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Phase I Cultural Resources Assessment and Paleontological Review 10234 4th Street City of Rancho Cucamonga, San Bernardino County, California

USGS 7.5-minute Guasti Topographic Quadrangle Map Township 1 South, Range 7 West, Section 14 APNs 0210-371-01, 2.759-Acre Study Area

Prepared for:

Five Star Gourmet Foods

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Table of Contents

Management Summary 1
Section 1: Introduction 3 1.1 - Project Location 3 1.2 - Project Description 3 1.3 - Assessment Team 3
Section 2: Cultural Setting 11 2.1 - Early Horizon (Before 8,000 BP) 11 2.2 - Millingstone Horizon (~8,000 to 5000 BP) 11 2.3 - Intermediate Horizon (~5,000 to 1,500 BP) 12 2.4 - Late Prehistoric Horizon (~1,500 BP to AD 1769) 12 2.5 - Native American Background 13 2.6 - Historic Background 14 Section 3: Results 3.1 - Record Search 17 3.2 - Pedestrian Survey 18
Section 4: Summary and Recommendations 21 4.1 - Summary 21 4.2 - Recommendations 21 4.3 - Inadvertent Discovery Procedures 22 Section 5: References 25
Threshold of Significance6
List of Appendices
Appendix A: Project Area Photographs
Appendix B: Records Search Results
Appendix C: NAHC Sacred Lands File Search and Individual Correspondence C.1 - Native American Heritage Commission Sacred Lands File Search Request C.2 - NAHC Response and Tribal List C.3 - Individual Native American Letters
Appendix D: Paleontological Records Search
Appendix E: Regulatory Framework
List of Tables
Table 1: Cultural Resources Reports within a 1-mile Radius of the Project Area

List of Exhibits

Exhibit 1: Regional Location Map	5
Exhibit 2: Local Vicinity Map, Topographic Base	. 7
Exhibit 3: Local Vicinity Map, Aerial Base	. 9

MANAGEMENT SUMMARY

At the request of Five Star Gourmet Foods, FirstCarbon Solutions (FCS) conducted a Phase I Cultural Resource Assessment (PICRA) at the proposed project area located within Rancho Cucamonga, California (Appendix A). Totaling 2.759 acres, the proposed project area consists largely of undeveloped land with a single abandoned commercial building on a paved lot facing 4th Street, and a cell tower facility in the northeast corner.

The purpose of this assessment is to identify the presence or absence of potentially significant cultural resources within the project area and, if impacted by the proposed development, propose recommendations for mitigation. Completion of this investigation fulfills the requirements associated with the California Environmental Quality Act (CEQA) Guidelines. This report follows the California Office of Historic Preservation (OHP) procedures for cultural resource surveys.

On September 4, 2018, FCS Archaeologist David Smith, conducted a records search at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. The results of the records search indicate that 7 cultural resources survey reports are on file for properties within a 1-mile search radius, but that the project area has never been the subject of an cultural resources study or archaeological survey. In addition, no historic or prehistoric resources have been recorded on the project area or within the 1-mile search radius. Results of the records search can be found in Appendix B.

On August 29, 2018, FCS sent a letter to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands File database to determine if any cultural resources are located on or near the project area (Appendix C). The September 4, 2018, response from NAHC noted that the record search of the NAHC Sacred Lands Inventory failed to indicate the presence of Native American cultural resources in the immediate project area. A list of seven Native American tribal members who may have additional knowledge of the project area was included in the NAHC response. These tribal members were sent letters on September 11, 2018, asking for any additional information they might have concerning the project area. To date, no responses have been received.

FCS Archaeologist Robert Mariani, MA, surveyed the project area on August 30, 2018. Approximately one-third of the parcel is occupied by the existing RV and Off-Road building and pavement, and a small cell site facility is located in the northeastern corner of the property. The remainder of the parcel is undeveloped sediment. The project area is accessed from its southern boundary via 4th Street. No historic or prehistoric cultural resources were observed during the survey.

Based on the analysis of the records search results, the NAHC Sacred Lands File search, additional Native American tribal member outreach attempts, and the pedestrian survey, the proposed project area has been determined to have a low sensitivity for prehistoric resources.

The results of the paleontological literature review conducted by the Los Angeles County Museum of Natural History indicate that the project is located in an area with generally low paleontological sensitivity (Appendix D).

Based on the analysis of the Vertebrate Paleontology Records Check, the proposed project area has been determined to have a low sensitivity for paleontologic resources at shallow excavation depths; however, excavations exceeding five feet may encounter paleontologically sensitive sediments.

Construction-related monitoring for cultural resources is not recommended at this time. Construction-related monitoring for paleontological resources is not recommended at this time.

Mitigation measures intended to be implemented in the event of the inadvertent discovery of prehistoric resources, historic resources, paleontologic resources, and human remains are detailed in the Inadvertent Discoveries Procedures section of this report.

SECTION 1: INTRODUCTION

1.1 - Project Location

The project area consists of a 2.759-acre site located at 10234 4th Street, in Rancho Cucamonga, San Bernardino County, California (Exhibits 1). The project area is located on Assessor's Parcel Number 0210-371-01.

The project area is located in the southeast quarter of Section 14 of Township 1 South, Range 7 West, San Bernardino Baseline Meridian on the United States Geological Survey (USGS) 7.5-minute Guasti topographic quadrangle map (Exhibit 2). The proposed project area consists largely of undeveloped land with a single commercial building on a paved lot facing 4th Street, and a cell tower facility in the northeast corner. The building is the former location of RV and Off Road, an offroading repair and parts distributor (Exhibit 3)

