

## **4.4 – CULTURAL RESOURCES**

### **4.4.1 INTRODUCTION AND METHODOLOGY**

The information in this Chapter is based on a Phase 1 Cultural Resources Investigation, prepared by McKenna et al., dated January 8, 2018, which reviewed the Specific Plan site conditions and the potential for impacts to cultural resources (see **Appendix E** of this Draft EIR).

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, or scientific importance. The term cultural resources also encompasses the National Historic Preservation Act (NHPA) term “historic property” as well as CEQA terms “historic resource” and “unique archaeological resource.” Under the NHPA, historic property refers to a property that is listed on, or determined eligible for listing on, the National Register of Historic Places (NRHP). Under CEQA, historic resource means a property that is listed on, or determined eligible for listing on the California Register of Historical Resources (CRHR). Unique archaeological resources are archaeological artifacts, objects, or sites that contain information to answer important scientific questions, possess a particular quality such as the oldest of its type, or are directly associated with a recognized important prehistoric or historic event or person.

#### **Archaeological Records Search**

McKenna et al. completed a standard archaeological records search through the California State University, Fullerton, South Central Coastal Information Center in Redlands. This research included a review of previously completed projects within one mile of the Specific Plan site; a review of the recorded cultural resources within one mile of the Study Area; a review of listings for the NRHP, CRHR, California Landmarks and California Points of Historical Interest. Historic maps were also reviewed. The results of these records search are documented in the Phase 1 Cultural Resources Investigation (see **Appendix E** of this Draft EIR).

#### **Native American Consultation**

McKenna et al. consulted with the Native American Heritage Commission (NAHC) as to the presence/absence of sacred or religious sites in the vicinity of the Study Area. McKenna et al. also sent letters to those Native American representatives identified by the NAHC, requesting information on any issues, concerns, or resources they may be aware of and requested written responses. At the request of the City, McKenna et al. represented the City with respect to Senate Bill 18 (SB 18) consultation (see Section 4.4.3 below). All correspondence and responses have been incorporated into the Phase 1 Cultural Resources Investigation (see **Appendix E** of this Draft EIR).

#### **Historic Background Research**

Historic background research was completed through a review of the Bureau of Land Management, General Land Office Records, the San Bernardino County Assessor’s Office, the San Bernardino County Archives, local Historical Society publications, the City of Loma Linda address files, and the McKenna et al. in-house library. Additional research was completed at the University of California, Riverside, Historic Map Library and the County Recorder’s Office. McKenna et al. also reviewed brief histories of the Cities of Redlands and Loma Linda and biographical documentation for the individuals associated with the Study Area.

#### **Field Survey**

A field survey of the Phase Two Concept Area was completed, in part, on June 17 through 19, 2015 and supplemented on July 8, 2015 for the Citrus Trails Master Plan and Tract Map No. 18990 Project. The surveys were completed by Richard S. Shepard, MA/RPA, under the supervision of Jeanette A. McKenna, MA/RPA, and Principal Investigator for McKenna et al.

For the proposed Project, Mr. Shepard conducted a pedestrian survey of open and accessible areas between December 5 and December 8, 2017. Ms. McKenna completed the field studies addressing standing structures and other improved properties on December 11 and December 21, 2017. Prior to the completion of the field surveys, the Study Area was identified physical boundaries (e.g. streets and landmarks). To insure adequate coverage, the Study Area was subjected to a systematic pedestrian survey of transects through the existing groves and more intensive coverage was conducted in the areas associated with structures and/or other features. The surveyors carried GPS units to record the locations of any identified resources and the surveys were supplemented by field notes (on file, McKenna et al.) and a detailed photographic record (Appendix E of the Phase 1 Cultural Resources Investigation, found in **Appendix E** of this Draft EIR).

#### **4.4.2 ENVIRONMENTAL SETTING**

##### **Geologic Setting**

The property is essentially flat, with the average elevation being 1180 feet above mean sea level (AMSL). The soils are loose and sandy, consistent with the alluvial plain associated with the Santa Ana River. Geological testing to the northwest has dated the older alluvium to approximately 25,000 years B.P. (before present). The Study Area is defined as consisting of the Hanford Series: Hanford Sandy Loam (Hs) in the northern and southern portions of the Study Area; Hanford Loam (Hl) in the eastern-central portion of the Study Area; Hanford Fine Sandy Loam (Hf) in the western-central portion of the Study Area; and a small area of Tujunga Fine Sandy Loam (Tf) in the vicinity of Redlands Blvd. The general area is dominated by the presence of sandy top soils and mature citrus groves.

The Study Area is within an area dominated by younger Quaternary alluvium, primarily derived from the Crafton Hills, and fluvial deposits of the Santa Ana River. These deposits are not considered conducive to yielding fossil specimens. The Natural History Museum of Los Angeles County has no record of any fossil localities in this area, noting the nearest fossil find was to the south, in the San Jacinto Valley.

Shallow excavations in the younger Quaternary Alluvium exposed through the Specific Plan site probably will not encounter any significant vertebrate fossils. Deeper excavations that extend down into older sedimentary deposits, however, may well uncover significant vertebrate fossil remains. Older sedimentary deposits are not expected within the first five feet of soils.<sup>1</sup> During the recent investigations, McKenna et al. found no surficial evidence of paleontological specimens.

##### **Cultural Setting**

###### *Prehistoric Overview*

The geographical area associated with southwestern San Bernardino County and northwestern Riverside County is generally considered to be within the traditional Luiseño territory, although many have argued that it is highly likely that the area is also associated with the Gabrieliño (Gabrielino), Cahuilla, and/or Serrano. The area west of Yucaipa is within a triangle that included the Luiseño, Cahuilla and Serrano, but not the Gabrielino, despite the association with the *Asistencia* - an outpost of Mission San Gabriel de Arcangel. These three populations were related linguistically and were hunters and gatherers, as were most Southern California Native Americans prior to European contact. During the Late Prehistoric Period and into the proto-historic period, there is some evidence of village development and the beginning of agricultural activity.

Despite the various opinions, this area can be more strongly associated with the Serrano and Cahuilla. Early studies of the Serrano and Cahuilla, as well as the Luiseño emphasized anthropological/ethnographic studies with similar conclusions. More recently, however, the investigations have relied on archaeological data. Additional studies have been presented in association with the Society for California

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<sup>1</sup> CRM TECH, Paleontological Resources Assessment Report, Orchard Park Project, July 3, 2003.

Archaeology, presenting updated information on Southern California in general. These studies tend to lead towards the Serrano and Cahuilla associations, but also acknowledge the Gabrielino influences.

