

APPENDIX B
Cultural Resources Study



Rincon Consultants, Inc.

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May 22, 2019
Project No: 16-02344

Kristen Bogue
Michale Baker International
14725 Alton Parkway
Irvine, CA 92618
Via email: kbogue@mbakerintl.com

Subject: Chick-fil-A and In-N-Out Project, Cultural Resources Records Search Cover Letter
Tustin, Orange County

Dear Ms. Bogue:

In January of 2017, Rincon Consultants, Inc. (Rincon) was retained by Michael Baker International to provide a cultural resources records search for the Chick fil A and In-N-Out Project (project), located generally at the intersection of 17th Street and Tustin Avenue in Tustin, Los Angeles County, California (see Figure 1 in Attachment A).

Rincon requested a search of the Sacred Lands File (SLF) from the Native American Heritage Commission (NAHC) on January 26, 2017 and completed a records search of the California Historical Resources Information System (CHRIS) at the South Central Coast Information Center located at California State University, Fullerton. The results of these efforts are included in the attached technical memorandum.

Although the SLF and records search were completed over two years ago, the characteristics of the project site and surrounding area have not changed since that time. The results presented in the 2017 technical memorandum are adequate for the purposes of the current project.

Please do not hesitate to contact Rincon Consultants if you have any questions.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in black ink that reads "Hannah Haas". The signature is written in a cursive, flowing style.

Hannah Haas, MA, RPA
Archaeologist & Project Manager

Enclosed:

Cultural Resources Technical Memorandum



Rincon Consultants, Inc.

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February 2, 2017
Project No: 16-02344

Kristen Bogue
Michale Baker International
14725 Alton Parkway
Irvine, CA 92618
Via email: kbogue@mbakerintl.com

Subject: Chick-fil-A and In-N-Out Project, Cultural Resources Records Search
Tustin, Orange County

Dear Ms. Bogue:

Rincon Consultants, Inc. (Rincon) was retained by Michael Baker International to provide a cultural resources records search for the Chik fil A and In-N-Out Project (project), located generally at the intersection of 17th Street and Tustin Avenue in Tustin, Los Angeles County, California (see Figure 1 in Attachment A).

Cultural Resources Records Search

On January 30, 2017, Rincon conducted a records search of the California Historical Resources Information System (CHRIS) at the South Central Coast Information Center located at California State University, Fullerton. The search was conducted to identify previous cultural resources studies and previously recorded cultural resources within a 0.5-mile radius of the project site. The CHRIS search included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory list.

The SCCIC records search identified six previously conducted studies within 0.5-mile radius of the project site, none of which included the projects site (Table 1).

Table 1. Previously Conducted Studies within 0.5-mile of the Project Site

Report Number	Author	Year	Title	Relationship to Project Site
OR-00946	Padon, Beth	1989	Archaeological and Paleontological Review for 13911, 13931, and 13951 Carroll Way, Tustin, Ca.	Outside
OR-02375	McKenna, Jeanette A.	2001	Review of Cultural Resource Assessment/evaluation for Cingular Wireless Site Sc-001-01, Orange County, California	Outside
OR-02377	McKenna, Jeanette A.	2001	Review of Cultural Resource Assessment /Evaluation for Cingular Wireless Site Sc-009-02, Orange County, California	Outside
OR-02704	Harper, Caprice D.	2002	Cultural Resource Assessment Cingular Wireless Facility No. Sc 120-01 Orange County, California	Outside
OR-04071	Bonner, Diane	2010	Records Search and Site Visit Results for the Proposed T-Mobile Site LA02933C (Edits Mini-Mart), located at 2151 East Santa Clara Avenue, Santa Ana, Orange County, California	Outside
OR-04431	Bonner, Wayne, and Kathleen Crawford	2013	Cultural Resources Records Search and Site Visit Results for T-Mobile West, LLC Candidate LA23203G (Calvary Church) 1010 North Tustin Avenue, Santa Ana, Orange County, California	Outside

Source: SCCIC 2017

The SCCIC records search identified two cultural resources within a 0.5-mile radius of the project site, neither of which is located within the project site. The identified cultural resources are listed in Table 2.