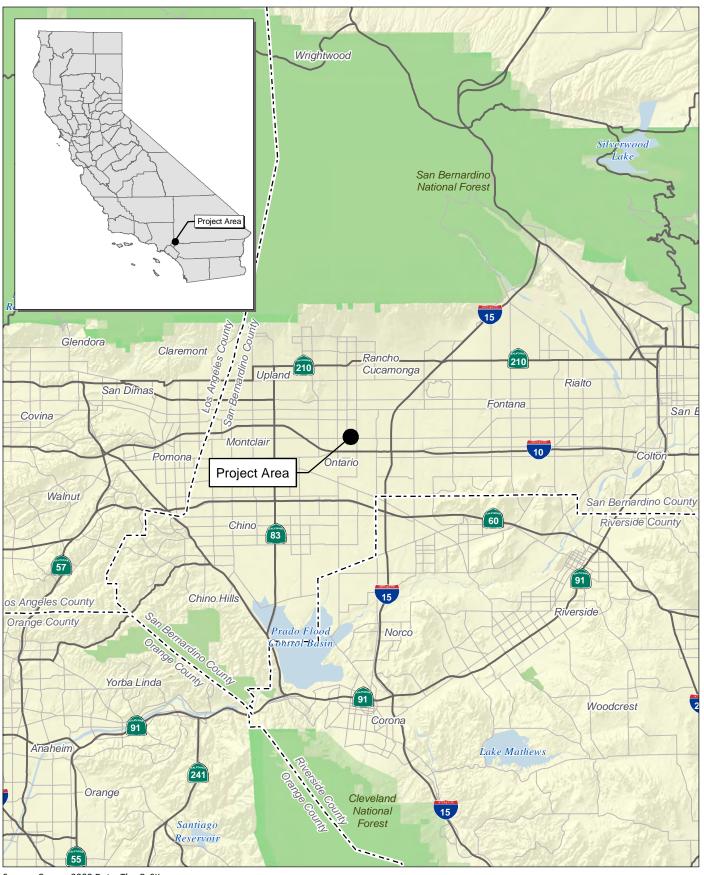
1.2 - Project Description

The project would develop the property for commercial use and include building demolition, grading to form pads, trenching for underground utilities, grading for roads and driveways, and landscaping.

1.3 - Assessment Team

FCS Archaeologist Robert Mariani, MA conducted the fieldwork, and David Smith authored this study. Professional qualifications can be found in Appendix E.



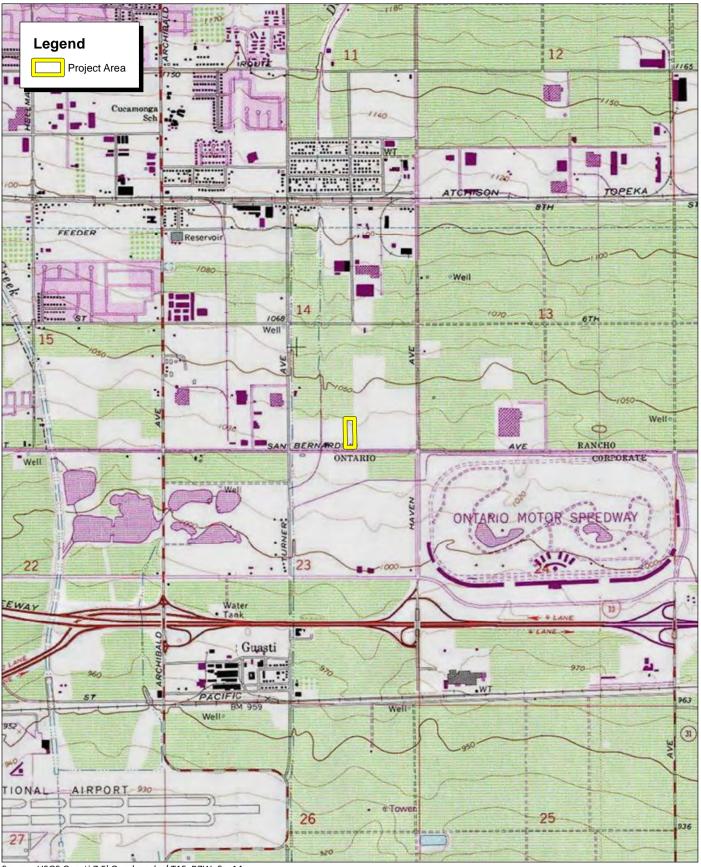


Source: Census 2000 Data, The CaSIL



Exhibit 1 Regional Location Map





Source: USGS Guasti 7.5' Quadrangle / T1S, R7W, Sec14



Exhibit 2 Local Vicinity Map Topographic Base





Source: ESRI Aerial Imagery.



Exhibit 3 Local Vicinity Map Aerial Base



SECTION 2: CULTURAL SETTING

This section provides a brief overview of the prehistory and history of the region. A more detailed description can be found in ethnographic studies, mission records, and major published sources including Wallace (1955), Warren (1968), Moratto (1984), and Chartkoff and Chartkoff (1984). Jones and Klar, eds. (2007) provide recent overviews of California archaeology in general and review the prehistory of the coastal regions in southern California.

The most accepted regional chronology for the coastal and central interior of Southern California is derived from Wallace's four-part Horizon format (1955), which was later refined by Warren (1968). The loosely established times for each period, and that period's associated artifact sets or "diagnostics," have undergone criticism and refinement over the years. Warren (1984) notes that the horizon concept is "an integrative device by which archaeological data over a wide area may be chronologically ordered into units of time" and is not meant to reflect how cultures were actually organized. Instead, it is a device of archaeological study meant to create models of behavior and culture change. The broad divisions of cultural tradition for this area are described below.

2.1 - Early Horizon (Before 8,000 BP)

Limited evidence has been discovered that supports a pre-holocene human presence in remote areas of California, including the coastal Malibu area and Santa Rosa Island.

Human remains recovered from the Arlington Springs site on Santa Rosa Island suggest an early human presence dating to 13,000 years before present (BP) (Orr 1962). Similarly, an apparent Clovis Period site discovered in Malibu, the Farpoint site, yielded radiocarbon dates exceeding 9,000 BP, but are stratrigraphically higher in the deposit than the Clovis Period artifact for which the site is identified, potentially extending the date of the site as far back as 12,500–11,000 BP (Linthicum 2008).

