

5. Environmental Analysis

5.3 CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) evaluates the potential for implementation of the proposed project to impact cultural resources in the City of Fontana. Cultural resources comprise archaeological and historical resources. Archaeology studies human artifacts, such as places, objects, and settlements that reflect group or individual religious, cultural, or everyday activities. Historical resources include sites, structures, objects, or places that are at least 50 years old and are significant for their engineering, architecture, cultural use or association, etc. In California, historic resources cover human activities over the past 12,000 years. Cultural resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. The analysis in this section is based in part on the following information:

- *Cultural and Paleontological Resources Assessment for the Fontana Campus Master Plan Environmental Impact Report Project, City of Fontana, San Bernardino County, California*, Cogstone, November 2021. (Appendix G)

A complete copy of this study is in Appendix G of this Draft EIR.

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists 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 ensures that historic properties are considered during federal project planning and 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.

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Native American Graves Protection and Repatriation Act

NAGPRA is a federal law passed in 1990 that mandates 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 or culturally affiliated Indian tribes.

California Public Resources Code

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 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 designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage Commission; require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

5.3.1.2 EXISTING CONDITIONS

Historical Resources

A records search of the California Historical Resources Information System from the South Central Coastal Information Center at California State University, Fullerton, was conducted for the project site and a half-mile radius. Results of the record search indicated that no previous studies were completed within the project site, and 17 studies were completed within a half-mile radius of the project site. The records search found that no cultural resources have been recorded within the project site, but six cultural resources have been documented within the half-mile search radius. As shown in Table 5.3-1, *Previously Recorded Cultural Resources Within a Half-Mile Radius*, these consist of one historic built-environment resource, one prehistoric archaeological site, and four prehistoric archaeological isolates. Five of the six historical resources were determined “not eligible” for the NRHP and CRHR listing, and one prehistoric archaeological site recorded in 1984 was not evaluated for the NRHP and CRHR listing.

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Table 5.3-1 Previously Recorded Cultural Resources Within a Half-Mile Radius

Resource Type	Resource Description	Year Recorded	Distance from Project Site	NRHP/CRHR Status
Prehistoric Archaeological Site	Campsite with numerous quartz and metavolcanic flakes, scraper planes, manos, and flake scrapers	1984	0.25–0.5 mile	Unevaluated
Historic Built Environment	Segment of the Chino-Hayfield 220kV transmission line	2012, 2013, 2014, 2018, 2019	0.25–0.5 mile	Recommended not eligible
Prehistoric Archaeological Isolate	One schist metate fragment and two flakes from meta-sedimentary lithic material	1981	0.25–0.5 mile	Not eligible
Prehistoric Archaeological Isolate	Two flakes, one meta-volcanic and one crystalline quartz	1981	0.25–0.5 mile	Not eligible
Prehistoric Archaeological Isolate	Clear crystalline quartz flake-unifacially retouched along two edges	1981	0.25–0.5 mile	Not eligible
Prehistoric Archaeological Isolate	Unifacial schist mano fragment	1981	0.25–0.5 mile	Not eligible

Source: Cogstone 2021.

In addition to the records search at the South Central Coastal Information Center, a variety of sources were consulted in October 2021 to obtain information regarding the cultural context of the project site and its vicinity. Sources included the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), Built Environment Resource Directory, California Historical Landmarks, and California Points of Historical Interest. These additional searches did not identify a historical resource.

Project Site Survey

Cogstone’s archaeologist and architectural historian surveyed the project site using one- to three-meter transects. Ground visibility on the project site was approximately 85 percent. The vegetation consisted of eucalyptus trees, Russian thistle, various low weeds, and pine trees. The intensive pedestrian survey revealed that the project site has been heavily disturbed for agricultural purposes, and sediments consist of dark brown sandy silt alluvium.

The survey identified one historic archaeological resource (20211005.SD.001). The location of the find, 20211005.SD.001, is shown on Figure 5.3-1, *Survey Result Map*. The resource 20211005.SD.001 consists of a 150-foot by 25-foot by 5-inch thick concrete slab foundation that contained five troughs, each 6 feet long by 2 feet wide by 9 inches deep. The USDA 1953 and 1966 historical aerial photograph show a second slab to the east, aligned parallel and with an approximately 35 feet gap in between; another pair of similar slabs is 20 feet directly to the south. All four slabs appear to have flat-roofed or domed superstructures on top of them in a 1959 USDA historic aerial photograph. A story in the *San Bernardino County Sun* from that same year indicates that the property was associated with the rearing of livestock such as poultry. The size of the troughs is also consistent with raising larger animals such as pigs, goats, or sheep.

