

4.3 CULTURAL RESOURCES

4.3.1 Introduction

This section of the Draft EIR addresses historic and pre-historic resources that together comprise Cultural Resources. Historic resources are defined as buildings, structures, objects, sites and districts of significance in history, archaeology, architecture and culture. These resources include intact structures of any type that are 50 years or more of age. Historic resources are preserved because they provide a link to a region's past as well as a frame of reference for a community. Archaeological resources are the physical remains of past human activities and can be either prehistoric or historic in origin. Archaeological sites are locations that contain significant evidence of human activity. Generally a site is defined by a significant accumulation or presence of one or more of the following: food remains, waste from the manufacturing of tools, concentrations or alignments of stones, modification of rock surfaces, unusual discoloration or accumulation of soil, or human skeletal remains. Archaeological sites are often located along creek areas, ridgelines, and vistas.

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. These resources are valued for the information they yield about the history of the earth and its past ecological settings. There are two types of resources including: vertebrates and invertebrate paleontological resources. Paleontological sites are those areas that show evidence of pre-human activity.

Information for this section is summarized from the *Home Depot Project, San Bernardino, San Bernardino County, CA* cultural resources investigation, prepared by McKenna et al., May 19, 2011 (see Appendix C).

4.3.2 Environmental Setting

Project Location

The Project Site is located in the City of San Bernardino and occurs within the San Bernardino Valley region of San Bernardino County, approximately 60 freeway miles south of downtown Los Angeles. The Project Site location is consistent with Township 1 North, Range 3 West, and the northwest quarter of Section 31. The Project Site occurs within the very southwestern portion of the Historic Rancho Muscupiabe.

Specifically the Project Site is located on the south side of Highland Avenue, on the west side of Arden Avenue, and on the north side of 20th Street. The Project Site is west of the Interstate 210 (I-210) eastbound on-ramps at Arden Avenue, the freeway overpass crosses above the northeast corner of the site. Major arterials near the Project Site include Highland Avenue located north and adjacent to the Project Site, the Foothill Freeway (I-210) immediately east of the Project Site, Baseline Road approximately one-mile south of the Project Site, and the I-215 and I-15 freeways approximately four miles north of the Project Site.

Cultural Resources

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.

Historic Background

The Project area occurs within the historic Rancho Muscuiabe. In 1887, following the demise of many early ranchos, the project area is identified as being within “West Highlands;” the owner of West Highlands is identified as N.S. McAbee (and his assigns). A map of West Highlands was recorded by W.P. Cave at the request of Seth Marshall (Dec. 30th 1887), the specific project area is within West Highlands Block 3 and portions of Lots 4, 5, and 6.

The first recorded ownership of the properties dates to 1895, B.F. Krieder owned Lot 4 and A.E. Sterling owned Lots 5 and 6. A \$200 improvement is noted for the Krieder property but no improvements are recorded for the Sterling lots. In 1911 the Sterling locate was sold to Thomas Yerxa. Yerxa had assessments for trees/vines as early as 1917 but no structural improvements. Improvements for the Krieder property rose from the initial \$200 to \$1800 by 1920, with trees and/or vines at \$480. In 1922 Yerxa sold his lots to Hugh M. Warren and Thomas Hopkins. Krieder held her property with Clause and Laure Emmerton from 1923 until 1929 when the Emmertons are listed as the sole owners of Lot 4; in 1929 Hugh Warren is also listed as the sole owner of Lots 5 and 6. Warren sold Lots 5 and 6 to D.C. and Thalia B. Nutting in 1936. The Emmertons sold Lot 4 to Nellie Dederick and Claudine Spurlock in 1941. In 1941 structural improvements were assessed for Lot 4, no structural improvements are listed for Lots 5 and 6.

Improvements on the properties were demolished by ca. 1962, when Tract No. 6898 and Tract No. 7106 were established. The tracts are described as “...a subdivision of Lots 4 and 5 and a portion of lot 6, Block 3, of the Map of West Highlands.” The two tracts show the dedication of the Highland Avenue frontage road, the establishment of 20th Street, and the renaming of Orange Avenue to Arden Avenue.

Between ca.1964 and ca. 2004, the area was developed with a series of relatively low income housing occupied predominantly by military families associated with Norton Air Force Base in San Bernardino. By 2004, almost 75% of the residences had been removed and by 2007, only 23 lots were still developed. In or around 2010, all structures were demolished and the project area was vacant except for the road right of ways.

4.3.3 Applicable Policies, Plans, 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.

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.

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 State Landmarks and Points of Interest. Significant historical resources are those eligible for the CRHR, properties designated under local ordinances, or those 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 a significant historical resource if it meets any of the CRHR eligibility 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.

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

Sections of the California Health and Safety Code collectively address the protection from 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.

CEQA Guidelines Section 15064.5 (e)

CEQA Guidelines Section 15064.5 (e) 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.

City of San Bernardino General Plan

In addition to the mandatory elements, the City of San Bernardino General Plan includes a Historical and Archeological Resources Element. Goals and policies pertaining to the Proposed Project as listed within the General Plan are as follows:

Historic and Archaeological Resources Element Goals and Policies

Goal 11.4: Protect and enhance our historical 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 on-site is deemed not to be feasible.

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.

4.3.4 Project Impact Analysis and Mitigation Measures

4.3.4.1 Thresholds of Significance

The Initial Study Checklist for the Proposed Project was completed and circulated with a Notice of Preparation (NOP) to identify potential environmental impacts that could occur as a result of the Proposed Project. The Checklist identifies the primary thresholds of significance relating to CEQA issues. The Proposed Project would have a significant effect on Cultural Resources if it would:

- Be developed in a sensitive archaeological area as identified in the City's General Plan.