Beginning with the first widespread human presence in California (dating to approximately 11,000 or more years ago), prehistoric artifacts and cultural activities appeared to represent a big-game hunting tradition. Much has been made of the few sites that exist in contemporary studies (e.g., Wallace 1978). Unfortunately, very few sites from the Early Horizon exist, especially in inland areas. Of the Early Horizon sites that have been excavated and dated, most exhibited a refuse assemblage suggesting short-term occupations. Such sites have been detected in caves and around fluvial lakes fed by streams that existed near the end of the last glaciation. Chipped stone tools at these sites are clearly ancient, are not made later in the Prehistoric period, and reflect a specialized tool kit used by hunters. Large-stemmed bifaces are common. Millingstones and dart or arrow points are not part of the Early Horizon toolkit.

2.2 - Millingstone Horizon (~8,000 to 5000 BP)

The onset of the Millingstone Horizon appears to correspond with an interval of warm and dry weather known as the Altithermal (Wallace 1978). Artifact assemblages reflect an emphasis on

plant foods and foraging subsistence systems because grinding tools are found at these sites. For inland locales, it has been assumed that exploitation of grass seeds formed a primary subsistence activity. Artifact assemblages include chopper and scraper planes, but there are a reduced number of large bifaces in the excavated assemblages. Sites are occupied for a much greater amount of time than Early Period sites.

The regional distribution of Millingstone sites reflects the theory that aboriginal groups may have followed a modified centrally based wandering settlement pattern. Here, large groups would have occupied a base camp for only a portion of the year, with smaller bands occupying subsidiary camps in order to exploit resources not generally available near the base camp. Sedentism apparently increased in areas possessing an abundance of resources that were available for longer periods. Arid inland regions would have provided a seasonally and spatially dispersed resource base thereby restricting sedentary occupation, compared to that of the coastal areas. Overall, the Millingstone Horizon toolkit in the Los Angeles basin is typified by large and heavy deep-basin metates, wedge-shaped manos, and large choppers and scrapers. Projectile points are few, and dart points do not yet exist. Flaked lithic tools are slightly larger and cruder than later periods, and "cogstones" first appear during this Horizon.

2.3 - Intermediate Horizon (~5,000 to 1,500 BP)

The Intermediate Horizon represents a slow technological transition likely related to the slowly drying and warming climate. Site artifact assemblages retain many attributes of the Millingstone Horizon. Technologically speaking, these sites are difficult to distinguish from earlier sites in the absence of radiometric dates. Additionally, these sites generally contain a reduced number of large-stemmed or notched projectile points, but often contain an increased number of portable mortars and pestles. The lack of large points combined with the presence of mortars and pestles suggest that the aboriginal populations may have harvested, processed, and consumed acorns and other seeds over and above hunting.

Because of a general lack of data, the settlement and subsistence systems and the cultural evolution of this period is not well understood. It has been proposed by some researchers that group sedentarism increased with the exploitation of storable high-yield plant food resources. The duration and intensity of occupation of base camps increased during this Horizon, especially in the later part. Overall, the Intermediate Horizon toolkit in the Los Angeles basin is vague, with elements of the Millingstone Horizon (heavy grinding implements) and the Late Prehistoric Period. A higher percentage of projectile points occurs and smaller chipped stone tools are used. It has been assumed for decades that mortars and pestles became commonplace during this period, and that most of the bedrock mortars found in Southern California were ground out during this period. Currently, bedrock mortars cannot be dated by any reliable means.

2.4 - Late Prehistoric Horizon (~1,500 BP to AD 1769)

Extending from 1,500 BP to Spanish contact in 1769, the Late Prehistoric reflects an increase in technological sophistication and diversity. Village sites are common. Late assemblages characteristically contained small projectile or dart points, which imply the use of the bow and arrow.

In addition, assemblages included steatite bowls, asphaltum artifacts, grave goods, and elaborate shell ornaments. Use of bedrock milling stations is purported to have been widespread during this period, as it was in the previous one. Increased hunting efficiency and widespread exploitation of acorns provided reliable and storable food resources. Pottery, previously traded into the area, was made locally during the latest stage of this Period and was of simple construction technology (Cameron 1999).

One of the key reasons for understanding how culture change is perceived archaeologically is from the standpoint of determining where the ancestors of living indigenous Native Americans came from. Nothing can illustrate this concept better than to examine the "Shoshonean wedge" concept as first proposed by Kroeber (1925). Because the root languages of the indigenous Southern Californians are of two types (Hokan and Uto-Aztecan) and because southwest Uto-Aztecan presence (Nevada, Arizona, etc.) is dated prehistorically late, it is assumed that Uto-Aztecan speakers entered Southern California hundreds of years before the Spanish explored the coast (about AD 700 to 1400). Without an analysis of specific cultural markers derived from dated sites (Koerper 1981), it is not possible to distinguish between culture-material artifact assemblages of newly in-migrated groups and their antecedents.

2.5 - Native American Background

The eastern Rancho Cucamonga and western Fontana regional areas are believed by cultural resource researchers who have previously studied portions of the project site (Tang and Hogan 2008; Padon et al. 1989) to be predominantly within the traditional use area of the Gabrieliño people.

2.5.1 - The Gabrieliño

The project area is located in the region known to have been occupied by the Gabrieliño Indians.

Ethnographic accounts indicate that the Gabrieliño were the dominant group of Native Americans in the region that includes the project area. Kroeber (1925) and Bean and Smith (1978) form the primary historical references for this group. The arrival of Spanish explorers and the establishment of missions and outposts during the 18th century, ended the prehistoric period in California and, due to the introduction of diseases such as smallpox and the mass removal of local Indian groups to the Mission San Gabriel and Mission San Juan Capistrano, Gabrieliño society began to fragment.

The Gabrieliño spoke a language that belongs to the Cupan group of the Takic subfamily of the Uto-Aztecan language family, a language family that includes the Shoshonean groups of the Great Basin. The total Gabrieliño population at about 1770 AD was roughly 5,000 people, based on an estimate of 100 small villages of 50 to 200 people per village. Their range was generally thought to have been on the Pacific Coast from Malibu to San Pedro Bay, south to Aliso Creek, east to Temescal Canyon, and then north to the headwaters of the San Gabriel River. Also included were several islands, including Catalina. This large area encompassed the City of Los Angeles, much of Rancho Cucamonga, Corona, Glendale, and Long Beach. By 1800, most Gabrieliños had been assimilated into the Mission system.

