buttress is present around the southwest base. This may be a reservoir or water management feature; however, its location northeast of the ranch house does not necessarily imply that it was the point of contention between the Martin and Meyers families.

Small Reservoir (P-36-014964). The small reservoir was also noted in 2004. The study described the site as “a small field stone reservoir located adjacent to a shallow arroyo about 500 ft. north of the ranch house. Built of dry laid rocks, the structure measures 10 ft. (NW–SE) by 8 ft. (NE–SW) on the interior. Traces of a concrete lining may be seen on the interior. A portion of the northerly wall has collapsed.” The study also noted that the reservoir was probably built by Samuel Martin. In 2009, the site was also recorded to be in similar condition to when it was described in 2004, with the exception that both the northwest and southwest walls are now collapsed. Given the proximity to the Cable Canyon Ranch House ruins, it seems likely that the two sites are associated.

Spring. A spring was observed in 2004 approximately 625 feet northeast of the Cable Canyon Ranch House, and it was suggested it may have been the ranch's primary domestic water source. It was noted that “the spring was flowing at the time of the survey, and consisted of a small brick and mortar collection box resting adjacent to the area where the water emerges. The box measures 34" (N-S) by 45" (E-W) and is 17" high. Remains of a wood cover may still be seen on top of the box. Three pipes extend from the box southward.” The 2009 Cogstone survey attempted to relocate the spring; however, the area immediately surrounding its location was covered by extremely dense brush, making access to and visibility of the spring impossible. The abundance of vegetation in the area suggests that the spring is still active, though the state of the collection box remains unknown.

Muscupiabe Reservoir (P-36-014966). First noted in 2004, the Muscupiabe Reservoir is described as “a moderate-size field stone and concrete reservoir (13 ft. N–S x 11.2 ft. E–W) located just below the grant line in the northwestern portion of the study area. The reservoir is currently 4–5 feet deep, and the bottom is covered with silt. Several large sheet metal pipes (both riveted and welded types) are visible on the surface north of the reservoir indicating that it was filled by water originating north of the site and, therefore, north of the Muscupiabe boundary. Thus, the ‘Muscupiabe Reservoir’ was probably built by Julius Meyer not long after he purchased the rancho in 1882.” In 2009, Cogstone surveyors relocated and recorded the site. All of the features of the reservoir remain the same as in 2004, with the exception that no metal pipes were observed north of the reservoir. Instead, several pipe pieces were observed and recorded south of the

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reservoir. Approximately 500 feet to the south, another series of metal pipes was observed, and it is possible that these pipes all connected to the Muscupiabe reservoir.

Metal Pipes (P-36-014967). First noted and recorded by Cogstone in 2009, this feature is most likely associated with the Muscupiabe reservoir and transported water south to the Meyer parcels. The study conducted in 1998 suggested that a series of water pipes extended southward from the Cable Canyon Ranch House area. However, given their proximity to the Muscupiabe reservoir, it seems more likely that they were associated with the reservoir and therefore used by the Meyer family. The metal piping runs 21.5 feet in a north to south direction, and approximately 7 feet of the pipe lies under a dirt road. The piping may continue south, as it appears to run back under the ground.

World War II Target Range (P-36-014968). In 1998, the site was described as a small-arms range associated with nearby Camp Ono in use during WWII. Further research in 2004 revealed that the lease agreement, identified as No. 3260 PH-Declaration of Taking, was drawn up between Henry L. Stimson, US secretary of war, and Robert B. Myer et al. for 45 acres of land. Originally, the property was acquired for the term beginning April 10, 1943, and ending June 30, 1944. The estimated compensation for this period was \$122.46. However, a Supplemental Declaration of Taking was filed to extend the term for an additional year commencing July 1, 1944, and ending June 30, 1945, for \$100.

