

4.5 CULTURAL AND PALEONTOLOGICAL RESOURCES

This section summarizes information on the cultural resources in Chino and provides an evaluation of the potential effects of the Proposed General Plan and the Focused Growth Plan on these sensitive resources.

A. Regulatory Framework

There are several federal, State and local laws and regulations applicable to historical and architecturally significant resources, as well as paleontological and archaeological resources in the City of Chino. The key regulations are discussed briefly below.

1. Federal Laws and Regulations

a. National Historic Preservation Act (1966)¹

The National Historic Preservation Act, adopted in 1966 and most recently amended in 2000, is the most influential federal law addressing historic preservation. In addition, Congress has enacted numerous other statutes that affect historic properties. One of the most important provisions of the Act is the establishment of the National Register of Historic Places (NRHP), the official designation of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering and culture. The NRHP is administered by the National Park Service (NPS). To be eligible for the NRHP, a property must be significant under criterion A (history), B (persons) or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not guarantee specific protection or assistance for a property, but it does ensure its recognition in the planning for federal or federally assisted projects (see Section 106), eligibility for federal tax benefits and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of

¹ National Historic Preservation Act of 1966, as Amended through 2000, <http://www.achp.gov/NHPA.pdf>, accessed on December 4, 2009.

documentation and evaluation. Additionally, project effects on properties listed in the NRHP or eligible for listing in the NRHP must be evaluated under the California Environmental Quality Act (CEQA).

b. Native American Graves Protection and Repatriation Act (NAGPRA)

The NAGPRA, passed in 1990, provides a process for museums and Federal agencies to return Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations.²

2. State Laws and Regulations

a. California Register of Historic Resources³

The California Register of Historical Resources (CRHR) establishes a list of properties that are to be protected from substantial adverse change (Public Resources Code Section 5024.1). An historical resource may be listed in the CRHR if it meets any of the following criteria:

- ◆ It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- ◆ It is associated with the lives of persons important in California's past.
- ◆ It 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 value.
- ◆ It has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and

² Native American Graves Protection and Repatriation Act As Amended, http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf, accessed on December 4, 2009.

³ California Register, http://ohp.parks.ca.gov/?page_id=21238, accessed on December 4, 2009.

eligible Points of Historical Interest. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Other resources require nomination for inclusion in the CRHR. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.⁴

Public Resources Code (PRC) Section 5097-5097.993 PRC Section 5097 specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures are outlined in PRC Sections 5097 through 5097.993. These sections protect such remains from disturbance, vandalism and inadvertent destruction; establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains. In addition to establishing regulations for human remains, Section 5097.5 of the PRC states the following:

“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, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the

⁴ CEQA and Historical Resources: CEQA Technical Advice Series, Background on Historical Resources Preservation, http://ceres.ca.gov/topic/env_law/ceqa/more/tas/page2.html, accessed on December 4, 2009.

public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.”

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, the City of Chino is required to comply with Public Resource Code Section 5097.5 for its activities.⁵

b. Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the California State Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.⁶

c. Local and Tribal Intergovernmental Consultation (Senate Bill 18)

Implementation of Senate Bill 18 (SB 18), which went into effect January 1, 2005, set forth new requirements for local governments to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning.⁷ The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy before individual site-specific, project-level land use designations are made by a local government.

⁵California Department of Transportation Paleontology, <http://www.dot.ca.gov/ser/vol1/sec3/physical/Ch08Paleo/chap08paleo.htm#statelaws>, accessed on December 4, 2009.

⁶ California Health and Safety Code Section 7050.5, <http://law.onecle.com/california/health/7050.5.html>, accessed on December 4, 2009.

⁷ SB 18 amends Government Code (GC) Sections 65040.2, 65092, 65351 and 65560, while adding GC sections 65352.3, 65352.4 and 65562.5.

d. California Native American Historical, Cultural and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The Act stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.⁸

e. Public Resources Code, Section 21083.2

This code specifies the responsibilities of the lead agency to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. The code also details required mitigation measures if unique archaeological resources are not preserved in place or not left in an undisturbed state. A project applicant must provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state.