The first modern social analyses of Gabrieliño culture took place in the early part of the twentieth century (Kroeber 1925), but by that time acculturation and disease had considerably reduced the population and much of the cultural background had been lost. Nonetheless, the early ethnographers viewed the Gabrieliño as a chief-oriented society of semi-sedentary hunter-gatherers. Influenced by coastal and interior environmental settings, their material culture was quite elaborate and consisted of well-made wood, bone, stone, and shell items. Included among these was a hunting stick made to bring down numerous types of game. Located in an area of extreme environmental diversity, large villages may have been permanent, such as that found on or near Red Hill, with seasonally utilized satellite villages. Their living structures were large, domed, and circular thatched rooms that may have housed multiple families. The society exhibited a hierarchy, possibly including chiefs, who possessed a much higher level of economic power than unranked tribal members did.

2.6 - Historic Background

The historic data detailed below was taken primarily from Stoebe et al. (1981) and Clucas (1979). The study of the North Etiwanda Specific Plan by Padon et al. (1989) has a complete and detailed account of homesteading in the Etiwanda-San Sevaine vicinity.

Following the collapse of the Mexican/Spanish Rancho economic system in California in the middle part of the 19th century, modern growth in Southern California could not begin until three limiting issues could be overcome: potable and reliable water, reliable transportation of goods and services and agriculture-friendly government. Although Etiwanda is the local community nearest the project site, the history of the Alta Loma area is an excellent example of how basic changes in these limiters throughout Southern California is reflected in the local history. Alta Loma, a small town now included with the City of Rancho Cucamonga, was begun as part of an effort by wealthy businessmen in the late 19th century to subdivide vast tracts of land, make a handsome profit as a result of the sale, and allow small-scale orchardists to take advantage of a climate suitable for the growth of tropical produce. As part of that effort, the developers created or utilized existing rail transportation and associated communication services that made shipping agricultural products possible. In addition, the development of water storage and irrigation systems allowed small orchards to survive, while local government infrastructure was designed to provide maximum service to the small farmer.

Originally known as "Ioamosa," Alta Loma was created out of the remnants of the original Rancho Cucamonga, three leagues of land (about 13,000 acres) first deeded to Don Tiburcio Tapia in 1839 by the Mexican authorities. A major portion of the original Rancho was willed to his daughter Dona Merced who was married to Isaac Williams, the richest cattle baron in California (Rasmussen 2001). Upon his death, Williams willed half of the Rancho to Dona Merced. Quickly marrying the opportunist John Rains, Dona Merced was one of the richest women in Southern California, but her husband soon became heavily indebted. After her husband was mysteriously murdered in 1862, Merced lost her property but reacquired it through legal action in 1865. Merced was then forced to sell the entire Rancho in 1870 to settle Rains' debts.

The lands, some of which held title to water resources, were quickly purchased by some of the first developers in the area: Adolph Petsch, Benjamin Eaton, and Isaias Hellman. Forming the Cucamonga Homestead Association (CHA) in the early 1870s, Hellman and his partners increased the size of their holdings by adding lands lying outside the original Rancho boundary, and then brought water to CHA lands via a flume built in the upper reaches of Cucamonga Canyon. In 1881, Petsch created a new subdivision, the Hermosa Tract, from lands not originally a part of the Rancho. That same year, Hellman created the nearby lowa tract. The two subdivisions were combined to create the community of loamesa in 1887, which was the same year water was brought to the area. An 1888 California State Engineering Department map shows water for the Hermosa tract originating from Deer Creek and springs in the steep canyons a few miles west of the study area, while that for the lowa tract originated from Cucamonga Canyon. Metal pipelines constructed by Chinese labor served both. The ownership of water that supported these developments was challenged in court in the 1870s and 1880s, but by 1885, orchards had been established and were producing.

By 1886, rail transportation to market was reliable enough for the farmer to assume that crop shipments could take place on a regular basis. The Atchison, Topeka, and Santa Fe Railroad (ATSF [California Central Railway]) served the Upland, Cucamonga, and Rialto areas; the Southern Pacific served the South Cucamonga and Ontario areas; and the Pacific Electric ran through Alta Loma and Etiwanda. This latter rail allowed daily shipments of local lemons, peaches, and grapes to Los Angeles, San Bernardino, and other points east from local cooperative packing houses.



SECTION 3: RESULTS

3.1 - Record Search

3.1.1 - South Central Coastal Information Center Search

On September 4, 2018, FCS Archaeologist David Smith, conducted a records search at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. The results of the records search indicate that 7 cultural resources survey reports are on file for properties within a 1-mile search radius, but that the project area has never been the subject of an cultural resources study or archaeological survey (Table 1). In addition, no historic or prehistoric resources have been recorded on or within the 1-mile search radius. Results of the records search can be found in Appendix B.

Table 1: Cultural Resources Reports within a 1-mile Radius of the Project Area

Report Number	Author/Date	Additional Details
SB-00317	Martz 1976	Archaeological overview study
SB-04138	Tang	Historic Properties Evaluation
SB-04578	Wlodarski 2005	Cultural Resources Assessment
SB-05182	Billet 2006	Unknown
SB-05480	Wlodarski and Bonner 2005	unknown
SB-05871	Bonner and Aislin-Lau 2007	Records Search
SB-05987	Bonner and Aislin-Lau 2006	Records Search

3.1.2 - Historic Aerial Photographs Review

FCS reviewed historic aerial photographs obtained from the Historic Aerials databases for 1938, 1948, 1959, 1966, 1980, 1994, 2002, 2005, 2009, 2010, and 2012 (the 2014 aerial was not functioning during this review). Between 1938 and 1966 the property supported agriculture, possibly citrus trees. Sometime between 1966 and 1980 (subsequent research determined the building was constructed in 1979), the agriculture was removed and the present-day abandoned RV and Off-Road building and adjoining pavement had been constructed. It is unknown if this was the original name of the company occupying the building at the time of construction. The northern two-thirds was graded but contained no structures. Then, sometime between 2005 and 2009, the cell facility appeared in the northeast corner of the parcel. Between 2009 and 2012 the property remains unchanged. At present, the property appears generally the same as it did in 2012.