The archaeological data and correlations with ethnographic data have resulted in the establishment of a chronology for Southern California prehistoric times. Overall, studies suggest the major occupations by Native Americans in the Redlands/Loma Linda areas date predominantly to the Late Prehistoric period (post-A.D. 750). Additional studies and analyses of identified prehistoric sites yielding statistically valid artifact assemblages and chronologically sensitive samples can be used to further the understanding of Native American activities in the area and in the assignment of cultural affiliations.

### Historic Overview

In the 1770s, the Spanish padres, under the direction of Junipero Serra, began the process of establishing a series of missions throughout Alta California, as California was then known. The mission system continued to supervise these large tracts of land until the Mexican government declared its independence from Spain and issued orders for the secularization of the Missions (circa 1824).

By 1833-34, the majority of Mission lands were taken from the Catholic Church and reissued to individuals who had served as Spanish or Mexican soldiers, settlers, financiers, etc. The Mexican government hoped to initiate a pattern of settlement in Alta California by relocating populations from other Mexican settlements to recently established Alta California settlements. The Study Area (western Redlands and eastern Loma Linda, in particular) was under the general jurisdiction of the Mission San Gabriel de Arcangel (in Los Angeles County; the Mission San Luis Rey being too far distant). The Mission San Gabriel de Arcangel provided “visiting” padres and, eventually, established the *Asistencia* (later defined as being within Redlands) to facilitate the Church’s needs. The Mission San Gabriel de Arcangel was established in 1771 and claimed jurisdiction over the lands now recognized as the San Gabriel and San Bernardino valleys. The *Asistencia* was established in 1819 to provide a presence in the area and to serve the scant population of Native Americans, Spanish, and Mexican settlers. Native Americans were instrumental in the construction of the facility, lived nearby, and were actively involved in the day-to-day active ties.

The Study Area is located between the *Asistencia* and the reported location of the Native American village (Guachama; Village/Encampment; California Historic Landmark #95). Shortly after the establishment of the *Asistencia*, the Spanish lost Alta California to the newly established Mexican government. Spanish and Mexican period ranchos, for the most part, were recognized and maintained by the respective grantees. Much of the Church lands were taken and reissued as grants, leaving the Mission San Gabriel de Arcangel with a fraction of their earlier holdings.

The historic Mill Creek Zanja irrigation ditch crosses the southern portion of the Study Area parallel to Mission Road. Construction of the Mill Creek Zanja irrigation ditch by Native American labor, completed in 1820, was fundamental to initiating development and agriculture in the Study Area. The Mill Creek Zanja is described as San Bernardino County’s “first irrigation ditch.”

The Study Area is within the southeastern corner of the historic Rancho San Bernardino, just north of the southern boundary (now Barton Road). This Mexican Period rancho was a 35,509 acre property grants to José del Carmen Lugo, José María Lugo, Vicente Lugo (all sons of Antonio María Lugo), and Diego Sepulveda by Governor Juan Alvarado in 1842 and included the area of the *Asistencia*. The rancho was used primarily for ranching. In 1852, following the acquisition of California by the United States, this land grant was confirmed to José del Carmen Lugo, José María Lugo, Vicente Lugo, and Diego Sepulveda. However, in 1851, with the possibility the grant would not be patented to the listed owners, the rancho was sold to Mormon settlers (1851). The Mormons invested heavily in the establishment of their settlement and subdivided the Rancho in anticipation of other settlers. When the Mormon colony members were called back to Utah, some chose to stay in California and continue with their enterprises. Two such settlers were Amasa Lyman and Charles Rich.

Dr. Benjamin Barton, settling in the Redlands area in 1857, purchased 640 acres of land from Amasa Lyman and Charles Rich and established the Barton Ranch, which included the *Asistencia* complex. He lived and worked in San Bernardino until circa 1859, when he sold his San Bernardino property and relocated to his ranch near Redlands. Barton and his family occupied the *Asistencia* until their residence was completed in 1867, just west of the *Asistencia* compound, and planted citrus, grapes, and row crops. Portions of his property also remained fallow. The land west of Barton Ranch was also open for purchase. In this case, some early owners were identified in 1877 as the Curtis, Pishon (later, Hinckley), Frink, Wilson, Cole, Hicks, and Van Leuven families.

A general summary of the historic mile markers is presented here:

- 1857 Anson Van Leuven purchased 80 acres west of Mountain View Avenue
- 1858 Benjamin Barton purchased 640 acres east of California Street, including the historic *Asistencia* complex
- 1859 The Cole Ranch is established
- 1874 The Frink Adobe is constructed on Mission Road (Cottonwood Row)
- 1875 Mound City Land Company was incorporated
- 1876 The adobe storehouse remain at Guachama were demolished for orchard development
- 1877 Mission Road (Cottonwood Row) appears on the local maps
- 1880 A Brookside Winery adobe was reportedly relocated to Mission Road (adobe may have come from Van Leuven property)
- 1883 Frank Hinckley purchased 60 acres, enlarged the Pishon residence, more orchard development
- 1886 The Cole residence was built on Redlands Blvd.
- 1887 Mound City Land and Water Company was organized; Mound City was platted
- 1888 The Redlands Motor Road was established along Mission Road (ran until 1910)
- 1895 A Victorian cottage was constructed along Redlands Blvd.
- 1898 San Bernardino Valley was dominated by citrus groves with ample water supply
- 1904 Nathaniel Hinckley constructed his residence on Mission Road
- 1905 College of Medical Evangelists was opened by Seventh Day Adventists in Mound City
- 1910 SPRR rerouted San Timoteo Creek to the Mission District to prevent flooding along their rail route
- 1912 Van Leuven Craftsman residence was constructed on Mission Road
- 1915 Van Uffele Craftsman residence and dairy constructed on Mission Road
- 1916 Hinckley "mansion" demolished and replaced by three worker's residences
- 1920 Curtis cottage constructed at 10684 California Street
- 1926 Paxton family residence constructed on Mission Road
- 1935 New Mission School approved by WPA
- 1937 New Mission School completed

The acreage between Redlands and Loma Linda (the Mission Township), along with the areas east of Redlands (Mentone, Grafton, Yucaipa, etc.) were dominated by citrus by 1900. Although Riverside (and northwestern Riverside County) were also famous for their citrus industry, San Bernardino County was not far behind. By 1893, the citrus industry was so successful, it was becoming difficult to transport the harvest and additional infrastructure was needed. In the 1880s, San Bernardino County established the "Orange Show" and, in 1893, the California Citrus Industry was featured at the World's Fair in Chicago.