The survey observed piles of building material concentrations—mixed concrete and wood refuse and a number of partially decayed sections of wood fence. However, because they do not appear in any historical aerial photographs, they were not recorded as historical resources.

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5.3.2 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:

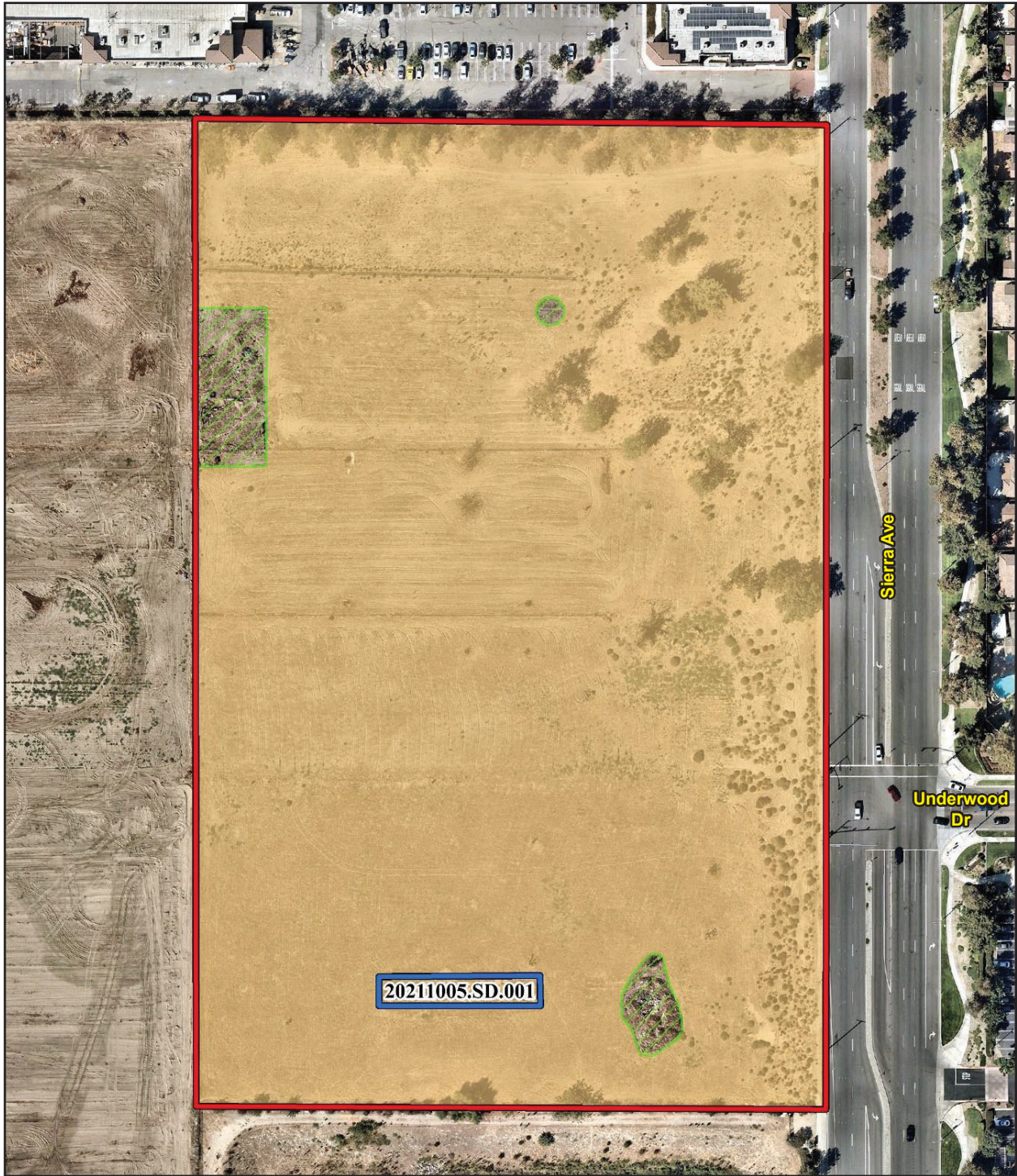
- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or 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. (PRC § 5024.1; 14 CCR § 4852)



The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a 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 a 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 Disturb any human remains, including those interred outside of dedicated cemeteries.
- C-4 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Figure 5.3-1 - Survey Result Map
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-  20211005.SD.001
-  Building Material Concentration
-  Intensive Pedestrian Survey
-  Project Boundary

0 150
Scale (Feet)



Source: Cogstone, 2021

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5.3.3 Plans, Programs, and Policies

Plans, programs, and policies (PPP), including applicable regulatory requirements and project design features for air quality, are identified below.