3. Local Regulations and Policies

a. City of Chino Municipal Code

Title 8: Health and Safety, Section 7050: Definitions defines historic structures as those buildings listed individually in the NRHR, or listed individually on a state inventory of historic places or a local inventory of historic

⁸ Update of Compilation of State Repatriation, Reburial and Grave Protection Laws, <http://www.arrowheads.com/burials.htm#CALIFORNIA>, accessed on December 4, 2009.

places. Variances may be issued for the repair or rehabilitation of historic structures under 8.60.270: Conditions for Variances.

b. San Bernardino County Municipal Code

The County of San Bernardino Municipal Code addresses historic buildings and structures in several sections. This code is applicable in Chino's Sphere of Influence (SOI). Title 6: Building Regulations, Division 3, Chapter 11: Disaster Reconstruction stipulates that damaged historic buildings shall be repaired in accordance with specific standards per the building's historical rating. Article 3 in Title 8 Development Code, Division 5: Overlay Districts, Chapter 3: Resource Preservation describes the intent and requirements of the Cultural Resources Preservation (CP) Overlay Districts. The Article states that a CP Overlay District may be applied "to those areas where archaeological and historic sites which warrant preservation are known or are likely to be present." There is not a CP Overlay District in Chino's SOI.

B. Existing Conditions

Native Americans used to inhabit the Chino Valley, and particularly in areas around Chino Creek, before the Spaniards arrived. Archaeological artifacts and interviews with early settlers in Chino indicate that Chino was a stopping-point between inland areas and the ocean and the site of a temescal or hot bath for a thriving community in the Chino Valley.⁹

With the arrival of the Spaniards, what is today Chino became part of the holdings of the Mission San Gabriel. Named the Rancho Santa Ana del Chino, parts of Chino became grazing land for the Mission's cattle. The Rancho Santa Ana del Chino comprised 47,000 acres, in a grant given in 1841 by Governor Alvarado to Don Antonio Maria Lugo. The Rancho Santa Ana del Chino continued to develop through Spanish, Mexican, and then Anglo-American rule, and in 1887 Richard Gird set out to transform the Rancho

⁹ Whitney, Adolph M., 1962, *Chino Valley: Where Everything Grows, 1887-1962*. "Indian Artifacts."

into a thriving farming and industrial community. Soon, Mr. Gird subdivided the Rancho into residential and business lots, renaming the town Chino. At that time, Mr. Gird moved the remaining Native Americans in the area to a central location along Chino Creek. Eventually, Chino was connected to the Southern Pacific railroad and the town's agricultural production of beets began to flourish. By 1899, Chino came under the ownership of the Chino Land and Water Company, whose large sales promotions spurred the development of homes and water lines, as well as the development of more agricultural uses and dairy farms. Thus, ever since the City was founded, dairy farming, crop production and animal grazing have been the dominant agricultural activities in the City. Many of the existing buildings dating back to the early twentieth century are homes or are related to agriculture practices, though some public buildings remain as well.

1. Historic Resources

A Historical Resources Inventory List was provided by the Archaeological Information Center at the San Bernardino County Museum. The list identified numerous historic resources, including homes and ranch properties. A more refined list has been created by the Chino Valley Historical Society. This list includes the following buildings and markers that are historically noteworthy.

- ◆ **Chino School House Museum.** Constructed in 1888 as Chino's first school house, the building was nicknamed "PigPen" and had dirt play areas that were separated by fences to segregate boys and girls. It was originally located near 5th and D Streets, but now is located at 11th and B Streets and is owned by the Chino Valley Historical Society.
- ◆ **Chino Community Building.** The Community Building, constructed by the Work Projects Administration in 1937, was constructed of bricks from the original Central School. It is located at 10th and B Streets.
- ◆ **O.J. Newman Residence.** Originally owned by Mr. Newman, the house was used as a livery stable during the early days of Chino. Located at the southwest corner of 7th and B Streets, the house can be identified by a horse tether ring on a post at the curb.