3.1.3 - Native American Heritage Commission Record Search

On August 29, 2018, FCS sent a letter to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands File database to determine if any cultural resources are

located on or near the project area. The September 4, 2018, response from NAHC noted that the record search of the NAHC Sacred Lands Inventory failed to indicate the presence of Native American cultural resources in the immediate project area. A list of seven Native American tribal members who may have additional knowledge of the project area was included in the NAHC response. These tribal members were sent letters on September 11, 2018, asking for any additional information they might have concerning the project area. To date, no responses have been received.

3.1.4 - Paleontological Records Search

The results of the paleontological literature review conducted by the Los Angeles County Museum of Natural History indicate that the project is located in an area with generally low paleontological sensitivity (Appendix D). According to Dr. Samuel McLeod:

The entire proposed project area has surficial sediments composed of younger Quaternary Alluvium, derived as alluvial fan deposits from the San Gabriel Mountains to the north. These deposits typically do not contain significant vertebrate fossils, at least in the uppermost layers, but they may be underlain at relatively shallow depth by older sedimentary deposits that do contain significant fossil vertebrate remains. Our closest fossil vertebrate locality from similar older Quaternary deposits is LACM 7811, just west of south of the proposed project area west of Mira Loma along Sumner Avenue, that produced a fossil specimen of whipsnake, Masticophis, at a depth of 9 to 11 feet below the surface. Further to the south between Corona and Norco our vertebrate fossil locality LACM 1207 produced a fossil specimen of deer, Odocoileus.

Shallow excavations in the younger Quaternary Alluvium exposed in the proposed project area are unlikely to encounter significant vertebrate fossils. Deeper excavations that extend down into older Quaternary deposits, however, may well encounter significant remains of fossil vertebrates. Any substantial and deep excavations in the proposed project area, therefore, should be monitored closely to quickly and professionally recover any fossil remains while not impeding development. Also, sediment samples should be collected and processed to determine the small fossil potential in the proposed project area. Any fossils collected should be placed in an accredited scientific institution for the benefit of current and future generations.

3.2 - Pedestrian Survey

FCS Archaeologist Robert Mariani, MA, surveyed the project area on August 30, 2018. Ground visibility during the survey was excellent with only very sparsely distributed non-native grasses. As demonstrated from the review of historic aerials dating back to 1938, the property appears to have had only two modern structures constructed on it. According to title documents, the building facing 4th Street and presently identified as RV and Off Road, was constructed in 1979. The building is generally concrete block with galvanized tin siding and a metal roof. Three large bay doors are on the eastern

wall of the building. The building is currently vacant and it is unknown if it ever served under a different name or had a different purpose since its initial construction. The second modern structure is a cell site enclosed with concrete blocks. The cell tower is camouflaged to resemble a pine tree. Is as assumed the facility still functions. Neither structure warrants further consideration as historic resources.

Numerous pieces of broken bottle glass, ceramics, assorted rusty metal objects, and brick and concrete fragment are most likely the result of dumping and are not evidence of a previously existing structure on the property. This was demonstrated by the historic aerial review and views on Google Earth dating back to 1994. Several locations were observed during the survey where recent dumping had occurred. None of these warrant any additional consideration as historic resources.

No prehistoric or significant historic cultural resources were found, and the proposed project is expected to have no impacts on any previously unknown archaeological or historic resources.



SECTION 4: SUMMARY AND RECOMMENDATIONS

4.1 - Summary

In accordance with CEQA regulations, FCS assessed the effects of development for the project area. Results from the SCCIC indicated that the current project area had not been previously studied, and that no historic or prehistoric archaeological resources meriting recordation were observed during the survey.

The existing building on the property, identified as RV and Off-Road, is known to have been constructed in 1979. The Office of Historic Preservation considers historical structures 45 years of age or older potentially eligible for inclusion on the California Register of Historic Resources; therefore, the building is of insufficient age to warrant further study.

A records search of the LACCM indicates that no previously recorded paleontological resource localities are present within the boundaries of the proposed development property.

4.2 - Recommendations

4.2.1 - Cultural Resources Recommendations

FCS has assessed the effects of the proposed development on any local prehistoric cultural resources, historic cultural resources, and paleontological resources

Based on the analysis of the records search results, the NAHC Sacred Lands File search, the pedestrian survey, the proposed project area has been determined to have a low to moderate sensitivity for prehistoric resources.

Based on the analysis of the records search results and the pedestrian survey, the proposed project area has been determined to have a low sensitivity for significant historic or prehistoric archaeological resources. The RV and Off Road facility was constructed in 1979 and is of insufficient age to warrant further consideration as a cultural resource.

Based on the analysis of the Vertebrate Paleontology Records Check, the proposed project area has been determined to have a low sensitivity for paleontologic resources.

Construction-related archaeological monitoring for cultural resources is not recommended at this time. Construction-related monitoring for paleontological resources is not recommended at this time.

Mitigation measures intended to be implemented in the event of the inadvertent discovery of prehistoric resources, historic resources, paleontologic resources, and human remains are detailed in the Inadvertent Discoveries Procedures section of this report.

4.3 - Inadvertent Discovery Procedures

4.3.1 - Accidental Discovery of Human Remains

There is always the possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

- 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
- 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project area in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
 - The descendent identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

4.3.2 - Accidental Discovery of Cultural Resources

It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist and shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.

Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

4.3.3 - Paleontological Recommendations

The results of the literature review and records search at the Los Angeles County Museum of Natural History demonstrate that excavation in surficial and subsurface exposures of recent alluvium within the boundaries of the proposed development site has low potential to adversely impact significant nonrenewable paleontologic resources. These sediments have low paleontological sensitivity. Pleistocene alluvium present in the study area, given the lithology and the depositional context, likely also has low paleontologic sensitivity. No program to mitigate adverse impacts to fossil resources is recommended at this time.