In 2004, it was noted that four parallel berms and adjacent trenches covered an area of approximately 45 acres oriented northeast–southwest. Approximately 70 T-shaped concrete target pedestals in two heights (tall and short) were found along the northern berm, the bulk concentrated at the eastern end. They also described two conductor field telephone lines running the distance between the east ends of the northern and southern berms, as well as a number of spent cartridges believed to have been fired by military arms. They included five .30MI carbine cartridges (headstamped 1942 and 1943), which were used in the M1 and M2 carbine (light rifle); and five .30-'06 Springfield cartridges (headstamped 1942), used in the M1 Garand, 1903 Springfield and variants, Browning Automatic Rifle, and Browning .30-caliber machine gun. In 2009 Cogstone resurveyed and recorded the site and noted that each parallel trench and berm is still present, as well as the concrete T-shaped targets. However, neither the telephone lines nor any spent cartridges were observed.

Concrete Water Reservoir and Metal Water Tanks (P-36-014462). This site consists of a concrete water reservoir and metal water tank. In 2008, the site was recorded as measuring roughly 70 feet long (SE–NW) by 42 feet wide (SW–NE) by about 5 feet deep. The feature was constructed by excavating a small amount of soil, putting down a concrete floor and walls with an interior slope, topping the walls with cemented decorative stones, and then piling dirt back on the finished sides to form a support slope. The site also exhibits a metal water tank about 6 feet across and 4 feet tall; this is located 75 meters to the northwest. Rusted metal pipes run downslope from the reservoir and water tank and likely onto former grape fields. The combination of concrete open-air reservoir and tank is common in the Inland Empire and represents attempts by locals and/or the California Conservation Corps to capture seep and spring water for local use. The reservoir was probably gravity fed from an upstream source. No date was observed on either feature. The site was relocated and the record updated in 2009 by Cogstone. The condition of the site is the same as when it was recorded in 2008, with the exception of an additional metal tank. This second 9-foot by 3-foot-3-inch tank is located next to the 6-foot by 4-foot tank and is on its side laying north to south. This feature was added to the site record.

Meyer Family Cemetery (P-36-021515). The presence of a small family cemetery with wooden crosses and a fence was reported by local residents but two separate archaeological surveys did not locate it. Interested local residents obtained historical photographs of family members standing at the cemetery and used the topography visible in the photographs to relocate the general area of the cemetery. In 2010 Cogstone



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cleared the vegetation from this area and ground penetrating radar was used to look for subsurface remnants. Two rectangular features adjacent to one another were revealed. The features did not have air cavities associated with coffins but the earth was clearly disturbed. These may represent caving of the coffins (common with wood coffins) or may represent removal of the burials and infill of the graves.

Offsite

Possible Milling Slick (P-36-012968). In 2008, this depression on a small boulder was recorded as a possible milling slick. However, after reevaluation by Cogstone, this was determined to be natural, not cultural. The surface is rough and pitted, not smooth and slick. This resource is outside the current project boundaries.

Old Lady Meyer's House (P-36-014461). This house is about 890 square feet, with two bedrooms and one bath. The house is described as nondescript and plain, with an asphalt shingle roof and minor exterior features. Landscaping is typical of rural properties and includes pepper trees, pines, and eucalyptus. County Assessor records indicate construction was completed in 1958. The owner of the property, Mabel Meyer, is a descendent of Julius Meyer, who bought the property along with several other parcels in 1883. Most of the Meyers family in the Verdemont area farmed. By 1973 most of the other Meyer parcels had been sold, and "Old Lady Meyers House" was the last remaining Meyer parcel. This resource is outside the current project boundaries.

Rectangular Rock Alignment (P-36-014463). This site consists of a rectangular-shaped multicoursed foundation composed of large stones located within a very shallow drainage. Cogstone determined that the west wall measures 30 feet long, the north wall 33 feet long, and the east wall 23 feet long. While no southern wall is visible, a plan view map demonstrates that a south wall most likely existed at one point, as there is a fairly linear alignment of rocks completing the rectangular shape.

L-shaped Stone Alignment (P-36-014464). This site consists of a 5-foot-long alignment of stone perpendicular to an 18-foot-long stone alignment. The stones are angular and only partially imbedded in the soil. The function of the object and its age are unknown, as noted in a 2008 survey. Resurvey for the resource by Cogstone (2009) did not reveal the structure in full. A small alignment of stone was identified in the vicinity of the site location recorded by Dice (2008); however, only an "L-shaped" distribution of stones was observed and it appeared to be natural in alignment and not embedded.

