

4.16 CULTURAL RESOURCES

A Cultural Resources Study (CRS), dated December 2006, was prepared by SWCA to identify cultural resources which may be present on-site and to determine the project's potential impacts on cultural resources. The findings of the study are summarized below, and the complete Cultural Resources Study is provided in Appendix K of this EIR.

4.16.1 *Environmental Setting*

The City of Ontario contains cultural and historical resources associated with developments during the early Model Colony period, which was generally before 1910 (Ontario General Plan, 1992 p. 6-20). The northwestern section of the City of Ontario, where the site is located, supported orange groves during the first half of the 20th century. However, construction of the I-10 Freeway through the area in the late 1950's led to the development of homes and the loss of agricultural uses (MVSP, 1998 p.2).

The existing structures on the site were built in 1964, 1970, 1973 and 1997; and thus, are not over 45 years old. The main building, constructed in 1964 at the western section of the site, was initially operated as a White Front Store. The building was later occupied by a Target department store, which operated at the northern two-thirds of the building. Ralph's grocery store occupied the southern section of the building. A Food 4 Less grocery store later replaced the Ralph's grocery store. The Toys R Us building was constructed in 1970 at the southeastern corner of the site (Phase 1 ESA, 2004 p. 9). The Hollywood Video store at the northeastern corner of the site was construction in 1997. A kiosk is located south of the video store. No records of the original construction date of the key kiosk were found, but the kiosk was enlarged to 150 square feet in 1973 and again to 225 square feet in 1978 (Chuck Mercier, pers. comm. 2/27/2006 and 12/14/2006).

The on-site structures are not identified as historically significant in the City's General Plan (Ontario General Plan, 1992 p.6-20 to 6-21) and are not included in the City's List of Designated Historic Landmarks (City of Ontario Historic Properties and Neighborhoods website, accessed 3/16/2007). The City's nearest historical structure to the site is the "Victorian Place" at 961 Holt Boulevard. This historical structure is located approximately 1.5 miles from the site (DEIR for Amendment No. 1, 1994 p. 3-90).

The project site is not listed on the Federal Register of Historic Places, the California Historical Points of Interest, or the California State Historical Landmarks. A record search at the San Bernardino County Museum Archeological Information Center identified a California Historical Point of Interest near the site. This is a portion of the northern branch of the Emigrant Trail, running approximately one mile north of the Union Pacific Railroad tracks. This trail extended from Aguanga and passed through Beaumont, Redlands, Old San Bernardino, Colton, Agua Mansa, and Ontario. Aside from its use by American emigrants, the San Gabriel Mission Fathers also used this road to reach the San Bernardino Asistencia and Jedediah Smith also used this road to leave southern California (CRS, 2006 pp. 1-2).

SWCA reviewed California Historical Resources Information System files maintained by the San Bernardino Archeological Information Center (SBAIC), located at the San Bernardino County Museum on December 1, 2006. They also reviewed the National Register of Historic Places (NRHP; Office of Archaeology and Historic Preservation 1997), Archaeological Determinations of Eligibility, the Office of Historic Preservation (OHP), and the Directory of Properties in the Historic Property Data File in December 2006. None of the past cultural resource studies conducted within the project area uncovered any historical or archaeological resources (CRS, 2006 p. 1).

Review of the Sacred Lands File at the Native American Heritage Commission indicated no sacred lands are located on or near the site. Contact with Native American tribes was pursued to obtain information on Native American cultural resources that may be present on or near the site. The Morongo Tribe provided recommendations in the event of the discovery of archaeological resources or human remains (CRS, 2006 pp. 2-3). The Soboba Band of Luiseno Indians indicated the project area falls within their Tribal Traditional Use Areas and sees a need for monitoring (Soboba Band of Luiseno Indians, 12/12/2006).