PPP CUL-1 All construction activities will be conducted in accordance with Section 7050.5 of the California Health and Safety Code regarding the potential discovery of human remains. 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 or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has been contacted. If applicable, the Native American Heritage Commission will be responsible for designating the most likely descendant (MLD), as required by Section 5097.98 of the California Public Resources Code. If the landowner rejects the recommendations of the MLD, the burial location would be determined in compliance with California Public Resources Code, Section 5097.98.

5.3.4 Environmental Impacts

5.3.4.1 IMPACT ANALYSIS

The following impact analysis addresses the thresholds of significance; the applicable thresholds are identified in brackets after the impact statement.

Impact 5.5-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. [Threshold C-1]

As discussed in Section 5.3.1.2, *Existing Conditions*, during the site survey, a foundation slab (20211005.SD.001) was identified as a historical resource. This resource consists of a 150-foot by 25-foot by 5-inch-thick concrete slab foundation that contained five troughs, each 6 feet long by 2 feet wide by 9 inches deep. This find appeared in historical aerial photographs dating back to 1953. An NRHP/CRHP evaluation was conducted for this find and concluded that the find does not meet any of the four criteria to be eligible. The historic context of the find is agriculture in California from 1959 to 1971.

Criteria A/1. Is this resource associated with events that have made a significant contribution to the broad patterns of our history? Despite extensive research of the property, including but not limited to historical newspaper articles; census records; and birth, marriage, and death certificates, it does not appear that this foundation is associated with events that have made a significant contribution to the broad patterns of our history. Therefore, this foundation pad is not recommended eligible for listing in the NRHP under Criterion 1 or the CRHR under Criterion A.

Criteria B/2. Is this resource associated with the lives of significant persons in our past? Extensive research of the property, including but not limited to historical newspaper articles; census records; and birth, marriage, and death certificates, found that this foundation pad was constructed while under the ownership of Robert B. Wurgaft. Little information was found regarding this individual. Due to a lack of information, this

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foundation pad is recommended not eligible for listing in the NRHP under Criterion B or the CRHR under Criterion 2.

Criteria C/3. Does this resource embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction?

This foundation does not embody the distinctive characteristics of a type, period, or method of construction, nor represent the work of a master, nor possess high artistic values. Therefore, this foundation is recommended not eligible for listing in the NRHP under Criterion C or the CRHR under Criterion 3.

Criteria D/4. Has this building yielded or is it likely to yield, information important to history or prehistory?

No historic-age artifacts were found in association with the foundation, nor were there any depressions that may be indicative of a dug-out home or trash pit. The resource labeled 20211005.SD.001 was sitting on the ground, and there were no indications that the resource continued below the surface. Therefore, this resource does not nor is likely to yield information important to history or prehistory. This foundation is recommended not eligible for listing in the NRHP under Criterion D or the CRHR under Criterion 4.

Integrity (Location, Design, Materials, Feeling, Workmanship, Association, and Setting). The foundation retains its integrity of Location. All that remains of this resource is the concrete foundations and five matching concrete troughs. Therefore, this resource no longer retains its integrity of Design, Materials, Feeling, Workmanship, or Association. The demolition of the historic-aged resources on the property around 1980 and the development of the residential and commercial area to the east and south have substantially reduced its integrity of Setting.

Level of Significance Before Mitigation: Less than significant impact.

Impact 5.3-2: The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. [Threshold C-2]

Based on the history of ground disturbance, results of the pedestrian survey and the cultural records search, and the negative sacred lands file search from the Native American Heritage Commission, the Cultural and Paleontological Resources Assessment concluded that the project site has low sensitivity for archaeological resources. However, because the proposed project would require grading and excavation, the potential discovery of previously unidentified archaeological resource cannot be precluded. Therefore, impacts would be considered potentially significant.

Level of Significance Before Mitigation: Potentially significant impact.

Impact 5.3-3: The proposed project would not disturb any human remains, including those interred outside of dedicated cemeteries. [Threshold C-3]

Prior to development, Fontana was an agricultural town of citrus orchards, vineyards, and chicken ranches. The earliest available USGS topographic quadrangle map dates to 1896 and shows no development within the project site and its surrounding area. Structures begin to appear in the aerial photograph from 1953. There are

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no historical records indicating that the project site was a cemetery or a burial site. The Cultural and Paleontological Resource Assessment did not identify high sensitivity for archaeological resources. Although unlikely, due to the ground disturbance associated with construction, there is potential that natural landform beneath the site could potentially disturb human remains. In the unlikely event that human remains are encountered during project development, all work is required to cease near the find immediately, and the county coroner must be notified if potentially human bone is discovered, in accordance with California Health and Safety Code Section 7050.5 (see PPP CUL-1).