Table 2. Previously Recorded Resources within 0.5-mile of the Project Site

Primary Number	Trinomial	Resource Type	Description	Recorder(s) and Year(s)	NRHP/CRHR Status	Relationship to Project Site
P-30-161988		Historic built-environment	Single-family residence	J. Marmor 1990	Recommended ineligible	Outside
P-30-177515		Historic built-environment	Church building	K. A. Crawford 2014	Recommended ineligible	Outside

Source: SCCIC 2017

Native American Heritage Commission

On January 26, 2017, Rincon requested a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC). The NAHC responded on February 2, 2017, stating that a search of the SLF was completed “with negative results.”

Discussion and Recommendations

No previously recorded cultural resources were identified within the project site. In addition, no archaeological resources have been identified in the vicinity, and all historic-era built environment resources have been recommended ineligible for listing in the NRHP. The location has not been surveyed for cultural resources, but has historically been paved which would have obscured visibility. Currently, the project site is unpaved but is regularly disked.

Please do not hesitate to contact Rincon Consultants if you have any questions regarding these findings.

Sincerely,

Rincon Consultants, Inc.



Hannah Haas
Archaeologist

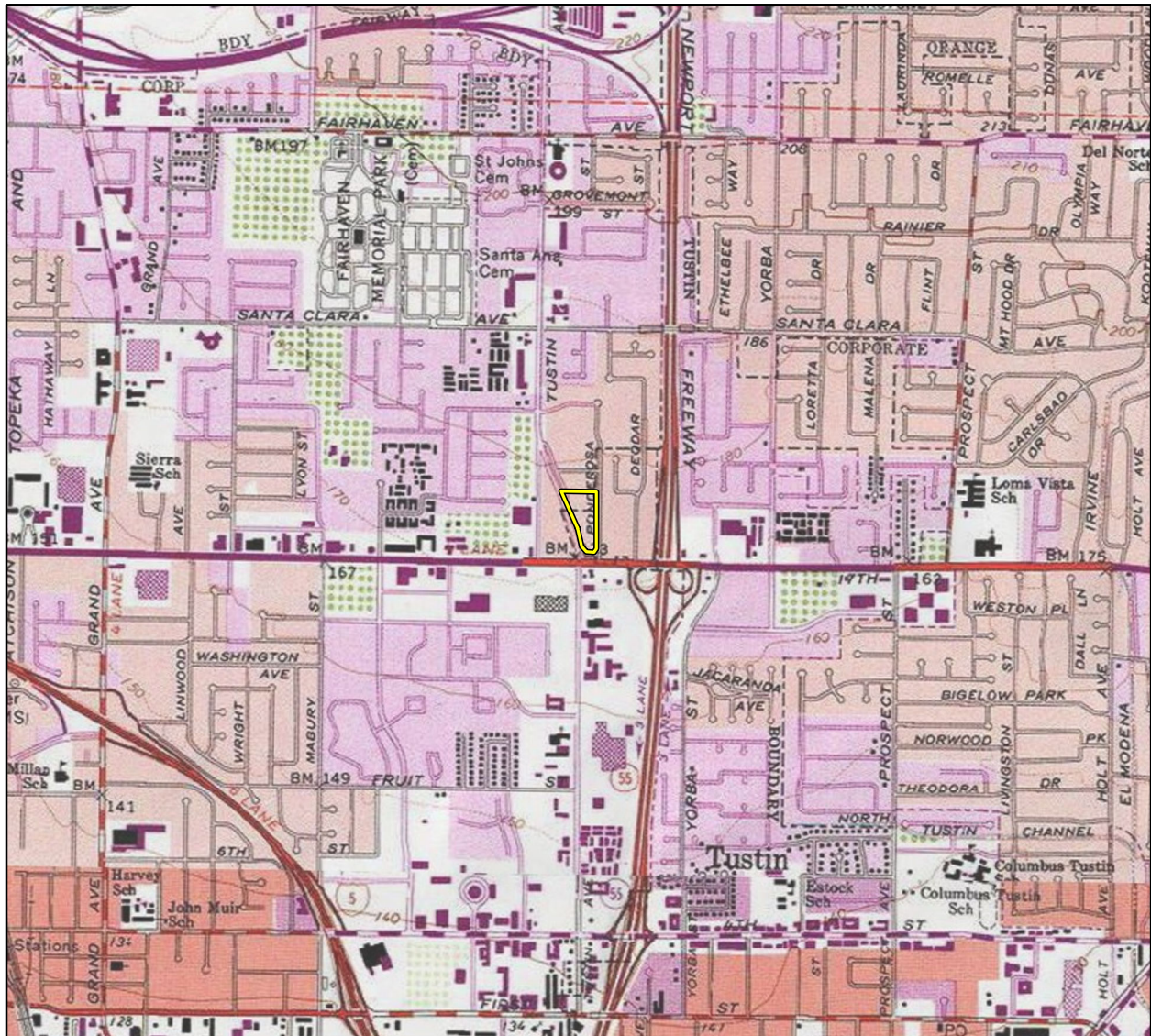


Christopher Duran, M.A., RPA
Cultural Resources Principal Investigator

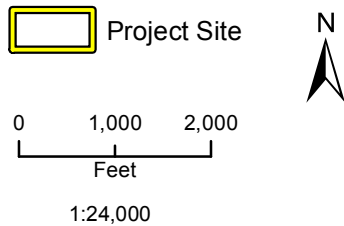
Enclosed:

Project Location Map

SLF Results



Imagery provided by National Geographic Society, ESRI and its licensors © 2015. Orange Quadrangle. T05S R09W S05 & T05S R09W S04 & T05S R09W S08 & T05S R09W S09. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.



Project Location Map

Figure 1

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



February 2, 2017

Hannah Haas
Rincon Consultants, Inc.

Sent by E-mail: hhaas@rinconconsultants.com

RE: Proposed Chick Fil A and In-N-Out Project, City of Tustin; Orange USGS Quadrangle, Orange County, California

Dear Ms. Haas:

Attached is a contact list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. A search of the SFL was completed for the USGS quadrangle information provided with negative results.

Our records indicate that the lead agency for this project has not requested a Native American Consultation List for the purposes of formal consultation. Lists for cultural resource assessments are different than consultation lists. Please note that the intent of the referenced codes below is to avoid or mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects under AB-52.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 **require public agencies** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and

- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
 - All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
 3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission.
 4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
 5. Any geotechnical reports regarding all or part of the potential APE.

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

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

The results of these searches and surveys should be included in the "Tribal Cultural Resources" section or in a separate subsection of the Cultural Resources section of the environmental document submitted for review. Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,



Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

**Native American Heritage Commission
Tribal Contact List
Orange County
2/2/2017**

**Gabrieleno Band of Mission
Indians - Kizh Nation**

Andrew Salas, Chairperson
P.O. Box 393 Gabrieleno
Covina, CA, 91723
Phone: (626) 926 - 4131
gabrielenoindians@yahoo.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Matias Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano, CA, 92675
Phone: (949)293-8522

**Gabrieleno/Tongva San Gabriel
Band of Mission Indians**

Anthony Morales, Chairperson
P.O. Box 693 Gabrieleno
San Gabriel, CA, 91778
Phone: (626)483-3564
Fax: (626)286-1262
GTTribalcouncil@aol.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Joyce Perry, Tribal Manager
4955 Paseo Segovia Juaneno
Irvine, CA, 92603
Phone: (949) 293 - 8522
kaamalam@gmail.com

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson
106 1/2 Judge John Aiso St., Gabrielino
#231
Los Angeles, CA, 90012
Phone: (951)807-0479
sgoad@gabrielino-tongva.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Romero**

Teresa Romero, Chairperson
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA, 92675
Phone: (949)488-3484
Fax: (949)488-3294
tromero@juaneno.com

**Gabrielino Tongva Indians of
California Tribal Council**

Robert Dorame, Chairperson
P.O. Box 490 Gabrielino
Bellflower, CA, 90707
Phone: (562) 761 - 6417
Fax: (562) 761-6417
gtongva@gmail.com

Gabrielino-Tongva Tribe

Linda Candelaria, Co-Chairperson
1999 Avenue of the Stars, Suite Gabrielino,
1100
Los Angeles, CA, 90067
Phone: (626)676-1184

**Juaneno Band of Mission
Indians**

Sonia Johnston, Chairperson
P.O. Box 25628 Juaneno
Santa Ana, CA, 92799
sonia.johnston@sbcglobal.net

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Chick Fil A and In-N-Out Project, Orange County.