A survey of the site was conducted to determine the presence of cultural or historical resources. No cultural resources were observed within the project site, with the majority of the site paved over or developed with commercial structures. The buildings on the site appear to be of unremarkable modern construction and are not eligible for the California Register of Historical Resources (CRS, 2006 p. 3).

4.16.2 Threshold of Significance

In accordance with Appendix G of the CEQA Guidelines, a project could have a significant adverse impact on cultural resources, if its implementation results in any of the following:

- ◆ Causes a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- ◆ Causes a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- ◆ Directly or indirectly destroys a unique paleontological resource or site or unique geologic feature; or,
- ◆ Disturbs any human remains, including those interred outside of formal cemeteries.

Based on the CEQA Guidelines Section 15064.5 Subsection (a) 3, any object, building, structure, site, area, place, record or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the National Register of Historic Places and California Register of Historical Resources. The criteria for listing in the National Register of Historic Places includes resources:

- ◆ That are associated with events that made a significant contribution to the broad patterns of our history; or
- ◆ That are associated with the lives of persons significant in our part; or
- ◆ That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose component may lack individual distinction; or
- ◆ That has yielded or may be likely to yield information important in prehistory or history.

(Code of Federal Regulations, Title 36 Part 60, National Register of Historic Places, Section 60.4)

The California Register of Historical Resources utilizes criteria that mirrors the National criteria and includes any resource that:

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

(California Public Resources Code, Section 5024.1)

4.16.3 Environmental Impacts

There are no known cultural resources that may be affected by the project. Roadway and utility improvements would occur on previously disturbed areas (as part of the original roadway construction and utility line installation) and are not expected to adversely impact cultural resources.

Historical Resources (*Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*)

The proposed Wal-Mart Supercenter would lead to the demolition of on-site commercial structures that are not currently in use. These structures are less than 45 years old and not considered historical (CRS, 2006 p. 3). The Hollywood Video Store was built in 1997 and would remain in place. Historic structures located off-site would not be affected by the project. Thus, the project is not expected to cause an adverse change in any historical resource and will not conflict with the City's Historic Preservation Ordinance. The structures that would be demolished are not eligible for listing in the National Register of Historic Places or the California Register of Historical Resources (CRS, 2006 p. 3). No impacts on historical resources are expected.

Archaeological Resources (*Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*)

There are no archaeological resources on or near the site that have been identified by the record searches, Native American tribes, or site survey and that would be disturbed or destroyed by the proposed project. The Emigrant Trail is located ½ mile from the site and the "Victorian Place" is located 1.5 miles away. These cultural resources would not be affected by the project. The likelihood of finding in-situ archaeological resources on the site is also considered low due to ground disturbance associated with previous grading and excavation activities for the existing commercial structures, parking lot, and site improvements (CRS, 2006 p. 3-4).

However, the Soboba Band of Luiseno Indians has indicated that the project area falls within their Tribal Traditional Use Areas and requested that Native American monitors be present during all ground disturbing activities (Soboba Band of Luiseno Indians, 12/12/2006). Thus, a potential for the presence of archaeological resources at the site is acknowledged and grading and excavation activities may disturb or destroy these resources.

Impact 4.16.1: Ground disturbing activities may lead to the disturbance or destruction of unknown Native American cultural sites and resources.

A Native American monitor would need to observe excavation, grading, and other ground disturbing activities at the site, to identify any Native American cultural resources that may be present. In the event that cultural resources are discovered, a qualified archaeologist should be retained to evaluate the discovery per Section 21083.2 of CEQA and Section 15064.5 of the CEQA Guidelines.

Paleontological Resources (*Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*)

The potential for finding in-situ paleontological resources is also considered low due to past ground disturbance (CRS, 2006 p. 3-4). In addition, the site is relatively flat and there are no unique geologic features on or near the site. Consequently, no impact to unique paleontological resources or unique geologic features is expected to occur with the proposed project.