Of the approximate 7500 citrus trees in San Bernardino County in circa 1872, an estimated 1500 trees likely planted on the William Curtis properties represented approximately 20% of the entire crop. Another 60 acres was planted by the Hinckleys (10%) and even more acreage has been attributed to the Curtis and Hinckley neighbors (approximately 30%). It is estimated the Mission District, north of Mission Road, accounted for approximately 60% of the citrus planted in San Bernardino County prior to 1872. By 1900, the Mission District still accounted for approximately 30% of the citrus in the County, rendering the area one of the most significant and successful communities in the region. The original groves in California,

including those further north (e.g. Santa Barbara and Santa Clara) were not the famous Washington navel oranges introduced to California by Eliza Tibbets, but Tibbets' oranges eventually dominated the industry, rendering Riverside the more recognized citrus center.

### Mission District

The Study Area lies within the Mission Historic Overlay District (Mission District), one of the four potential Historic Districts identified in the City.<sup>2</sup> Historic districts are areas containing concentrations of improvements with historic interest or value. The Mission District extends along both sides of Mission Road between California Street to the east and Pepper Way to the west. The Mission District includes both a potential ethnohistoric archaeological site and numerous standing structures.

### Cultural Resource Records Search Results

Research into previously completed studies and recorded resources was completed through the California State University, Fullerton, South Central Coastal Information Center in Redlands. McKenna et al. confirmed portions of the Study Area were previously investigated, in some cases more than once. As shown in Table 6 of the Phase 1 Cultural Resources Investigation (**Appendix E** of this Draft EIR), five general overviews and 162 area specific studies have been completed within one mile of the Study Area.

Numerous cultural resources were identified within a one-mile radius of the Study Area. A total of 30 cultural resources were identified within the Study Area. Of these, three were identified as isolated finds (one historic bottle base and at least five prehistoric/protohistoric manos. Each of these artifacts were recovered and will not be impacted by any proposed development. The presence of the manos attests to the potential for additional Native American resources to be identified within the Study Area. Also, in 2015, two additional isolated manos were identified by McKenna et al., but included in the larger site description and not assigned as individual resources. Their presence has resulted in a minimum of five manos recovered from the Study Area and further attests to the potential for the area to yield additional evidence of Native American use of the area.

Thirteen resources were previously evaluated and determined to be insignificant and/or ineligible for listing in the NRHP, the CRHR, or local listing (local landmark). Four other resources have since been demolished. One resource, the San Bernardino/Sonora Road, has not been relocated, but identified only by maps. One other resource, the Hugh Cole residence, has been relocated to Heritage Park.

Heritage Park, itself, represents a compilation of historic-period resources and may, be considered a historic resource. However, since the features have been relocated to establish this Park, it is considered more of a modern entity, but still locally significant, as it is representative of the history of the Mission District.

The seven remaining resources, plus the three roadways, have been identified as significant or potentially significant historical resources within the Study Area, including:

- n.a. Guachama
- 1819 Mill Creek Zanja (P-36-002311)
- 1820 Mission Road (P-36-016417)
- 1871 Frink Adobe (P-36-008092)
- >1887 Colton Avenue/Redlands Boulevard
- >1887 California Street
- 1912 Nat Hinckley Residence (P-36-013888)
- 1912 Van Leuven Residence (P-36-013891)
- 1930+ Frink Ranch Structures (P-36-19932)
- 1938 Mission Elementary School

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<sup>2</sup> Loma Linda General Plan EIR, Chapter 4.5. 2004.

The majority of resources identified in the Study Area are associated with the historic periods ranging from the establishment of the *Asistencia* through the citrus orchard developments.

The "*Zanja Historic Landscape*" has been recently designated and listed in the Sacred Land Files of the Native American Heritage Commission. Its boundaries are expected to mirror that of the Mission District, with a possible limiting of the eastern boundary to the *Asistencia*. This "Landscape" includes the identified areas of the Mill Creek Zanja and encompasses the Village of Guachama (California Historical Landmark SBR-95). Despite this general description, portions of the *zanja* (California Historical Landmark SBR-43; National Register of Historic Places NR-L-77-329) have not been identified in a field setting and the actual boundaries of *Guachama* continue to change, as new data is compiled. Both resources are also considered to be historic-period resources, but associated with Native American labor and occupation. It is also highly likely evidence of the early *Asistencia* features may also be identified within the area. Therefore, the entire Study Area and, more specifically, the Specific Plan site, must be considered highly sensitive for the presence of resources associated with the *Zanja Historic Landscape* and considered a "sacred" resource by the Native American Heritage Commission and local Native American representatives.

There are numerous structures in and around the Study Area. However, research and prior evaluations have resulted in the identification of only three standing structures within the Phase Three Concept Area: the Frink Adobe, the associated Frink Ranch utility structures, and the Van Leuven residence.

#### Native American Consultation

In 2014-2015, McKenna et al. contacted the Native American Heritage Commission and requested they review their files regarding the Phase Two Concept Area (Citrus Trails Project area). The Commission reported that they had no records of Native American sacred or religious sites in or near the Phase Two Concept Area.

As identified, the NAHC acknowledged that any one or more of the four main Native American populations may be represented in the archaeological record in the Loma Linda/Redlands area, including the Luiseño, Cahuilla, Serrano, and Gabrieliño. Current archaeological data indicates the area is likely to yield evidence of the Serrano, Cahuilla, and/or Gabrieliño, but too far north for a strong Luiseño influence, though such an influence is not totally discounted.

For the Phase Two Concept Area project, and at the request of the City of Loma Linda, McKenna et al. acted as the point of contact for SB 18 consultation and to this end, sent letters to the Native American representatives identified by the NAHC as wishing to be informed and permitted to comment on projects within their traditional territories.

During consultation for the Citrus Trails Project, two formal responses were received from the Soboba and Gabrieliño/Tongva Band of Mission Indians. The Soboba response requested additional information pertaining to the proposed Project be forwarded to their representative(s) and person-to-person consultation with City representatives. The Soboba requested the Soboba/Luiseño be recognized as the consulting tribal entity for the proposed Project. Included in the response was an emphasis on the high level of sensitivity for the area to yield evidence of the Native American presence in the area. If the Project site is monitored during site preparation, a request for a Soboba representative was included.

The Gabrieliño/Tongva Band of Mission Indians responded and emphasized the association of the Gabrieliño/Tongva to the *Asistencia* and surrounding areas. The representative noted that Gabrieliño/Tongva people accompanied the Mission San Gabriel de Arcangel padres to the *Asistencia* area and assisted in the development of the *Asistencia* and Mill Creek Zanja. He also reiterated the high level of sensitivity for Native American archaeological resources and requested a monitoring program be incorporated into the recommendations for the proposed Project.