Meyer Residence (P-36-007031). The Meyer House was first recorded in 1990. The initial recording only describes the site as a rock-and-mortar foundation with a cellar and trash scatter. Later research suggests the house was owned by Otto and Vera Meyer, but no further information about the site in terms of local history is noted except that the home was destroyed by a fire in the late 1960s. The 2004 study suggests that the house was probably built in 1917. The majority of the features of the site have remained the same since the initial survey in 1990.

The site is enclosed by lines of eucalyptus trees on the north and west. All that remains of the residence today is a low stone and concrete footing that is rectangular and encloses a cellar in the northwest quarter. A full-length elevated concrete porch spans the southern footing.

The full cellar (7 ft. deep) has an exterior entry at the northwest corner of the house and steps are still visible leading downward. The bathroom was located at the northeast corner of the house to judge by soil and lavatory drain pipes still present in this area. This observation is also supported by several heavy porcelain fragments observed around the pipes. A 2004 study suggests that, from the elevation of the footings and a vent opening in the eastern footing, the house had an elevated wooden floor and the elevation matched that of the porch deck. However, no evidence of the floor's supporting piers was observed. The porch itself bears

four rectilinear concrete piers with square, undecorated concrete caps. A low (1 ft.) rock wall east of the house was reported in 1990. In 1998, abandoned car parts were reported in the area but these were not reported in later surveys. The 2009 survey did reveal another rock wall running east to west just south of the front porch, parallel to the street. In addition, the 2009 survey determined that the location of the site as originally mapped was incorrect. The site is located on the east side of a dirt road and not the west as originally indicated.

Historical Resources

Based on the cultural resources studies, there are no intact standing historical structures within the project area.

Native American Consultation

The Native American Heritage Commission (NAHC) was consulted to determine if any known sacred lands exist in or near the project area. The NAHC responded that no sacred lands are known in the vicinity of the project site; however, it recommended that seven tribes or individuals be contacted for further information. Each tribe or person recommended by the NAHC was contacted by email or letter. No responses were received. However, this does not constitute SB 18 consultation, which is required by the City for any project that requires a General or Specific Plan amendment, such as this project.

Paleontological Resources

On January 23, 2009, and February 19, 2009, Cogstone conducted a paleontological field assessment for the original areas mapped and for the expanded road areas. Although there are several sedimentary formations that are old enough to contain the remains of extinct Pleistocene animals (older alluvial fans), all sediments observed onsite were extremely coarse. Materials were primarily sands and gravels up to large cobbles (12.8 cm–25.6 cm) and even boulders (> 25.6 cm). Sediment oxidation in these older deposits ranged from light brown to medium red. Typically in deposits of this type, the fossils deposited are either crushed by the cobbles in the stream channels or are weathered to nothing on the surfaces of the alluvial fans without being buried. Although there are several sedimentary formations that are old enough to contain the remains of extinct Pleistocene animals, these sediments are so coarse that they are not conducive to the preservation of significant fossil resources.



Regulatory Background

Federal, state, and local laws, regulations, plans, or guidelines that are potentially applicable to the proposed project are summarized below.

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 authorized the National Register of Historic Places and coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register includes districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the act requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 review refers to the federal review process designed to ensure that historic properties are considered during federal project planning and

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implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process, with assistance from State Historic Preservation Offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act is a federal law passed in 1990 that provides a process for museums and federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants and culturally affiliated Indian tribes.

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 California Public Resources Code. In addition, cultural and paleontological resources are recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA.

- California Public Resources Code 5020–5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The Commission oversees the administration of the California Register of Historical Resources, and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- California Public Resources Code 5024.1 establishes the California Register of Historical Resources (CRHR). The California Register includes all properties listed or determined eligible for listing on the National Register, including properties evaluated under Section 106, and State Historical Landmarks from No. 770 on. The criteria for listing are the same as those of the National Register. The California Register statute specifically provides that historical resources listed, determined eligible for listing on the California Register by the State Historical Resources Commission, or resources that meet the California Register criteria are resources which must be given consideration under CEQA.
- California Public Resources Code 5079–5079.65 defines the functions and duties of the Office of Historic Preservation, which is responsible for the administration of federally and state mandated historic preservation programs in California and the California Heritage Fund.
- California Public Resources Code 5097.9–5097.991 provides protection to Native American historical and cultural resources, and sacred sites and identifies the powers and duties of the NAHC. It also requires notification of discoveries of Native American human remains, descendants and provides for treatment and disposition of human remains and associated grave goods.