Although the paleontological research conducted for the proposed project indicated that there are no paleontological resources known to exist within or near the project area, there is always the possibility that previously unknown, buried paleontological resources could be uncovered during excavation activities.

In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology [1995] standards), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5.

The paleontologist will notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the Applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the City of Rancho Cucamonga for review and approval prior to implementation, and the Applicant shall adhere to the recommendations in the plan.



SECTION 5: REFERENCES

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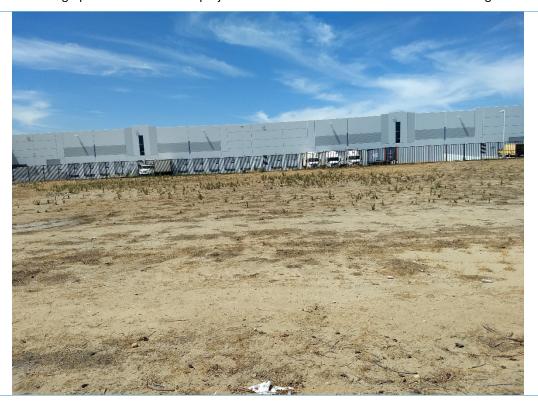
Five Star Gourmet Foods—10234 4th Street Phase I Cultural Resources Assessment and Paleontological Review

Appendix A: Project Area Photographs





Photograph 1: Overview of the project from the south. Note the cell tower on the right.



Photograph 2: Image of typical soil conditions on the property.



Five Star Gourmet Foods—10234 4th Street Phase I Cultural Resources Assessment and Paleontological Review

Appendix B: Records Search Results



Report List

1024 4th Street

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
SB-00317	NADB-R - 1060317; Voided - 76-4.2	1976	MARTZ, PATRICIA	DESCRIPTION AND EVALUATION OF THE CULTURAL RESOURCES: CUCAMONGA, DEMENS, DEER AND HILLSIDE CREEK CHANNELS, SAN BERNARDINO AND RIVERSIDE COUNTIES, CALIFORNIA	ARCHAEOLOGICAL RESEARCH UNIT, UCR	36-000270, 36-000895, 36-000897, 36-000898, 36-000899, 36-000900, 36-000901, 36-000902, 36-015231
SB-04138	NADB-R - 1064138	2002	TANG, BAI	IDENTIFICATION & EVALUATION OF HISTORIC PROPERTIES: FOURTH ST RECYCLED WATER PIPELINE IN AND NEAR THE CITIES OF ONTARIO & RANCHO CUCAMONGA, SAN BERNARDINO COUNTY, CA. 29PP	CRM TECH	
SB-04578	NADB-R - 1064578	2005	Wlodarski, Robert J.	Records Search and Field Reconnaissance Results for Proposed Nextel Wireless Communications Site (CA5336C-Westside) Located at 10234 4th Street, City of Rancho Cucamonga, San Bernardino County, California.		
SB-05182	NADB-R - 1065182	2006	Billat, Lorna	Archibald/CA-7134K.		
SB-05480	NADB-R - 1065480	2005	Wlodarski, Robert J. and Wayne H. Bonner	CA7134G Archibald-Tibbetts, 9624 Hermosa Avenue, Rancho Cucamonga, San Bernardino County, California.		
SB-05871	NADB-R - 1065871; OHP OTIS Report Nbr - FCC070801A	2007	Bonner, Wayne H. and Marnie Aislin-Kay	Cultural Resource Records Search Results and Site Visit for Royal Street Communications, LLC Candidate LA2247A (Global Signal-Laird Construction) 9460 Lucas Ranch Road, Rancho Cucamonga, San Bernardino County, California.	Michael Brandman Associates	2
SB-05987	NADB-R - 1065987	2006	Bonner, Wayne H. and Marnie Aislin-Kay	Cultural Resource Records Search Results and Site Visit for Global Signal Telecommunications Facility Candidate 3021590 (Laird Construction) 9460 Lucas Ranch Road, Rancho Cucamonga, San Bernardino County, California.		



Five Star Gourmet Foods—10234 4th Street Phase I Cultural Resources Assessment and Paleontological Review

Appendix C: NAHC Sacred Lands File Search and Individual Correspondence



Five Star Gourmet Foods—10234 4 th Street
Phase I Cultural Resources Assessment and Paleontological Review
unu Fuleontologicui Neview
C.1 - Native American Heritage Commission Sacred Lands File Search Request



Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd, Suite 100 West Sacramento, CA 95501 (916) 373-3710 (916) 373-5471 – Fax nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project:	10234 4th Street, Rancho Cucamonga, California						
County:	sy: San Bernardino						
USGS (Quadrang	le					
Name:	Gua						
Townsh	ip: 1 S	Range	7 W	Section(s):	14		
-	ny/Firm/ <i>E</i> rbon Sol	0 ,					
Contact	Person:	David Smith					
Street A	ddress:	250 Comme	rce Ste 250				
City:	Irvine				Zip:	92602	
Phone:	(714) 50	08-4100	Extension:	1046			
Fax:							
Email:	dsmith@fcs-intl.com						
The 2.46	Descripti 5-acre par cial consti	cel located at 1	0234 4th Stree	et, Rancho C	ucamo	onga, California is proposed for	
√ Proj	ect Locat	tion Map is att	ached				



Five Star Gourmet Foods—10234 4 th Street Phase I Cultural Resources Assessment	
and Paleontological Review	
	C.2 - NAHC Response and Tribal List



NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department 1550 Harbor Blvd., ROOM 100 West SACRAMENTO, CA 95691 (916) 373-3710 Fax (916) 373-5471

September 4, 2018

David Smith

First Carbon Solutions

Sent by Email: dsmith@fcs-intl.com

Re: 10234 4th Street, Rancho Cucamonga, San Bernardino County

Dear Mr. Smith,

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not preclude the presence of cultural resources in any project area. Other sources for cultural resources should also be contacted for information regarding known and/or recorded sites.