For the proposed (i.e., Phase Three Concept Area) Project, McKenna et al. contacted the Native American Heritage Commission and requested they review their files regarding the Specific Plan site and the overall Study Area. The Commission responded on December 5, 2017, that sites had been located within the Study Area that may be impacted by the project and to contact the San Manuel Band of Mission Indians for more information about these sites.

Once again, at the request of the City of Loma Linda, McKenna et al. acted as the point of contact for SB 18 consultation and to this end, sent letters to the Native American representatives identified by the NAHC as wishing to be informed and permitted to comment on projects within their traditional territories.

With respect to the SB 18 consultation for the proposed Project, McKenna et al. received a single response, from the San Manuel Band of Mission Indians. Jessica Mauck, Cultural Resources Analyst for the San Manuel, emphasized that on December 11, 2017, the Zanja Historical Landscape was established. This "Landscape" was formally placed in the Sacred Land File of the Native American Heritage Commission subsequent to the recent McKenna et al. request. The "Landscape" includes the western portions of the Zanja and the reported Village of Guachama. Ms. Mauck closed by stating "...the likelihood of multiple tribes consulting and monitoring any and all ground-disturbing activity located within the project area."

#### Field Survey Results

Field surveys, for the Citrus Trails Master Plan and Tract Map No. 18990 Project, were conducted on June 17 through 19, 2015, and on July 8, 2015, by Richard S. Shepard, MA/RPA, and Jeanette A. McKenna, MA/RPA and Principal Investigator for McKenna et al. Field surveys for the remainder of the Specific Plan site were conducted in December 2017, by Richard S. Shepard, and Jeanette A. McKenna. The Study Area was found to be readily accessible, essentially flat, dominated by citrus trees, and included various access roads.

Native American Resources - The intensive survey of the Study Area yielded no new evidence of prehistoric/Native American artifacts in the form of ground stone fragments. However, at least five manos were identified during earlier studies, indicating the Study Area is still sensitive for Native American artifacts, likely in a buried context. This includes two manos were recovered from the Phase Two Concept Area (see **Photo A of Exhibit 4.4-1: Cultural and Historic Resource Photographs**). The presence of the manos, both found on surfaces within the groves, confirms the potential for identification and recovery of Native American artifacts that may be associated with either the prehistoric or protohistoric temporal periods.

As discussed previously, the Zanja Historic Landscape has been recently designated and listed in the Sacred Land Files of the Native American Heritage Commission. Therefore, the entire Study Area and, more specifically, the Specific Plan site, must be considered highly sensitive for the presence of resources associated with the Zanja Historic Landscape and considered a sacred resource by the Native American Heritage Commission and local Native American representatives. Archaeological monitoring is required, per request by the Serrano and via professional archaeological protocols.

Historic Cultural Resources - Ten historic resources were identified within the Study Area: Guachama, a segment of the Mill Creek Zanja, three historic roads, five standing structures, and the orchards and associated orchard features. See **Exhibits 4.4-1 and 4.4-2: Cultural and Historic Resource Photographs (Photos A through F)**. In addition to these resources, Heritage Park, itself, represents a compilation of historic-period resources and may, be considered a historic resource. However, since the features have been relocated to establish this Park, it is considered more of a modern entity, but still locally significant, as it is representative of the history of the Mission District.



Photo A: Mano No. 2, in situ.



Photo B: Channeled Zanja Alignment at the Hinckley Property (26300 Mission Road).



Photo C: The Frink Adobe, ca. 1871.



Photo D: Frink Ranch Structures, ca. 1930s.



Photo E: Dewane Van Leuven Residence, ca. 1912.



Photo F: West Profile of the Hinckley Residence (east).

The historic Mill Creek Zanja irrigation ditch crosses the southern portion of the Specific Plan site parallel to Mission Road. Although altered (channeled with concrete), the historic use of the zanja remains unchanged. The zanja has been evaluated in the past and is a National Register/California Landmark property. It is also of local historical significance. While the concreted segment identified within the Study Area (see **Photo B** of Exhibit 4.4-1) would not qualify as a contributing element to the overall resource, there is potential for buried intact portions to be present.

Mission Road is a California Point of Historical Interest and is also considered locally significant. Despite this significance, more than 60% of the roadway has been altered via widening, landscaping, and installation of infrastructure. The roadway is currently paved and no physical evidence of the original alignment was identified.

California Street has been recorded as a local historic resource, but alterations to the alignment have negated the integrity of the alignment. Redlands Boulevard is an historic roadway that has been significantly altered to the point of losing all historic integrity.

The Frink Adobe is one of the earliest structures in the area and one of only a few remaining adobe structures associated with founding families and the early citrus industry (see **Photo C** of Exhibit 4.4-1). It is intact and located at 26248 Mission Road. Although subjected to some alterations and upgrades, it maintains its original design and has been determined to be eligible for listing in the National Register of Historic Places (although not yet listed). It is also designated a California Point of Historical Interest (SBR-28), would qualify as a California Historical Resource (CRHR), and meets the requirements for local recognition as a landmark.

The Frink ranch structures are located on the Frink property (see **Photo D** of Exhibit 4.4-2) but tucked behind the three residential structures on Mission Road identified as “not-a-part” of the Specific Plan site. Research identified these structures as late additional to the area, but also structure integral to the successful citrus operations of the Frink family. An evaluation of these structures determined these corrugated metal structures did not meet the requirements for federal and/or state listing, but are locally significant for their contributions to the citrus industry and association with the Frink family. As such, they tentatively meet the requirements for recognition as a local landmark but have not yet be designated as such.

The Van Leuven residence is located at 26100 Mission Road (1912) and attributed to the descendants of the original Van Leuven family (see **Photo E** of Exhibit 4.4-2). This Craftsman residence is intact and retains its original design and materials. It has been well-maintained and is currently occupied. An evaluation of this residence resulted in a determination of local significance. As such, it qualifies as a local landmark. This residence is in its original location and on the periphery of the project area.

The Hinckley Ranch, located in the Phase Two Concept Area, is considered a part of the Mission District. Within the Hinckley Ranch, one standing structure (the Nathaniel Hinckley Residence, 26300 Mission Road) would qualify as a locally significant resource for its association with the historic ranch, the Hinckley family, and the association with the local citrus industry (see **Photo F** of Exhibit 4.4-2). In addition to the residence, a garage structure, now converted to office space, is located to the northwest of the residence. This structure is original to the complex but has been significantly altered. The garage is not considered a significant feature, as the alterations have obliterated the historic design of the building and it no longer serves its original purpose.