- ◆ **The Gray Building.** This building housed Chino's first school classes and has been designated an historical point of interest on the National Register of Historic Places. It is now used by the Chino Valley Chamber of Commerce and is located at 13150 7th Street.
- ◆ **Constable Tebo Residence.** This was the residence of Constable Tebo whose son was the first child born in Chino. The home was built in 1910 and is located at the southwest corner of 6th and B Streets.
- ◆ **First National Bank.** This building was originally the First National Bank, later Herb's Hardware and is now home to the Chino Youth Museum. It is distinguished by an early 1900s architectural style, and includes a downstairs basement containing an elaborate vault inscribed with Richard Gird's name. It is located at 13191 6th Street.
- ◆ **American Beet Sugar Refinery.** The refinery began operations in 1891 and was used for refining sugar which was sold throughout the State of California. Only a portion of the original red brick building still exists and is located at 13613 Central Avenue.
- ◆ **Walnut Packing House.** This building was considered the second largest walnut packing house in California, and was in operation from 1920 through 1945. The building is now occupied by Harwell's Furniture and is located on the north side of Chino Avenue, just west of Monte Vista Avenue.
- ◆ **W. Jacob Schaefer House.** The home, barn, and smoke house of Mr. Schaefer were built in 1889 and are located on the west side of Oaks Avenue, one block south of Schaefer Avenue. Diaries of Mr. Schaefer, who recorded daily activities in Chino, are kept in the San Bernardino Archives.
- ◆ **Victory Baptist Church.** Located on the southwest corner of San Antonio and Edison Avenues, the structure was built in 1895 and was the site of the original East Side School.
- ◆ **Westside School.** The Westside School, built in 1885, was a two-room school house run by two teachers instructing 20 to 30 students per room. It is located at 12279 Pipeline Avenue.

- ◆ **Gonzales Residence.** The Gonzales residence was built in 1923 and is currently occupied by the Guasti Homestyle Cafe. The building contains an inner glass-roofed court yard and an old family chapel. It is located at 13526 Central Avenue.
- ◆ **Yorba-Slaughter Adobe.** Located at 17127 Pomona-Rincon Road, this building and marker is a San Bernardino County-owned facility that operates as a museum. It is California Register Historical Landmark No. 191, and is also on the National Register of Historic Places.
- ◆ **Opera House.** Located on the north side of the City Hall building, the former site of Chino's opera house is indicated by a marker.
- ◆ **Chino Valley Champion.** Located at 13220 Central Avenue, this site is indicated by a marker.
- ◆ **Cornerstone to Chino's First Reservoir.** Located at 17127 Pomona-Rincon Road, the site of Chino's first reservoir is indicated by a marker.

There may also be other historic resources in Chino, including other buildings not listed here and specific neighborhoods that have not been identified in previous historical surveys.

2. Archaeological Resources

The Historical Resources Inventory List identified numerous prehistoric sites, including village and campsites, food-processing sites, middens, and metates.¹⁰

Chino lies in a region which is made up of alluvial valley floors, fans and terraces and the basic soil types are young alluvial deposits. Pleistocene alluvium and Holocene alluvium deposits underlying several areas of the City have been identified as having varying potentials to yield fossils of importance. Vertebrate land mammal fossils have been discovered in parts of the City,

¹⁰ Laska, Robin E., *Historical Resources Inventory List for the City of Chino*, August 31, 2007.

including the fossils of a mammoth, ground sloth, camel, bison, horse and deer.¹¹

C. Standards of Significance

The City of Chino's General Plan would create a significant impact on cultural and paleontological resources if it would:

- ◆ Cause a substantial adverse change in the significance of a historical resource.
- ◆ Cause a substantial adverse change in the significance of an archaeological resource.
- ◆ Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- ◆ Disturb any human remains, including those interred outside of formal cemeteries.

D. Impact Discussion

The Proposed General Plan and the Focused Growth Plan propose development on the same areas and differ only in intensity of development. Since the two plans would have the same impact on cultural and paleontological resources, the two plans are discussed together in this section.

¹¹ City of Chino, March 25, 2003, *The Preserve Final Environmental Impact Report, Volume I*, page 5.13-6; City of Chino, July 2003, *Draft Environmental Impact Report for the Specific Plan for the Development of State Surplus Property and Amendment to the Redevelopment Plan for the Merged Chino Redevelopment Project Area*, pages 3.5-3 to 3.5-4; City of Chino, August 18, 2008, *Draft Environmental Impact Report for the SRG Chino South Industrial Park*, page 5.5-8; City of Chino, December 8, 2008, *Draft Environmental Impact Report for the Edgewater Communities*, page 4.15-12.