California Senate Bill 18

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious, ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

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Senate Bill 18, regarding Traditional Tribal Cultural Places (TTCP), was signed into law in September 2004 and went into effect on March 1, 2005. It places new requirements upon local governments for developments within or near TTCP. Per SB 18, the law requires local jurisdictions to provide opportunities for involvement of California Native American tribes in the land planning process for the purpose of preserving traditional tribal cultural places. The Final Tribal Guidelines recommend that the NAHC provide written information as soon as possible but no later than 30 days to inform the lead agency if the proposed project is determined to be in proximity to a TTCP and another 90 days for tribes to respond to a local government if they want to consult with the local government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not. If the NAHC, the tribe, and interested parties agree upon the mitigation measures necessary for the proposed project, they would be included in the project's EIR. If both the County and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

Per SB 18, the law institutes a new process which would require a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCP prior to the adoption, revision, amendment, or update of a city's or county's general plan. While SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, the Final Tribal Guidelines advises that SB 18 requirements extend to specific plans as well, as state planning law requires local governments to use the same process for amendment or adoption of specific plans as general plans (defined in Government Code § 65453). In addition, SB 18 provides a new definition of TTCP requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 law also amended Civil Code Section 815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.



Local

City of San Bernardino General Plan

The project site is located within the City of San Bernardino sphere of influence. The project application, in part, requests that the site be annexed to the City. Upon annexation, all regulations in the City of San Bernardino General Plan, Development Code, and City Municipal Code will govern the future development of the project.

The City of San Bernardino General Plan, adopted in November 2005, establishes comprehensive goals, policies, and implementation measures to meet the City's future needs. Applicable goals and policies of the Historical and Archaeological Resources Chapter (Chapter 11) of the General Plan include:

Goal 11.1 Develop a program to protect, preserve, and restore the sites, buildings and districts that have architectural, historical, archaeological, and/or cultural significance.

Policies

11.1.2 Maintain and update the Historic Resources Reconnaissance Survey database files of historic, architectural, and cultural resources conducted in 1991, and integrate it into the City's ordinance

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and environmental review process. Prior to public distribution, Native American tribes should be consulted to address any issues of confidentiality.

11.1.4 Compile and maintain an inventory, based on the survey, of the Planning Area's significant historic, architectural and cultural resources. Prior to public distribution, Native American tribes should be consulted to address any issues of confidentiality.

11.1.9 Require that an environmental review be conducted on all applications (e.g., grading, building, and demolition) for resources designated or potentially designated as significant in order to ensure that these sites are preserved and protected.

Goal 11.4 Protect and enhance our historic and cultural resources.

Policies

11.4.1. Encourage the preservation, maintenance, enhancement, and reuse of existing buildings in redevelopment and commercial areas; the retention and renovation of existing residential buildings; and the relocation of existing residential buildings when retention onsite is deemed not to be feasible.

11.4.2 Consider creating a program to relocate reusable older buildings from or into redevelopment projects as a means of historic preservation.

11.4.3 Utilize the Redevelopment Agency as a vehicle for preservation activity. The Agency is currently empowered to acquire, hold, restore, and resell buildings.

Goal 11.5 Protect and enhance our archaeological resources.

Policies

11.5.1 Complete an inventory of areas of archaeological sensitivity in the planning area. Prior to public distribution, Native American tribes should be consulted to address any issues of confidentiality.

5.4.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated the with lives of persons important in our past;
- 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; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

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The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, or is not included in a local register of historical resources, does not preclude a lead agency from determining that the resource may be an historical resource.

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

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.
- C-5 Be developed in a sensitive archeological area as identified in the City's General Plan.