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA.
- Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of CEQA.
- 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.

4.3.4.2 Issues Identified to Have No Impacts

The Initial Study Checklist for the Proposed Project that was circulated with a NOP identified the following threshold areas where no impacts would occur as a result of the Proposed Project. No additional information was received during the NOP review period to change the conclusions of the Initial Study.

Be developed in a sensitive archaeological area as identified in the City's General Plan.

According to the City of San Bernardino's General Plan Update and Associated Specific Plans Draft EIR (Figure 5.4-2 Archaeological Sensitivities), the Project Site is not located in a designated area of concern for Archaeological Resources or in an Urban Archaeological District containing Historical Archaeological Resources. No impacts are expected.

4.3.4.3 Issues Determined to Have a Less Than Significant Impact

The Initial Study Checklist for the Proposed Project that was circulated with the NOP identified the following threshold areas where impacts associated with the Proposed Project would occur but be less than significant with mitigation incorporation based on the information known at the time. No additional information was received during the NOP review period to change the conclusions of the Initial Study.

Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of CEQA.

Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of CEQA.

Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

An archaeological records search was completed through the San Bernardino County Museum, Archaeological Information Center, Redlands on May 5, 2011. The records search involved a review of previous studies, recorded resources, and historic maps. The research provided the baseline data for assessing the relative sensitivity of the area to yield evidence of cultural resources.

The records search indicated that between 1973 and 2005 a minimum of nine cultural resource investigations were completed within one half mile of the Proposed Project site (see Table 4.3-1). None of these investigations included or overlapped the Project Site; however, one investigation was conducted immediately adjacent to the project area. The records search identified two recorded resources: CA-SBR-6847H is the Atchison, Topeka and Santa Fe Railroad alignment and is located north of the project area, P1062-9H is a reference to the “pending” location and identification of resources associated with the Patton State Hospital dairy farming activities to the east of the Project Site. The Atchison, Topeka and Santa Fe Railroad alignment would not be impacted as a result of the Proposed Project. According to McKenna et al., structures associated with the Patton State Hospital were illustrated on the 1996 Harrison Mountain Quadrangle but not visible on the current GoogleEarth aerial photograph.

**Table 4.3-1
Previous Investigations Within 0.5-Miles of the Project Area**

Author(s)	Year	Project	In Project Area
Schuling	1973	Pacific Town Houses	No
Hammond and Webb	1977	Route 30 Between I-10 and Arden Avenue	No
Wisbord	1990	Regional Medical Center Relocation	No
Love and Tang	1998	Mayor’s Demolition Initiative	No
Mason and Bonner	1998	Pacific Bell Cell Site	No
LSA	2001	AT&T Cell Site	No
Thal	n.d.	Nextel Cell Site	No
LSA	2002	SBUSD Elementary School #47	No
Tang, Hogan et al.	2005	EVWD Perchlorate Treatment Facilities	No

A field reconnaissance of the Project Site was completed on May 10, 2011 by McKenna et al. Principal Investigator Jeanette A. McKenna. During the pedestrian survey, no evidence of prehistoric or historic archaeological resources was identified. At the time of the field visit, only evidence of the post-1962 street alignments and some infrastructure improvements were visible. The Project Site is not considered sensitive for paleontological resources.

Although no resources were discovered on the Project Site and the archaeological sensitivity of the project area is considered to be low, in the event that any archaeological materials are encountered the following mitigation measures shall be implemented:

Mitigation Measure CR-1:

In the event that buried cultural resources, including historic or archeological resources, are discovered during construction, operations shall cease in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations to the Lead Agency on measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. If the resources are determined to be unique historic resources as defined under

Section 15064.5 of the CEQA Guidelines, appropriate measures shall be identified by the monitor and recommended to the Lead Agency.

Measures may include but are not limited to: a detailed mapping of the findings; a recordation of the discovery with appropriate agencies; and potential tests (if needed) to evaluate the resources' eligibility for listing in the National Register or California Register of Historic Resources. A technical report would then be prepared to document field methods and results.

Mitigation Measure CR-2:

In accordance with 36 CFR 800.13(b)(3), the State Historic Preservation Officer and Native American tribal contacts as listed on the letter (dated September 28, 2007) received from Native American Heritage Commission (NAHC), as well as the Advisory Council on Historic Preservation will be notified within 48 hours of the discovery of any archaeological artifacts.

Level of Significance After Mitigation

Application of the above mitigations will reduce the potential impacts to unknown historic, archeological, and paleontological resources to a less than significant level.

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

There is always the potential for ground-disturbing activities to uncover previously unknown buried human remains. Should this occur, federal laws and standards apply including the Native American Graves Protection and Repatriation Act and its regulations found in the Code of Federal Regulations at 43 CFR 10. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resource Code Section 5097.98. During construction activities, there is a potential for previously unknown buried human remains to be uncovered and therefore, the following mitigation measure would be implemented:

Mitigation Measure CR-3:

If human remains of any kind are found during construction activities, all activities must cease immediately and the San Bernardino County Coroner and a qualified archaeologist must be notified. The Coroner will examine the remains and determine the next appropriate action based on his or her findings. If the Coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission. The Native American Heritage Commission will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. If a most likely descendant cannot be identified, or the most likely descendant fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to them, VMC shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Level of Significance After Mitigation

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