Enclosed is a list of Native Americans tribes who may have knowledge of cultural resources in the project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these tribes, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at 916-573-1033 or frank.lienert@nahc.ca.gov.

Sincerety,

Frank Lienert

Associate Governmental Program Analyst

Native American Heritage Commission Native American Contacts September 4, 2018

Gabrieleno/Tongva San Gabriel Band of Mission Indians

Anthony Morales, Chairperson

P.O. Box 693

Gabrielino Tongva

San Gabriel , CA 91778 GTTribalcouncil@aol.com

(626) 483-3564 Cell

Gabrieleno Band of Mission Indians - Kizh Nation

Andrew Salas, Chairperson

P.O. Box 393

Gabrielino

Covina

, CA 91723

admin@gabrielenoindians.org

(626) 926-4131

(626) 286-1262 Fax

Gabrielino /Tongva Nation

Sandonne Goad, Chairperson 106 1/2 Judge John Aiso St., #231

- CA 90012 Los Angeles

sgoad@gabrielino-tongva.com

(951) 807-0479

Gabrielino Tongva

San Manuel Band of Mission Indians

Lynn Valbuena

26569 Community Center Dr.

Serrano - CA 92346

(909) 864-8933

Highland

San Manuel Band of Mission Indians Lee Clauss, Director-CRM Dept. Serrano

26569 Community Center Drive Highland , CA 92346

Iclauss@sanmanuel-nsn.gov

(909) 864-8933

(909) 864-3370 Fax

Morongo Band of Mission Indians

Robert Martin, Chairperson

12700 Pumarra Road

- CA 92220 Serrano

(951) 849-8807

Banning

(951) 755-5200

(951) 922-8146 Fax

Serrano Nation of Mission Indians

Goldie Walker, Chairperson

P.O. Box 343

Patton

Serrano

Cahuilla

- CA 92369

(909) 528-9027

(000) 528_0032

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed 10234 4th Street, Rancho Cucamonga, San Bernardino County

Five Star Gourmet Foods—10234 4 th Street Phase I Cultural Resources Assessment and Paleontological Review	
	C.3 - Individual Native American Letters





Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales P.O. Box 693 San Gabriel, CA, 91778

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Anthony Morales:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

The PICRA is intended to determine the potential for existing and undiscovered cultural resources on the project site. The Cultural Resources Assessment included record searches, a field survey, and a final report. Copies of all correspondence and site survey photographs are included in a Cultural Resources Assessment technical report. The PICRA concluded that the project area has never been the subject of a cultural resources study and no historic or prehistoric resources have been recorded on the property.

As part of the PI-CRA, FCS conducted a Sacred Lands File search and a California Historical Resources Information System (CHRIS) search, neither of which identified any cultural resources in within the project area. FCS contacted the Native American Heritage Commission (NAHC), and they suggested you might be able to provide further information. If you have any additional information regarding potential historic or cultural resources in proximity or relation to the proposed project area, we would greatly appreciate your input.

Please note that this letter is a request for information pertaining to a cultural resources assessment and is not notification of a project under Senate Bill (SB) 18, Assembly Bill (AB) 52 or Section 106 of the National Historic Preservation Act. Project notification and consultation requirements are being handled by designated lead agencies under CEQA and NEPA. Please feel free to contact me at 714-508-4100 or via email at dsmith@fcs-intl.com and thank you for your valuable assistance.

Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Ja- Emfi

250 Commerce, Ste. 250

Irvine, CA 92602



Gabrieleno Band of Mission Indians - Kizh Nation Andrew Salas P.O. Box 393 Covina, CA, 91723

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Andrew Salas:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Januahi.

250 Commerce, Ste. 250 Irvine, CA 92602



Gabrielino/Tongva Nation Sandonne Goad 106 1/2 Judge John Aiso St., #231 Los Angeles, CA, 90012

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Sandonne Goad:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Ja-Emfi

250 Commerce, Ste. 250 Irvine, CA 92602



San Manuel Band of Mission Indians Lynn Valbuena 26569 Community Center Drive Highland, CA, 92346

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Lynn Valbuena:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Januahi.

250 Commerce, Ste. 250 Irvine, CA 92602



San Manuel Band of Mission Indians Lee Clauss 26569 Community Center Drive Highland, CA, 92346

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Lee Clauss:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

The PICRA is intended to determine the potential for existing and undiscovered cultural resources on the project site. The Cultural Resources Assessment included record searches, a field survey, and a final report. Copies of all correspondence and site survey photographs are included in a Cultural Resources Assessment technical report. The PICRA concluded that the project area has never been the subject of a cultural resources study and no historic or prehistoric resources have been recorded on the property.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Januahi.

250 Commerce, Ste. 250 Irvine, CA 92602



Morongo Band of Mission Indians Robert Martin 12700 Pumarra Rroad Banning, CA, 92220

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Robert Martin:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Januahi.

250 Commerce, Ste. 250 Irvine, CA 92602



Serrano Nation of Mission Indians Goldie Walker P.O. Box 343 Patton, CA, 92369

September 11, 2018

Subject: Cultural Resources Assessment—10234 4th Street, Rancho Cucamonga, CA

Dear Goldie Walker:

FirstCarbon Solutions (FCS) is preparing a Phase I Cultural Resource Assessment (PI-CRA) for a 2.46 acre commercial project located at 10234 4th Street in the City of Rancho Cucamonga.

The PICRA is intended to determine the potential for existing and undiscovered cultural resources on the project site. The Cultural Resources Assessment included record searches, a field survey, and a final report. Copies of all correspondence and site survey photographs are included in a Cultural Resources Assessment technical report. The PICRA concluded that the project area has never been the subject of a cultural resources study and no historic or prehistoric resources have been recorded on the property.