These impacts will be addressed in the following analysis.

5.4.3 Environmental Impacts

The Spring Trails project assumes that the Southern California Edison (SCE) overhead electric lines that traverse the western portion of the site will be located underground. In the event that the overhead electric lines cannot be located underground, an alternative plan accommodating the lines above ground, as shown in Chapter 3, *Project Description*, Figure 3-3A, *Alternative (Overhead Electric Lines) Development Plan*, is proposed for the project site. The alternative plan for Spring Trails is the same as the preferred plan in every respect except for the treatment of the land beneath the aboveground electric lines and the number of residential lots. Both scenarios are analyzed in this section to assess their respective impacts to cultural resources.

The proposal also includes the annexation of an adjacent 26.4-acre area consisting of six parcels owned by various property owners. A land use proposal has not been submitted for this 26.4-acre area and it is not owned or otherwise under the control of the applicant. For these reasons, no development is expected to occur on these parcels and no additional surveys or studies pertaining to cultural resources were done for this area. The annexation would not contribute to impacts related to cultural resources.

A summary list of known sites within the project area is given in Table 5.4-1. These resources are described in more detail above. The significance of each resource, as it pertains to CEQA standards, is provided.



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**Table 5.4-1
Findings for Resources within Project Area**

<i>Site</i>	<i>Resource</i>	<i>1 – Impt Events</i>	<i>2 – Impt Persons</i>	<i>3 – Special Design</i>	<i>4 – New Info</i>	<i>Cogstone 2010 Report Findings</i>
P-36-014965	Large Reservoir	no	no	no	no	Not significant
P-36-014964	Small Reservoir	no	no	no	no	Not significant
	Spring	no	no	no	possibly	Needs investigation
P-36-007030	Cable Canyon Complex	no	no	no	possibly	Needs investigation
P-36-014966	Muscupiabe Reservoir	no	no	no	no	Not significant
P-36-014967	Metal pipes	no	no	no	no	Not significant
P-36-014968	Target range	no	no	no	no	Not significant
P-36-014462	Concrete reservoir	no	no	no	no	Not significant
P-36-021515	Meyer Family Cemetery	no	no	no	possibly	Needs investigation

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.4-1: DEVELOPMENT OF THE PROJECT WOULD NOT IMPACT ANY HISTORICAL RESOURCES. [THRESHOLD C-1]

Impact Analysis: The Spring Trails project area was assessed for historical resources during multiple surveys. During this assessment, no historical resources, as defined in Section 15064.5 of the CEQA Guidelines, were observed. There are no structures, buildings, or other built environment resources with historical value in the project area. Therefore, there are no known historical resources on the project site. This analysis is applicable to both the preferred development plan and the alternative (overhead electric lines) development plan.

IMPACT 5.4-2: DEVELOPMENT OF THE PROJECT WOULD IMPACT ARCHAEOLOGICAL RESOURCES. [THRESHOLD C-2]

Impact Analysis: Eight historical archeological resources were recorded within the project area. A spring reported to have associated water features was noted in earlier surveys but obscured by vegetation in recent surveys. Most of the resources do not meet significance criteria under CEQA (see Table 5.4-1). However some sites have potential to have subsurface components that would yield information new to history. These sites require further investigation. Should those investigations yield CRHR-eligible archaeological materials, then destruction of those resources as a result of project construction would be a significant impact. Mitigation through archaeological data recovery would reduce impacts to less than significant.

The potentially significant resources are expected subsurface privies and trash features associated with Cable Canyon Ranch, in addition to both surface and possibly subsurface water features associated with the Cable Canyon Ranch spring.

This analysis is applicable to both the preferred development plan and the alternative (overhead electric lines) development plan.

IMPACT 5.4-3: THE PROPOSED PROJECT COULD DESTROY PALEONTOLOGICAL RESOURCES OR A UNIQUE GEOLOGIC FEATURE. [THRESHOLD C-3]

Impact Analysis: According to the Cogstone Study, there are several sedimentary formations that are old enough to contain the remains of extinct Pleistocene animals; however, these sediments are so coarse that they are not conducive to the preservation of significant fossil resources. Additionally, the survey conducted by Cogstone Resource Management found no signs of any paleontological resources within the project area. However, an unanticipated discovery of paleontological resources during grading and excavation of the site could occur and result in paleontological resource impacts if not mitigated. This analysis is applicable to both the preferred development plan and the alternative (overhead electric lines) development plan.