Human Remains (*Would the project disturb any human remains, including those interred outside of formal cemeteries?*)

The site is not known to have been used as a former cemetery (Phase 1 ESA, 2004 pp. 6-11). The Bellevue Memorial Park is the nearest cemetery and is located more than ½ mile south of the site (Thomas Guide, 2005 pp. 571, 572, 601, 602, 603, 642, 643). No impact on human remains in this cemetery is expected to occur with the proposed project.

In the event that human remains are encountered during excavations on the site, all work shall halt and the County Coroner shall be notified, in accordance with Section 5097.98 of the Public Resources Code. The Coroner would determine whether the remains are of forensic interest. If the Coroner determines that the remains are prehistoric, the Coroner would contact the Native American Heritage Commission (NAHC). In turn, the NAHC would be responsible for designating the most likely descendant (MLD), who would be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD would make a recommendation within 24 hours of their notification by the NAHC. This recommendation may include scientific removal and non-destructive analysis of human remains and items associated with Native American burials (Section 70580.5 of the Health and Safety Code). Potential impacts on unknown human remains would be less than significant.

4.16.4 Previous Analysis

To the extent applicable, this Subsequent EIR tiers off previous environmental documents relating to the development of the project site. As outlined in Section 1.2.1, *Previous Environmental Review*, previous analyses include a Supplemental EIR considering the environmental impacts associated with future development within the Mountain Village Specific Plan area (which included the project site) and the EIR analyzing the environmental impacts of new development and redevelopment within the Added Area, which was part of Amendment No. 1 to the Ontario Redevelopment Project No. 2.

While baseline conditions in this Subsequent EIR reflect the present situation, the linkages between the three documents remain pertinent to the environmental review of the Wal-Mart Supercenter proposal. The following discussion summarizes the salient points of similarity/difference between the previous documents and the Subsequent EIR and, where similar impacts are present, applicable policies, standard conditions or mitigation measures in the previous documents are identified for incorporation or implementation by the current project, where appropriate.

Supplemental EIR for Mountain Village Specific Plan

The Supplemental EIR for the Mountain Village Specific Plan indicated that the Specific Plan area is highly disturbed and no impacts on paleontological or archaeological resources are expected with future development. Also, there were no designated historical landmarks identified in the Specific Plan area.

The previous EIR indicated that no significant adverse impacts on cultural resources are expected with future development and redevelopment with the Specific Plan area. The Supplemental EIR for the Mountain Village Specific Plan did not provide standard conditions and mitigation measures for cultural resources. The proposed project would include the implementation of standard conditions and a mitigation measure to prevent adverse impacts on unknown cultural resources.

EIR for Amendment No. 1

The EIR for Amendment No. 1 indicated that the only historic resource in the Added Area is the “Victorian Place” at 961 Holt Boulevard, which would not be subject to redevelopment. Thus, no impacts on historic resources are expected. Development on vacant lots in the Added Area may affect previously undiscovered archaeological resources. Prior ground disturbance would have destroyed archaeological resources on developed lands.

The existing buildings to be demolished are not considered historical structures and the proposed project would not affect the “Victorian Place.” Monitoring of ground disturbing activities would prevent impacts to undiscovered archaeological resources.

The previous EIR indicated that no significant adverse impacts on cultural resources are expected with future development and redevelopment. No mitigation measures for cultural resources were provided in the EIR for Amendment No. 1. However, policies in the Ontario General Plan, which would reduce and eliminate potential impacts on archaeological resources, were outlined in the EIR. The policy listed in the EIR is provided below, along with the project’s compliance.

