

# Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: \_\_\_\_\_

Project Title: Cedar Villas Private Residential Neighborhood

Lead Agency: City of Rialto

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Project Location: Rialto San Bernardino County  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

The proposed project involves the subdivision of approximately 3.17 gross acres of land into twenty-two (22) single-family lots and two (2) common lots (for private streets, amenities, and landscaping), and the development of a private residential neighborhood consisting of twenty-two (22) single-family residences, fencing/walls, paving, drainage, lighting, and landscaping. In conjunction with the project, the applicant proposes to change the General Plan land use designation of the site from Residential 6 to Residential 12, as well as change the zoning designation of the site from Single-Family Residential (R-1C) to Multi-Family Residential (R-3).

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

See Attached Mitigation Discussion.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Regional Water Quality Control Board

# Cedar Villas Private Residential Neighborhood

## Mitigation Discussion

### IV. BIOLOGICAL RESOURCES

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The following mitigation measures apply to subsection a) of Section IV of the Initial Study:

BIO-1: To avoid impacts to nesting birds (common and special status) during the nesting season (February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds) a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to Project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required.

BIO-2: *If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon California Department of Fish and Wildlife (CDFW) Staff Guidance Regarding Avoidance of Impacts. Buffer zones vary based on the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.*

### V. CULTURAL RESOURCES

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The following mitigation measures apply to subsections a) and b) of Section V of the Initial Study:

CR-1: The Project Proponent shall have a qualified archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983), on-call to assess any archaeological resources that may be uncovered. The archaeological consultant shall be permitted to examine the find and make recommendation in accordance to professional practices and, if deemed necessary, recommend the initiation of an archaeological monitoring program.

c) Disturb any human remains, including those interred outside of formal cemeteries?

The following mitigation measure applies to subsection c) of Section V of the Initial Study:

CR-2: Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 50-foot radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The City of Rialto and the Project Proponent shall also be called and informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

## VII. GEOLOGY AND SOILS:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

iii) Seismic-related ground failure, including liquefaction?

The following mitigation measure applies to subsection a) (iii) of Section VII of the Initial Study:

GEO-1: All recommendations contained within the Preliminary Soil Investigation Report prepared by Soil Exploration Company, Inc. and as approved by the City Engineer as part of the plan review process shall be implemented prior to issuance of a grading permit.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The following mitigation measure applies to subsection f) of Section VII of the Initial Study:

GEO-2: The Project Proponent shall have a qualified paleontologist on-call to assess any fossil (paleontological) specimens that may be uncovered during earth-moving activities within the project area. If grading and excavations occur below 5 feet or if fossil specimens are identified, the remainder of earthmoving activities shall be subject to paleontological monitoring by a qualified paleontologist. The paleontological monitoring must be planned and conducted in a manner consistent and compliant with the policies and guidelines of the San Bernardino County Museum, Redlands. Should paleontologist resources be identified, the paleontological consultant shall be permitted to examine the find and make recommendation in accordance to professional practices and, if deemed necessary, recommend the initiation of a paleontological monitoring program.

#### XVIII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of historical resources as defined in Public Resources Code section 5020.1(k)?

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

The following mitigation measures apply to subsections a) and b) of Section XVIII of the Initial Study:

- TCR-1: **Retain a Native American Monitor/Consultant:** The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
- TCR-2: **Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal, cultural, and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.
- TCR-3: **Public Resources Code Sections 21083.2(b) for unique archaeological resources:** Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not

feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

**TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects:** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or 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 (NAHC) and PRC 5097.98 shall be followed.

**TCR-5: Resource Assessment & Continuation of Work Protocol:** Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

**TCR-6: Kizh-Gabrieleno Procedures for burials and funerary remains:** If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the

same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**TCR-7: Treatment Measures:** Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

**TCR-8: Professional Standards:** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human

remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.