IMPACT 5.4-4: GRADING ACTIVITIES COULD POTENTIALLY DISTURB HUMAN REMAINS. [THRESHOLD C-4]

Impact Analysis: The Meyer Family Cemetery site has been located using geophysical investigation, and two graves appear to be present. It is unknown whether the rectangular areas represent intact graves or removal excavations. Human skeletal remains are considered significant under CEQA for potential to yield information new to history. The site requires further investigation. Should those investigations yield CRHR-eligible archaeological materials, then destruction of those resources as a result of project construction would be a significant impact. Mitigation through archaeological data recovery would reduce impacts to less than significant. This analysis is applicable to both the preferred development plan and the alternative (overhead electric lines) development plan.

The Native American Heritage Commission was contacted and no sacred land was identified.

Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. The Health and Safety Code Section 7050.5 states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

IMPACT 5.4-5: THE PROJECT WOULD NOT BE DEVELOPED IN A SENSITIVE ARCHEOLOGICAL AREA, AS IDENTIFIED IN THE CITY'S GENERAL PLAN. [THRESHOLD C-5]

Impact Analysis: According to Figure 5.4-1, *Archaeological Sensitivities* (Figure 5.4-12 from the San Bernardino General Plan Update and Associated Specific Plans EIR), the project site is not located in an area of concern for archaeological resources. The figure contains areas of known resources or areas that could reasonably contain resources and which had demonstrable surface integrity as of November 1987. This analysis is applicable to both the preferred development plan and the alternative (overhead electric lines) development plan.



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5.4.4 Cumulative Impacts

Future construction projects in the City of San Bernardino are required to undergo environmental review. If there is a potential for significant impacts on cultural or paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. Neither the proposed project nor cumulative development in accordance with the City's General Plan is expected to result in significant impacts to cultural or paleontological resources, provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are unique archaeological or historical resources and appropriate mitigation is implemented prior to grading. Implementation of the appropriate mitigation measures would reduce cumulative impacts to a level of less than significant. This assessment of cumulative impacts pertains to both the preferred development plan and the alternative (overhead electric lines) development plan.

5.4.5 Existing Regulations

- State Health and Safety Code Section 7050.5
- California Senate Bill 18

5.4.6 Level of Significance Before Mitigation

The following impact would be less than significant: 5.4-1 and 5.4-5

Without mitigation, the following impacts would be **potentially significant**:

- Impact 5.4-2 Implementation of the project would destroy the Cable Canyon Ranch House complex.
- Impact 5.4-3 The proposed project could destroy paleontological resources or a unique geologic feature.
- Impact 5.4-4 Grading activities could potentially disturb human remains.