General Plan Policy in EIR	Project Compliance
<p>1. If archaeological resources are found, mitigation measures will be identified and applied in accordance with Appendix K of the State CEQA Guidelines. The measures below are excerpts from Appendix K and will only be applied in the event that an archaeological site is discovered during excavation or construction phases of the project. If a site and/or artifacts are discovered, the following mitigation measures will be enacted:</p> <ul style="list-style-type: none"> ◆ An excavation plan will be prepared according to the requirements outlined in the CEQA Appendix K. ◆ If it is impossible to avoid disturbing the site through revisions in the project design, the Lead Agency will initiate salvage efforts according to the parameters outlined in Appendix K, Section VII of the CEQA 	<p>In compliance with Section 15064.5 of the CEQA Guidelines (formerly Appendix K), which provides mitigation in the event that archaeological resources are uncovered during excavation activities, provisions shall be made for the immediate evaluation of the find by a qualified archaeologist. If the find is considered historical or a unique archaeological resource, implementation of avoidance measures or appropriate mitigation shall be made.</p> <p>In the event that human remains are encountered during excavations on the site, all work shall halt and the County Coroner shall be notified, in accordance with Section 5097.98 of the Public Resources Code.</p>

General Plan Policy in EIR	Project Compliance
<p>Guidelines.</p> <ul style="list-style-type: none"> ◆ In the event of the discovery of human remains, procedures outlined in Section VIII of Appendix K of the CEQA Guidelines will apply. 	

The proposed project will comply with this policy, as a standard condition.

Based on the comparative discussion above, the project’s impacts are no different than those analyzed in the previous EIRs.

4.16.5 Standard Conditions and Mitigation Measures

Standard Conditions

In addition to other project-specific conditions which may be imposed by the City, the City will impose the following standard conditions on the project as part of any future approval:

Standard Condition 4.16.1: If archaeological resources are found on the site during excavation and grading activities, all ground disturbance activities shall be halted until an archaeologist has evaluated the significance of the artifacts. If the archaeological resources are considered significant, then a mitigation plan shall be developed, in accordance with Section 21083.2 of CEQA and Section 15064.5 of the CEQA Guidelines, to ensure mitigation below a level of significance. Mitigation shall include photographing, recordation, collection, archival of collected materials, capping of the site, or other appropriate measures. (EIR for Amendment No. 1)

Standard Condition 4.16.2: If human remains are encountered during excavations associated with this project, no further disturbance shall occur and the County Coroner shall be notified (Section 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are of forensic interest. If the Coroner determines that the remains are prehistoric, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall complete the inspection of the site within 24 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials (Section 70580.5 of the Health and Safety Code).

Mitigation Measures

Mitigation measures that would reduce the potentially significant adverse impacts of the project and/or that have been identified in the Supplemental EIR for the MVSP and the EIR for Amendment No. 1 and found to be applicable to the project include the following:

Mitigation Measure 4.16.1: A Native American monitor shall be present during ground disturbing activities at the site, to ensure that any archeological or cultural features or deposits not previously known are identified and subject to data recovery efforts. The monitor shall

have the responsibility to redirect grading away from any important deposits that are uncovered, and subsequently, an archaeologist shall be retained to initiate the evaluation of any discoveries to determine if further data recovery work is necessary. Should any discoveries necessitate further work, this shall be accomplished in consultation with local tribes and in compliance with Section 21083.2 of CEQA and Section 15064.5 of the CEQA Guidelines.

4.16.6 Unavoidable Significant Adverse Impacts

Preliminary analysis in the Initial Study (IS) for the project found that no significant impacts would be expected on cultural resources due to the site's highly disturbed and developed condition. While no impacts on historical and paleontological resources are also expected, based on comments from the Native American Heritage Commission, the discussion above expands on the project's potential impacts on cultural resources through a record search, Native American Tribe consultation, and site survey completed as part of the Cultural Resources Study for the site. This analysis acknowledges the potential for the discovery of unknown archaeological resources, based on comments from the Soboba Band of Luiseno Indians.

The analysis in this section indicates that the proposed Wal-Mart Supercenter may result in adverse impacts to unknown cultural resources. Potentially significant impacts to unknown cultural resources can be prevented or reduced to less than significant levels by the implementation of the standard conditions and mitigation measure outlined above. No unavoidable significant adverse impacts are expected after mitigation.