Orchards dominated Phase Two and Phase Three Concept Areas and are indicative of some of the last remaining citrus orchards in the area known to have been the initial areas of planting in San Bernardino County. Many of the citrus trees have been removed or left in an unattended state. The remaining citrus trees represent replacements for the original trees.

#### 4.4.3 REGULATORY SETTING

##### State

Senate Bill 18 (Chapter 905, Statutes of 2004; Amendment to Section 815.3 of the Civil Code; Amendment to Section 65040.2 of the Government Code)

SB 18 requires cities and counties to contact and consult with California Native American tribes before amending or adopting any general plan or specific plan, or before changing any zoning designations. SB 18 implementation requires the local governments, “to refer the proposed action to California Native American tribes, as specified, and also provide opportunities for involvement of California Native American tribes” (State of California 2004:1). As required by Government Code Sections 65352.3 and 65562.5, for purposes of consultation with California Native American tribes, the NAHC maintains a list of California Native American Tribes with whom local governments must consult. The list is developed and maintained by the NAHC, under authority granted by Government Code Sections 65092, 65352 and 65352.3.

Office of Planning and Research Tribal Consultation Guidelines (State of California Governor’s Office of Planning and Research 2005)

This document provides guidance to cities and counties regarding the process for consulting with Native American Indian tribes during the adoption or amendment of local general plans or specific plans, in accordance with the statutory requirements of SB 18.

##### California Register of Historical Resources

A significant historical resource, as defined by CEQA, is referred to as a “historical resource.” Such historical resources have been deemed eligible for inclusion in the CRHR per Title 14, California Code of Regulations (CCR), § 15064.5(a)(3), or are historically significant at a local level, such as a city, town, community, or county. This includes historic properties eligible for inclusion on the NRHP per PRC § 5024.1. The purposes of the CRHR are to maintain listings of the State’s historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP (36 CFR 60.4.). A cultural resource is considered historically significant under CEQA [Title 14, CCR § 15064.5(a)(3); State of California 2012] provided the resources retains integrity and meets one of four criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region or method of installation, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

If the cultural resource meets one of the above criteria, it is considered as eligible for listing in the CRHR as a historical resource, which receives protection from significant impacts under CEQA. According to the federal laws to which the State of California defers when its own laws do not apply to a situation, cultural resources are evaluated if they are 50 years old or older, unless they are exceptional according to a set of criteria considerations. The Instructions for Recording Historical Resources (California Office of Historic Preservation [OHP] 1995:2) states that “any physical evidence of human activities over 45 years old may be recorded for purposes of inclusion in the OHP's filing system. Documentation of resources less than 45 years old also may be filed if those resources have been formally evaluated, regardless of the outcome of the evaluation.”

Public Resources Code Section 5097-5097.993: Native American Historic Resource Protection Act: Archaeological, Paleontological, and Historical Sites; Native American Historical, Cultural, and Sacred Sites

This act protects cultural resources on California public lands and was amended by Senate Bill 1034 (State of California 2010). It states that no person shall “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, except with the express permission of the public agency having jurisdiction over the lands.”

AB 4239: Native American Heritage Act

The Native American Heritage Act, passed by California in 1976, established the NAHC for the purpose of protecting Native American heritage on State property (PRC §5097.9). The NAHC protects the heritage of California Indians and ensures their participation in matters concerning heritage sites. The NAHC also stipulates what specific procedures, laid out in the California Health and Safety Code (HSC), must be implemented if a Native American burial is uncovered during project construction or archaeological data recovery.

California Health and Safety Code Section 7050.5

The discovery of human remains is always a possibility during construction-related disturbances. The State of California Health and Safety Code Section 7050.5 addresses this possibility by stating that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98 which states that the Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

California Native American Graves Protection and Repatriation Act (Cal NAGPRA); Health and Safety Code Section 8010-8011 (State of California 2001)

This act mandates state agencies, local agencies, and museums to repatriate human remains and associated cultural items to California Indian Tribes, not only to federally recognized Indian Tribes within California. This act also aligns the state's repatriation policy with the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 *et seq*), and establishes penalties for noncompliance.

**Local**

City of Loma Linda General Plan

The Loma Linda General Plan's guiding policy for cultural resources is to “Preserve and protect the City's historic structures and neighborhoods. Identify and preserve the archaeological and paleontological resources in Loma Linda.” Implementing policies include:

- Preserve significant historic structures through review of demolition permits or alterations to such structures by the Historic Commission. Permit adaptive reuse of historic landmark structures for institutional, office, or commercial uses, where improvements to the structure retain the integrity of the historic landmark (see Community Design Element, Section 3.2).
- Where new development occurs around an historic structure, ensure that the surrounding setting is compatible with the historic structure (see Community Design Element).

- As a standard condition of approval for new development projects, require that, if cultural or paleontological resources are encountered during grading, alteration of earth materials in the vicinity of the find be halted until a qualified expert has evaluated the find and recorded identified cultural resources.

#### 4.4.4 THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. The proposed Project would have a significant impact to cultural resources if it would result in any of the following:

- *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
- *Would the project disturb any human remains, including those interred outside of formal cemeteries?*
- *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

In recognition of Assembly Bill 52 (AB 52), which strengthens the level of review required for Tribal cultural resources and establishes guidelines for require consultation with Native American Tribes, the following threshold is included:

- *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 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, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
  - 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 Resources Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.*

#### 4.4.5 IMPACTS AND MITIGATION

##### Impact Analysis

**IMPACT 4.4-1:** *Cultural Resources: Construction of the proposed Project would potentially cause a substantial adverse change in the significance of a historical resource.*

Significant historic resources identified within the Phase Three Concept Area include: the Van Leuven Residence, the Frink Adobe, the Frink ranch structures, and the Zanja Historic Landscape.

The Frink Adobe – The Frink Adobe (26248 Mission Road) is one of the earliest structures in the area and one of only a few remaining adobe structures associated with founding families and the early citrus

industry. It is a National Register eligible structure (although not yet listed) and a designated California Point of Historical Interest (SBR-28). It would qualify as a California Historical Resource (CRHR) and meets the requirements for local recognition as a landmark.

Recommended mitigation measure **MM 4.4.3**, which requires the residence to either be preserved in place or relocated, would reduce impacts to the Frink Adobe to less than significant. In addition, there is the potential for encountering unrecorded historic elements during ground disturbance and development in the area around the residence. Implementation of mitigation measures **MM 4.4-1** and **MM 4.4-2** would reduce potential impacts to unknown historic elements that may be uncovered through development to less than significant.