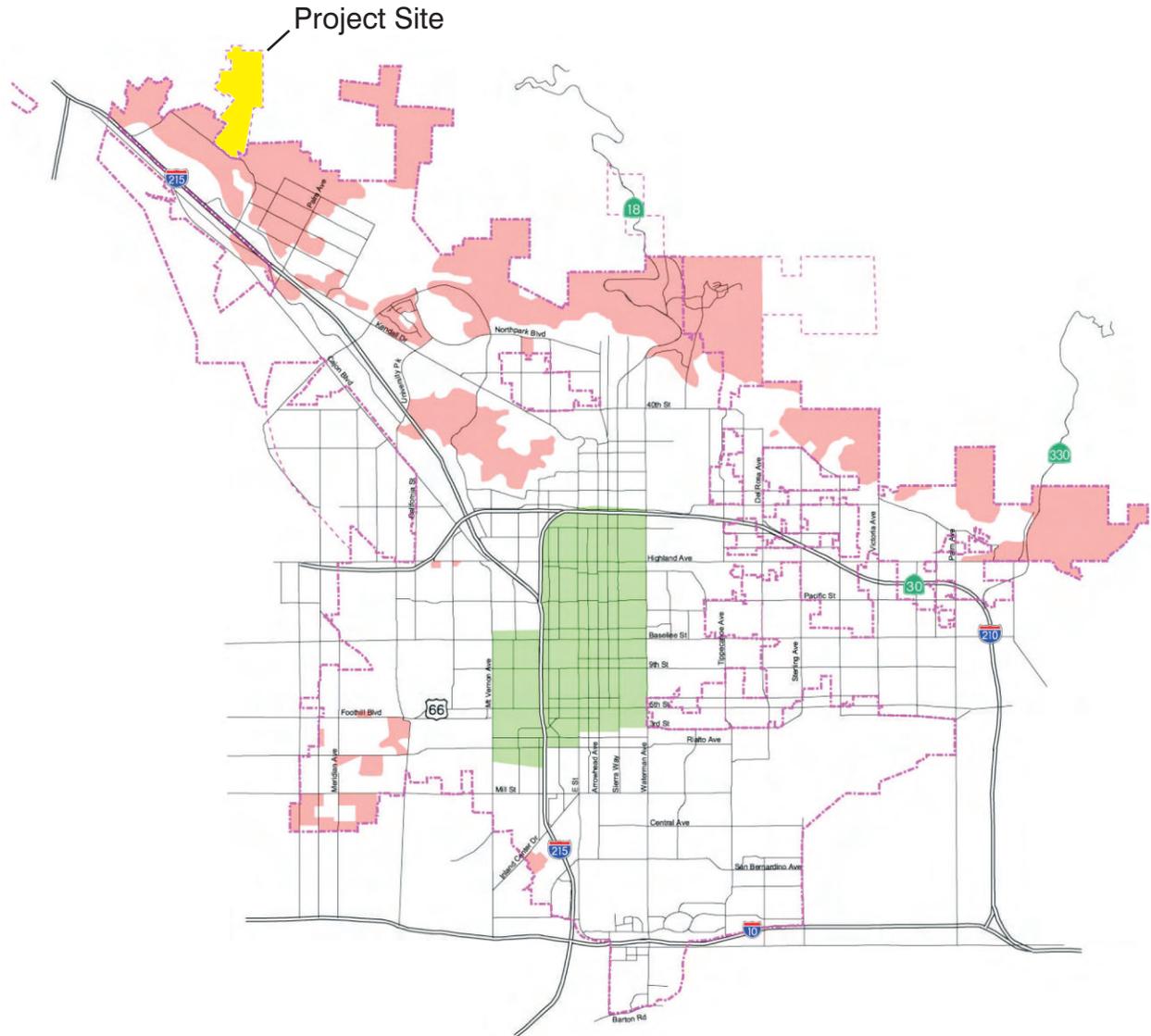
5.4.7 Mitigation Measures

Impact 5.4-2

- 4-1 Preconstruction archaeological testing by a qualified archaeologist is required to evaluate the significance of historic Cable Canyon Ranch. A qualified archaeologist must be present for grubbing, devegetation, and demolition of the spring, remnant stone structure, and fence to protect resources that may be revealed by these activities. Subsequent to vegetation removal but before construction, the archaeologist will perform controlled mechanical excavation inside and outside the house area to locate features present below the ground surface. Once located, the archaeologist should develop a formal treatment plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include formal evaluation and significance assessment of each feature and the project catalog and be filed with the City, the

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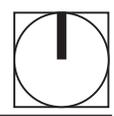
Archaeological Sensitivities



-  Area of Concern for Archaeological Resources
-  Urban Archaeological District - Historical Archaeological Resources of 19th Century San Bernardino
-  City Boundary
-  Sphere of Influence

Source: Kleinfelder 1997

Spring Trails Draft EIR



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San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.