The coroner will determine, within two working days of being notified, if the remains are subject to his or her authority. If the coroner has reason to believe the remains are Native American, he or she will contact the Native American Heritage Commission by phone within 24 hours, in accordance with PRC Section 5097.98. The Native American Heritage Commission will designate a “most likely descendant” with respect to the human remains. The descendant has the opportunity to recommend—to the property owner or the person responsible for the excavation—ways for treating or disposing of, with appropriate dignity, the human remains and associated grave goods. Work may not resume in the vicinity of the find until all requirements of the Health and Safety Code have been met. PRC 5097.5a provides that

A person shall not knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands [lands under state, county, city, district or public authority jurisdiction, or the jurisdiction of a public corporation (5097.5b)], except with the express permission of the public agency having jurisdiction over such lands.

Violation of this section is a misdemeanor. Implementation of PPP CUL-1 would ensure that grading activities do not result in adverse impacts to human remains.

Level of Significance Before Mitigation: Less than significant impact.

5.3.5 Cumulative Impacts

The area considered for cumulative impacts to historic and archaeological resources is the city of Fontana. There are 12 cumulative development projects in the city as identified in the Draft EIR Section. 4, *Environmental Setting*, Table 4-1, *Cumulative Development Land Use Summary*. Six cultural resources have been identified within a half mile of the project site and other cultural resources could be identified with development of cumulative projects in the city. However, as with the proposed project, other cumulative projects would be required to comply with CEQA Guidelines Section 15064.5, which requires the lead agency to determine if discovered resources are unique or historically significant, and if so, to avoid or mitigate impacts to such resources in accordance with the provisions of PRC Section 21083.2. Provided that site-specific impacts are reduced to a less than significant level with appropriate treatment by qualified historical and archaeological consultants would ensure that potential impacts to cultural resources (historical and archaeological) are handled and treated so that culturally significant or unique resources are not adversely impacted individually and cumulatively. Incremental impact to the project site and other development sites within the city would not result in cumulatively significant impacts.

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5.3.6 Level of Significance Before Mitigation

Upon implementation of PPP CUL-1, the following impacts would be less than significant: 5.3-1 and 5.3-3.

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

- **Impact 5.3-2** Implementation of the proposed project could unearth previously unidentified archaeological resources during ground-disturbing activities.

5.3.7 Mitigation Measures

Impact 5.3-2

CUL-1 During grading and site preparation activities, the construction contractor retained by the Chaffey Community College District (District) shall monitor all construction activities. In the event that cultural resources (i.e., prehistoric sites, historic sites, and/or isolated artifacts) and/or tribal cultural resources are discovered, work shall be halted immediately within 60 feet of the discovery and the construction contractor shall inform the project manager of the District. Construction activities may continue in other areas during the assessment period. The District shall retain a qualified archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in Archaeology to analyze the significance of the discovery. Additionally, the San Manuel Band of Missions Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in Mitigation Measure TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes the initial assessment of the nature of the find, so as to provide tribal input with regards to significance and treatment. If, in consultation with the District, the discovery is determined not to be important pursuant to State law described below, work will be permitted to continue in the area.

If the qualified archaeologist determines a resource to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the District to develop a monitoring and treatment plan (the plan). The plan should serve to reduce impacts to the resources and allow construction to proceed. The plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. The draft of the plan shall be provided to SMBMI for review and comment, as detailed in Mitigation Measure TCR-1. The qualified archaeologist shall monitor the remainder of the project site and implement the plan accordingly. 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.

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The District shall offer any historic archaeological material that is not Native American in origin for curation at a public, nonprofit institution with a research interest in the materials. If no institution accepts the archaeological material, the District shall keep the archaeological material within the campus library or other District campus library for educational purposes.

5.3.8 Level of Significance After Mitigation

The mitigation measure would reduce potential impacts to cultural resources to a level that is less than significant. Therefore, no significant, unavoidable, adverse impacts to cultural resources have been identified.

5.3.9 References

Cogstone. 2021, November. Cultural and Paleontological Resources Assessment for the Fontana Campus Master Plan Environmental Impact Report Project, City of Fontana, San Bernardino County, California. DEIR Appendix G.

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