The Frink Ranch Structures – The Frink ranch structures (26248 Mission Road) are relatively later additions to the area and are considered locally significant. They consist of a series of wood framed structures with corrugated siding and roofs. As utilitarian structures, they are simple and lack significant architectural design elements. An evaluation of these structures determined these corrugated metal structures did not meet the requirements for federal and/or state listing, but are locally significant for their contributions to the citrus industry and association with the Frink family. As such, they tentatively meet the requirements for recognition as a local landmark but have not yet be designated as such.

Recommended mitigation measure **MM 4.4.4**, which requires salvaging a portion of the buildings for relocation to Heritage Park, if feasible. In addition, there is the potential for encountering unrecorded historic elements during ground disturbance and development in the area around the structures. Implementation of mitigation measures **MM 4.4-1** and **MM 4.4-2** would reduce potential impacts to unknown historic elements that may be uncovered through development to less than significant.

The Van Leuven Residence – The Van Leuven Residence (26248 Mission Road) is an excellent example of a well-built and well-maintained Craftsman residence associated with one of the early families settling during the American Period. This residence has been identified as eligible for the California Register (not listed) and as a locally significant resource. Recommended mitigation measure **MM 4.4.5**, which requires the residence to either be preserved in place or relocated, would reduce impacts to the Van Leuven Residence to less than significant. In addition, there is the potential for encountering unrecorded historic elements during ground disturbance and development in the area around the residence. Implementation of mitigation measures **MM 4.4-1** and **MM 4.4-2** would reduce potential impacts to unknown historic elements that may be uncovered through development to less than significant.

Zanja Historic Landscape – The Zanja Historic Landscape has been recently designated and listed in the Sacred Land Files of the Native American Heritage Commission. Therefore, the entire Study Area and, more specifically, the Specific Plan site, must be considered highly sensitive for the presence of resources associated with the Zanja Historic Landscape. Implementation of mitigation measures **MM 4.4-1**, **MM 4.4-2**, **MM 4.4-8**, **MM 4.4-10**, **MM 4.4-11**, and **MM 4.4-12**, would reduce potential impacts to unknown historic elements that may be uncovered through development to less than significant.

**IMPACT 4.4-2:**                    *Cultural Resources: Construction of the proposed Project would potentially cause a substantial adverse change in the significance of an archaeological resource.*

The Phase 1 Cultural Resources Investigation (see **Appendix E** of this Draft EIR) concluded that the Specific Plan site, including the Phase Three Concept Area, the potential for encountering unrecorded archaeological resources is likely. With implementation of mitigation measures **MM 4.4-1** and **MM 4.4-2**, **MM 4.4-8**, **MM 4.4-10**, **MM 4.4-11**, and **MM 4.4-12**, potential impacts to these archaeological resources would be less than significant.

**IMPACT 4.4-3:**                    *Cultural Resources: Construction of the proposed Project would potentially impact unknown human remains within the Project site and related improvement area.*

Construction activities, particularly grading, soil excavation and compaction, could disturb surficial layers that may contain (unknown) human remains. The potential to impact unknown human remains exists when excavation is involved. The potential of unearthing human remains during grading and excavation is unknown but unlikely given the low potential for these resources to occur on-site. State law establishes notification and recovery procedures if human remains are discovered during the development process. Thus, impacts to these resources are considered to be less than significant. However, implementation of mitigation measures **MM 4.4-6** and **MM 4.4-9** are recommended to ensure that potential impacts remain less than significant.

**IMPACT 4.4-4:**        *Cultural Resources: Construction of the proposed Project would potentially impact unknown unique paleontological resources or sites or unique geologic features within the Project site and related improvement area.*

The Specific Plan site is as dominated by younger Quaternary alluvium, primarily derived from the Crafton Hills, and fluvial deposits of the Santa Ana River channel. These deposits are not considered conducive to yielding fossil specimens. There are no records of any fossil localities in this area. Excavation greater than five feet in depth may encounter older sedimentary deposits and could potentially impact unknown significant vertebrate fossil remains. With implementation of mitigation measure **MM 4.4-7**, potential impacts to these paleontological resources would be less than significant.

**IMPACT 4.4-5:**        *Cultural Resources: 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 size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

- i)        *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
- ii)       *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 Resources Code Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.*

In 2017, McKenna et al. consulted with the Native American Heritage Commission (NAHC) as to the presence/absence of sacred or religious sites in the vicinity of the Specific Plan Area. In December 6, 2017, McKenna et al. also sent letters to those Native American representatives identified by the NAHC, requesting information on any issues, concerns, or resources they may be aware of and requested written responses. At the request of the City, McKenna et al. represented the City with respect to SB 18 consultation. All correspondence and responses from the 2017 SB 18 consultation have been incorporated into the Phase 1 Cultural Resources Investigation (see **Appendix E** of this Draft EIR).

As identified, the NAHC acknowledges that any one or more of the four main Native American populations may be represented in the archaeological record in the Loma Linda/Redlands area, including the Luiseño, Cahuilla, Serrano, and Gabrieliño. Current archaeological data indicates the area is likely to yield evidence of the Serrano, Cahuilla, and/or Gabrieliño, but too far north for a strong Luiseño influence, though such an influence is not totally discounted.

At that time (December 5, 2017), the NAHC reviewed their files and reported that sites had been located within the Study Area that may be impacted by the project and to contact the San Manuel Band of Mission Indians for more information about these sites.

Outreach to individual representatives identified by the NAHC as associated with local tribal groups yielded one formal response from the San Manuel Band of Mission Indians. Jessica Mauck, Cultural Resources Analyst for the San Manuel, emphasized that on December 11, 2017, the “Zanja Historical Landscape” was established. This “Landscape” was formally placed in the Sacred Land File of the NAHC subsequent to the recent McKenna et al. request. The “Landscape” includes the western portions of the Zanja and the reported Village of Guachama. Ms. Mauck closed by stating “...the likelihood of multiple tribes consulting and monitoring any and all ground-disturbing activity located within the project area.”

Subsequently, following the Lead Agency’s decision to prepare an EIR for the proposed Project, the NAHC and interested Native American Tribes were contacted again on February 26, 2018, coincident with the release of the Notice of Preparation (NOP) (see Section 1.3 of this Draft EIR). This communication served as formal and initial request for consultation under the provisions of AB 52. Letters were sent by certified mail to the NAHC-listed tribes and contacts previously provided to the City of Loma Linda consistent with the requirements of the AB 52 regulations.