1. Historical Resources

The Proposed General Plan and Focused Growth Plan would not, in and of themselves, result in physical construction that could impact historical resources. Future projects, allowed under either plan, however, have the potential to result in the physical demolition, destruction, relocation or alteration of potential historical resources that are 50 years old or older. Ground-disturbing activities such as grading, leveling and sub-grade excavation also have the potential to damage cultural resources such as standing structures. Given that there are resources that are 50 years old or older, it is possible they are historically significant and eligible for the California Register of Historic Resources or the National Register of Historic Places. As development projects are proposed, further studies would be required to determine the level of significance of such possible impacts. In addition, implementation of policies and actions in the proposed projects would help offset the potential impacts to historical resources. Objective OSC-7.1 in the Open Space and Conservation Element lists policies that require the preservation of Chino's historical resources through preservation of historic buildings and conservation of historic details when remodeling historic buildings. In addition, two actions under this objective would ensure that historical resources are protected. Action A1 calls for a historic resources inventory including prioritization of buildings with the potential for public use and preservation, and Action A2 calls for a study of older neighborhoods to determine whether historic districts should be established.

The aforementioned goals and policies would ensure that the Proposed General Plan and Focused Growth Plan would result in a *less-than-significant impact* on historical resources.

2. Archaeological Resources

There are several archaeological resources in the City of Chino and therefore the Proposed General Plan and Focused Growth Plan may designate areas for development on sites known to contain archaeological resources. In addition, unknown resources could be discovered or disturbed as development occurs under the Proposed General Plan or Focused Growth Plan. However, im-

plementation of Objective OSC-7.1, Policy P3 of the Proposed General Plan would reduce potential impacts in the event that known resources are encountered or unknown resources are discovered. Policy P3 states that if unknown archaeological resources are discovered during construction, the Planning Division should be notified immediately and construction should stop until an archaeologist evaluates the discovered resources and recommends appropriate action. This policy would ensure that impacts associated with the discovery of archaeological resources would be *less than significant* under both the Proposed General Plan and the Focused Growth Plan.

3. Human Remains

The City of Chino has followed the procedures under Senate Bill 18 and the City did not receive any requests for consultation from Native American groups. The City sent letters to the following tribes: Morongo Band of Mission Indians, Gabrieliño Tongva Nation, Gabrieliño/Tongva San Gabriel Band of Mission Indians, Soboba Band of Mission Indians, Ramona Band of Cahuilla Mission Indians, San Manuel Band of Mission Indians, and Serrano Nation of Indians. Furthermore, implementation of goals and policies in the Open Space and Conservation Element would reduce the potential impacts in the event that unknown Native American human remains are discovered. Policy P5 under Objective OSC-7.1, states that any human remains that may be discovered would be treated with respect and dignity per the regulations of the California Native American Graves Protection and Repatriation Act. Similarly, Policy P7 would call for the continued consultation of Native tribes per Senate Bill 18. The aforementioned policies would ensure that impacts associated with the discovery of human remains would be *less than significant* under both the Proposed General Plan and the Focused Growth Plan.

4. Paleontological Resources or Geologic Features

Paleontological resources have been discovered in the City of Chino and therefore the Proposed General Plan and Focused Growth Plan may designate areas for development on sites known to contain paleontological resources. In addition, unknown paleontological resources could be discovered or disturbed as development occurs under the Proposed General Plan or Fo-

cused Growth Plan. However, implementation of Objective OSC-7.1, Policy P3 of the Proposed General Plan would reduce potential impacts in the event that unknown resources are discovered. Policy P3 states that if unknown paleontological resources are discovered during construction, the Planning Division shall be notified immediately and construction shall stop until an archaeologist evaluates the discovered resources and recommends appropriate action. In addition, Policy P4 under the same objective calls for the City to contact Native tribes if artifacts are discovered on site during a construction project. Implementation of these policies, in combination with the requirements of Public Resources Code Section 5097, would ensure that impacts associated with the discovery of paleontological resources would be *less than significant* under both the Proposed General Plan and the Focused Growth Plan.

E. Cumulative Impacts

Cumulative impacts to cultural, historical or paleontological resources are difficult to assess because of the incomplete nature of the existing databases and lack of inventories for the City of Chino and its surrounding areas. Development in the City of Chino and surrounding areas would have to comply with federal and State laws protecting cultural resources. The goals and policies of the proposed projects protecting cultural resources, in combination with these federal and State regulations, as discussed above, would ensure that historical, cultural and paleontological resources are protected, and that discovered human remains are handled appropriately. Therefore, both the Proposed General Plan and the Focused Growth Plan would result in a *less-than-significant* cumulative impact to cultural resources.

F. Impacts and Mitigation Measures

Since there are no significant impacts related to cultural resources as a result of the Proposed General Plan and Focused Growth Plan, no mitigation measures are required.

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CULTURAL AND PALEONTOLOGICAL RESOURCES