- 4-2 If testing determines that the Cable Canyon Ranch complex meets significance criteria, then preconstruction archaeological data recovery excavations by a qualified archaeologist is required to mitigate the adverse impacts of construction on historic Cable Canyon Ranch. The archaeologist should develop a formal data recovery plan (plan of work including research questions to be answered and containing an agreement with an accredited repository). Excavation of subsurface features can include additional mechanical excavation or hand excavation as warranted by the features. Discovery of features and recovery of archaeological materials will require extensive sampling, documentation, laboratory work, identification, analysis, and interpretation. The final report should include the project catalog and be filed with the City, the San Bernardino Archaeological Information Center, and the repository (San Bernardino County Museum recommended). The site records should also be updated.
- 4-3 Construction grading in and around the Cable Canyon Ranch complex must be monitored by a qualified archaeologist to ensure that any subsurface features or refuse deposits that were not located during previous phases of archaeological work are found and evaluated. The City should refuse to issue a final occupancy permit until all mitigation is demonstrated to have been performed, including curation of the project documents and artifacts.

Impact 5.4-3

- 4-4 Cultural resources sensitivity training is required for all earth-moving personnel. This training will review the types of archaeological and paleontological resources that might be found, along with laws for the protection of resources. In the event of an unanticipated discovery, all work must halt within a 30-foot radius of the find. Work may not continue until the find has been evaluated by a qualified archaeologist or paleontologist, depending on the nature of the discovery. All discoveries require scientific samples and documentation, including a final report.



Impact 5.4-4

- 4-5 The applicant shall implement one of the mitigation measures outlined below to address anomalies found at the presumed location of the Meyers Family Cemetery. The applicant shall consult with the Meyers family descendents in the selection of the appropriate mitigation options for the Meyers Family Cemetery in conjunction with the proposed development. It shall be a high priority to implement an option that most closely meets the desires of the family to the extent feasible under the final approved development and grading plans.

In the event the final development and grading permits do not require grading or other disturbance of the anomaly sites, one of the following mitigation measures shall be implemented:

1. The burial site anomalies/remains shall remain undisturbed. This can be accomplished either by complete avoidance of the project area or alternatively by “capping” the site. Capping the site would involve scraping existing vegetation and providing up to two feet of compacted fill material over the site. No activity under this option shall excavate lower than one foot below grade to remove existing vegetation or soil. Replacement vegetation may be placed for future open space such as a park. Plans to cap the site shall be prepared and reviewed/approved by a certified archaeologist prior to the disturbance of the cemetery site

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surface. In addition, a covenant in the deed shall restrict any future excavation within 25 feet of the anomalies.

2. The applicant shall coordinate with the Meyers family to facilitate excavation of the anomalies to determine if they represent coffins and, if so, to coordinate reburial at a private or public cemetery to be determined by the family. Under this option, preconstruction archaeological testing by a qualified archaeologist is required. The archaeological testing must consist of mechanical excavation of overburden and hand excavation near the anomalies to determine if they represent coffins. The excavation shall occur under the supervision of a certified archaeologist and a Meyers family representative. If the anomalies are demonstrated not to contain coffins, no further work will be required. If coffins are present, the family shall determine the desired deposition. This may include transfer of the undisturbed coffins for reburial or option 3 below. The applicant shall be responsible for the transport of relocating the remains for the family. If desired by the family, the applicant shall also be responsible for funding a family memorial plaque near to the original burial site.

In the event the site is not avoided as part of the final development and grading permits, and testing demonstrates that coffins are, in fact, present, the applicant shall implement option 2 or option 3 below:

3. A qualified archaeologist shall develop a formal treatment plan (plan of work including research questions to be answered). The excavation team shall include a qualified osteologist. Excavation may include mechanical excavation of overburden and hand excavation of human skeletal materials. The treatment plan should include an agreement with the Meyers family as to the disposition of any human skeletal remains. A final report shall include formal evaluation and the project catalog and be filed with the City and the San Bernardino Archaeological Information Center. The site record should also be updated.

4-6 If human remains are discovered at any time, the applicant shall follow guidelines addressed in California Health and Safety Code Section 7050.5. This requires that work in the vicinity must halt and the county coroner must be notified immediately. If the remains are determined to be Native American, the coroner will contact the Native American Heritage Commission. All discoveries require verification and documentation, including a final report.

5.4.8 Level of Significance After Mitigation

The existing regulations and mitigation measures above would reduce potential impacts associated with cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts relating to cultural resources have been identified.