Jessica Mauck, Cultural Resources Analyst for the San Manuel Band of Mission Indians responded that “The proposed project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. The project area borders the Serrano and Cahuilla Village of Guachama (*Guaaschna*) and lies within a Sacred Lands File (SLF). As a result, SMBMI elects to be a consulting party on this project under CEQA.” As requested, the City provided the San Manuel Band of Mission Indians with the Phase 1 Cultural Report including the results of the record search and the pedestrian field survey.

Raymond Huaute, Tribal Historic Preservation Officer of the Morongo Band of Mission Indians responded that “The project is located within the Tribe’s aboriginal territory or in an area considered to be a traditional use area or one in which the Tribe has cultural ties. In order to further evaluate the project for potential impacts to tribal cultural resources, we would like to formally request the following if not already done:

- A thorough records search be conducted by contacting one of the California Historical Resources Information System (CHRIS) Archaeological Information Centers and a copy of the search results be provided to the tribe.
- Tribal monitor participation during the initial pedestrian field survey of the Phase 1 Study of the project and a copy of the results of that study. In the event the pedestrian survey has already been conducted, MBMI requests a copy of the Phase 1 study be provided to the tribe as soon as it can be made available.

As requested, the City provided the Morongo Band of Mission Indians with the Phase 1 Cultural Report including the results of the record search and the pedestrian field survey.

Joseph Ontiveros, Tribal Historic Preservation Officer for the Soboba Band of Luiseño Indians, requested initiation of formal consultation with the City.

The City of Loma Linda, as Lead Agency, has recommended mitigation measures for consideration by the San Manuel Band of Mission Indians, the Morongo Band of Mission Indians, and the Soboba Band of Luiseño Indians to avoid or mitigate significant effects on Tribal Cultural Resources. The Lead Agency has made a good-faith effort to incorporate the range and essence of measures suggested by the San Manuel Band of Mission Indians, the Morongo Band of Mission Indians, and the Soboba Band of Luiseño Indians.

Through the Tribal consultation process, the San Manuel Band of Mission Indians, the Morongo Band of Mission Indians, and the Soboba Band of Luiseño Indians inform that the Study Area is within an extremely important and sensitive area for prehistoric and contact-period cultural resources as well as Tribal Cultural Resources. To mitigate impacts of the proposed Project on Tribal Cultural Resources that

might not otherwise be addressed through mitigation measures **MM 4.4-1** and **MM 4.4-2**, implementation of mitigation measures **MM 4.4-8** through **MM 4.4-12** shall be required to demonstrate compliance with San Manuel Band of Mission Indians', the Morongo Band of Mission Indians', and the Soboba Band of Luiseño Indians' request for consultation and to reduce impacts to Tribal Cultural Resources to less than significant.

### **Recommended Mitigation Measures**

The following mitigation measures are recommended in order to minimize and reduce the net impacts of the proposed Project.

**MM 4.4-1:** *Cultural Resources:* Prior to beginning any vegetation clearance (including citrus trees), site preparation, grading or building demolition, an Archaeological Monitoring Program shall be developed and implemented to address all ground disturbance and earthmoving activities. This includes the removal of existing orchards and related irrigation features, and the removal of miscellaneous debris. The Archaeological Monitoring Program shall be submitted to the Community Development Director and Public Works Director for approval. Preparation and implementation of this Monitoring Program shall be conducted by trained professionals with backgrounds in both historic and prehistoric archaeological resources. The Monitoring Program shall include provisions for the coordination of on-site monitoring with local Native American groups who request to participate, including requests for government-to-government consultation. The Monitoring Program shall include procedures for regularly documenting and reporting the monitoring activity. Any resources recovered shall be documented in a technical report and supplemented with all necessary data to understand and interpret the findings. The Archaeological Monitoring Report shall include procedures for the final disposition of all artifacts and other cultural materials discovered in the project area after appropriate analyses are carried out and the technical reports completed. Disposition plans should be made in consultation between the City of Loma Linda and Consulting Tribes, as appropriate. All artifacts shall be prepared for curation with the City, Historical Society, or County Museum (or equivalent acceptable repository).

**MM 4.4-2:** *Cultural Resources:* Prior to issuance of a demolition permit and/or prior to beginning any demolition of structures, an archaeological monitoring program shall be developed and implemented to address demolition of insignificant structures. Preparation and implementation of this Monitoring Program shall be conducted by trained professional with backgrounds in historic archaeology and architectural history. The Monitoring Program shall be submitted to the Community Development Director and Public Works Director for approval. Procedures under this monitoring shall include photo-documentation and recording of architectural elements that have not yet been identified, including interior alterations or conditions. Updated site forms shall be prepared for each site.

**MM 4.4-3:** *Cultural Resources:* The Frink Adobe shall be preserved in place, if feasible. It shall be fully documented and a maintenance plan developed to protect it from any future adverse impacts. If it is not feasible to leave the Adobe *in situ*, the structure shall be relocated to the nearby Heritage Park and restored. The structure shall not be demolished. In either case, prior to general disturbance in the immediate area and/or any issuance of any relocation permit, the residence shall be recorded via an Historic American Building Survey (HABS) document. The HABS documentation should include, but not be limited to: digital photography to document the residence, interior and exterior; architectural drawings detailing the residence plans and profiles; preparation of a HABS report with all supporting documentation; and monitoring, as needed, for relocation activities.

**MM 4.4-4:** *Cultural Resources:* Prior to issuance of a demolition permit and/or prior to beginning any demolition of the Frink Ranch Structures, a salvaging plan shall be developed and

implemented to address, if feasible, salvaging a portion of the buildings for relocation to Heritage Park. The salvaging plan shall be submitted to the Community Development Director and Public Works Director for approval. Prior to salvaging and/or demolition, the structures shall be fully documented and photographed.

**MM 4.4-5:** Cultural Resources: The Van Leuven Residence shall be preserved in place, if feasible. If it is not feasible to leave the Van Leuven Residence *in situ*, the structure shall be relocated to the nearby Heritage Park. In either case, prior to general disturbance in the immediate area and/or any issuance of any relocation permit, the residence shall be recorded via an Historic American Building Survey (HABS) document. The HABS documentation should include, but not be limited to: digital photography to document the residence, interior and exterior; architectural drawings detailing the residence plans and profiles; preparation of a HABS report with all supporting documentation; and monitoring, as needed, for relocation activities.

**MM 4.4-6:** Cultural Resources: As part of normal field procedures, if suspected human remains are encountered during site activity, all work in the area shall cease and the San Bernardino County Coroner's Office shall be contacted immediately.

**MM 4.4-7:** Cultural Resources: Prior to issuance of a grading permit for grading activities expected to exceed five feet in depth, a paleontological monitoring program shall be developed and implemented. Preparation and implementation of this Monitoring Program shall be conducted by qualified paleontologists. The Monitoring Program shall be submitted to the Community Development Director and Public Works Director for approval. Procedures under this monitoring shall include the following:

- The paleontological monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates.
- The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens.
- The monitoring program shall be designed to include the preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
- The monitoring program shall be designed to include identification and curation of specimens into a museum repository with permanent retrievable storage. The paleontologists shall have a written repository agreement in hand prior to the initiation of mitigation activities.
- A report of findings shall be prepared by a qualified paleontologist which includes an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate agency, shall signify completion of the program to mitigate impacts to paleontological resources.

**MM 4.4-8:** Cultural Resources: At the request of the Consulting Tribes, all monitoring of vegetation clearance, ground disturbance and grading for each development project in the Phase Three Concept Area and off-site improvements shall be conducted by a full-time archaeological monitor/archaeologist meeting the Secretary of Interior (SOI) qualifications and a Native American/Tribal monitor representing the Consulting Tribes. It is intended that:

- 1) Archaeological and Tribal Monitors will work as a team during any type of ground-disturbance activity including removal of citrus trees and irrigation system equipment as well as during demolition, grading, excavation, trenching, compaction, fence installations, and plantings. Unless specifically waived by the Lead Monitor, one team of monitors will be utilized for each piece of active heavy equipment or location of hand excavation unless activities are within 50 meters of

each other. This is to ensure that simultaneously occurring activities will have adequate monitoring.

- 2) Native American Monitor(s)/Tribal Participant(s) shall be approved in advance by the Consulting Tribes.
- 3) The Applicant/Developer for each development project shall outreach and contact the Consulting Tribes to facilitate and communicate with them to develop a mutually coordinated Tribal Monitoring Agreement or Guidelines. The Tribal Monitoring Agreement or Guidelines shall be included in the Archaeological Monitoring Program submitted to the City for review and approval (as per EIR mitigation measure **MM 4.4-1**).

**MM 4.4-9:** Cultural Resources: In the event of the discovery of human remains and/or funerary objects, at the request of the Consulting Tribes and consistent with State protocol, the Developer/Contractor shall:

- o Cease all work within the immediate area of the discovery of the remains.
- o Create a barrier (temporary fence or flagging) within a 100-ft radius of the discovery; establish an Environmentally Sensitive Area (ESA); and post no-entry signs at the perimeter of the ESA until assessment is carried out by the Coroner.
- o The City of Loma Linda and the applicant/developer will immediately contact the Coroner, the Consulting Tribes.
- o Should the human remains be determined by the Coroner to be of Native American origin, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The Most Likely Descendant (MLD) identified by the NAHC will be notified (under California Public Resources Code § 5097.98) and make the decisions about the treatment of the human remains or funerary objects within 24 hours of notification by either the developer or the NAHC. The MLD will consult with the applicant/developer/landowner regarding the final appropriate disposition of the human remains or funerary objects.
- o The discovery area and the human remains and accompanying materials will be treated with appropriate dignity and respect.
- o The MLD may wish to rebury the human remains and/or associated funerary objects, as close to the place of their discovery as possible in an area that will not be subject to future disturbances. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]).

**MM 4.4-10:** Cultural Resources: In the event of the discovery of archaeological Cultural Resources or Tribal Cultural Resources on the ground surface or in subsurface contexts during the development/construction of any development project in the Phase Three Concept Area, consistent with the request of the Consulting Tribes and as required for the Archaeological Monitoring Report (as per EIR mitigation measure **MM 4.4-1**), the Developer/Contractor shall:

- o Cease all work within the immediate area of the discovery.
- o Create a barrier (temporary fence or flagging) within a 50-ft radius of the discovery; establish an Environmentally Sensitive Area (ESA), and post no-entry signs until the discovery can be assessed by a Secretary of the Interior (SOI) qualified archaeologist. As determined appropriate by the Lead Archaeological/Tribal Monitors, Consulting Tribes (as appropriate) may be notified.

- The ESA barrier will remain in place and entry controlled until assessment by a SOI-qualified archaeologist is completed, a Treatment Plan developed and carried out, and any Data Recovery is completed.

**MM 4.4-11:** *Cultural Resources:* The Applicant/Developer for each development project in the Phase Three Concept Area shall outreach and contact the Consulting Tribes to facilitate and communicate with them to develop a mutually coordinated Treatment Plan for how to handle/address any Tribal Cultural Resources encountered during ground disturbance or grading. The Treatment Plan shall be included in the Archaeological Monitoring Program submitted to the City for review and approval (per EIR mitigation measure **MM 4.4-1**). The Treatment Plan should include a Research Design so that the resource can be evaluated under both the National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) criteria. If the resource meets any of the NHPA and/or CEQA criteria, and cannot be avoided or preserved in-place, a Data Recovery Plan will be developed, reviewed, and adopted in consultation with all parties. The Data Recovery Plan should include all methods, sampling procedures, and be designed using current “best archaeological practices” to exhaust the research potential of the resources. The Data Recovery Plan for qualified Tribal Cultural Resources should be implemented with the participation and monitoring of the Consulting Tribes (as applicable).

**MM 4.4-12** *Cultural Resources:* On behalf of the Applicant/Developer/Contractor, and to ensure that work is completed and reported as required, the Archaeological/Tribal Lead Monitors shall ensure the timely delivery to the City of all monitoring and/or follow-up documentation products of the Cultural Resources portion of any development project or related off-site improvement project. Furthermore, the City shall designate that reports of all Cultural Resources work be filed at the appropriate California Archaeological Information Center at the conclusion of each development project in the Phase Three Concept Area.

#### **Level of Significance (after Mitigation)**

Implementation of mitigation measures **MM 4.1-1** through **MM 4.4-12** would ensure that proposed Project impacts to historical, archaeological, human remains, paleontological, and Tribal cultural resources remain less than significant.

#### **Cumulative Impacts**

Impacts to cultural resources are generally site specific and cannot be accurately assessed on a cumulative basis, in part because it is not definitively known if a cultural resource is present until ground-disturbing activities commence. Cultural resources that are impacted through implementation of multiple projects could result in a loss of multiple resources representing a similar period, genre or type, leading to a loss of information about a specific time period, culture, or trend, which could contribute to cumulative impacts to cultural resources. Implementation of the proposed mitigation measures would reduce impacts to project-specific cultural resources, thereby reducing the likelihood of a significant cumulative impact to cultural resources.