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Sincerely,

David M. Smith

Project Manager, Archaeology FirstCarbon Solutions

Ja-Emfi

250 Commerce, Ste. 250 Irvine, CA 92602



Five Star Gourmet Foods—10234 4th Street Phase I Cultural Resources Assessment and Paleontological Review

Appendix D: Paleontological Records Search





Natural History Museum of Los Angeles County 900 Exposition Boulevard Los Angeles, CA 90007

tel 213.763.DINO www.nhm.org

Vertebrate Paleontology Section Telephone: (213) 763-3325

e-mail: smcleod@nhm.org

12 September 2018

FirstCarbon Solutions 250 Commerce, Suite 250 Irvine, CA 92602

Attn: David M. Smith, Project Manager, Archaeologist

re: Paleontological resources for the proposed Five Star Gourmet Foods Project, in the City of Rancho Cucamonga, San Bernardino County, project area

Dear David:

I have conducted a thorough search of our paleontology collection records for the locality and specimen data for the proposed Five Star Gourmet Foods Project, in the City of Rancho Cucamonga, San Bernardino County, project area as outlined on the portion of the Guasti USGS topographic quadrangle map that you sent to me via e-mail on 29 August 2018. We do not have any vertebrate fossil localities that lie directly within the proposed project area boundaries, but we do have localities farther afield from sedimentary deposits similar to those that may occur subsurface in the proposed project area.

The entire proposed project area has surficial sediments composed of younger Quaternary Alluvium, derived as alluvial fan deposits from the San Gabriel Mountains to the north. These deposits typically do not contain significant vertebrate fossils, at least in the uppermost layers, but they may be underlain at relatively shallow depth by older sedimentary deposits that do contain significant fossil vertebrate remains. Our closest fossil vertebrate locality from similar older Quaternary deposits is LACM 7811, just west of south of the proposed project area west of Mira Loma along Sumner Avenue, that produced a fossil specimen of whipsnake, *Masticophis*, at a depth of 9 to 11 feet below the surface. Further to the south between Corona and Norco our vertebrate fossil locality LACM 1207 produced a fossil specimen of deer, *Odocoileus*.

Shallow excavations in the younger Quaternary Alluvium exposed in the proposed project area are unlikely to encounter significant vertebrate fossils. Deeper excavations that extend down into older Quaternary deposits, however, may well encounter significant remains of fossil vertebrates. Any substantial and deep excavations in the proposed project area, therefore, should be monitored closely to quickly and professionally recover any fossil remains while not impeding development. Also, sediment samples should be collected and processed to determine the small fossil potential in the proposed project area. Any fossils collected should be placed in an accredited scientific institution for the benefit of current and future generations.

This records search covers only the vertebrate paleontology records of the Natural History Museum of Los Angeles County. It is not intended to be a thorough paleontological survey of the proposed project area covering other institutional records, a literature survey, or any potential on-site survey.

Sincerely,

Samuel A. McLeod, Ph.D.

Summel A. M. Lood

Vertebrate Paleontology

enclosure: invoice

Five Star Gourmet Foods—10234 4th Street Phase I Cultural Resources Assessment and Paleontological Review

Appendix E: Regulatory Framework



REGULATORY FRAMEWORK

Local, state, and federal government agencies have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by the agency. Federal and state laws that govern the preservation of historic and archaeological resources of national, state, regional, and local significance include the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA). In addition, laws specific to work conducted on federal lands includes the Archaeological Resources Protection Act (ARPA), the American Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA).

The following federal or CEQA criteria were used to evaluate the significance of potential impacts on cultural resources for the proposed project. An impact is considered significant if it would affect a resource eligible for listing in the NR or the CR, or if it is identified as a unique archaeological resource.

Federal-Level Evaluations

Federal agencies are required to consider the effects of their actions on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under Section 106 of the NHPA regulations (36 CRF 800). Additionally, federal agencies are responsible for initiating NEPA Section 106 review and completing the steps that are outlined in these regulations. They must determine if NHPA Section 106 applies to a given project and, if so, initiate review in consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO). Federal agencies are also responsible for involving the public and other interested parties. Furthermore, NHPA S106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on historic properties listed in or eligible for the NR. Under the Code of Federal Regulations (CFR), 36 CFR Part 800.8, federal agencies are specifically encouraged to coordinate compliance with NHPA Section 106 and the NEPA process. The implementing regulations "Protection of Historic Properties" are found in 36 CFR Part 800. Resource eligibility for listing on the NRHP is detailed in 36 CFR Part 63 and the criteria for resource evaluation are found in 36 CFR Part 60.4 [a-d].

The NHPA established the NRHP as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NRHP, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP include: American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and must meet one or all of these eligibility criteria:

- a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) That are associated with the lives of persons significant in our past; or
- c) 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 components may lack individual distinction; or
- d) That have yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

Criteria Considerations

Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a) A religious property deriving primary significance from architectural or artistic distinction or historical importance.
- b) A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
- c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life.
- d) A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.
- e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived.
- f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance.
- g) A property achieving significance within the past 50 years if it is of exceptional importance.

Thresholds of Significance

In consultation with the SHPO/THPO and other entities that attach religious and cultural significance to identified historic properties, the agency shall apply the criteria of adverse effect to historic properties within the Area of Potential Effect (APE). The agency official shall consider the views of consulting parties and the public when considering adverse effects.

Federal Criteria of Adverse Effects

Under federal regulations, 36 CFR Part 800.5, an adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualifies the property for inclusion in the NRHP in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

According to 36 CFR Part 800.5, adverse effects on historic properties include, but are not limited to:

- Physical destruction of or damage to all or part of the property.
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties per 36 CFR Part 68 and applicable guidelines.
- Removal of the property from its historic location.
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance.
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization.
- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property's historic significance.

If Adverse Effects Are Found

If adverse effects are found, the agency official shall continue consultation as stipulated in 36 CFR Part 800.6. The agency official shall consult with the SHPO/THPO and other consulting parties to

develop alternatives to the undertaking that could avoid, minimize, or mitigate adverse effects to historic resources. According to 36 CFR Part 800.14(d), if adverse effects cannot be avoided, then standard treatments established by the ACHP may be used as a basis for Memorandum of Agreement (MOA).

According to 36 CFR Part 800.11(e), the filing of an approved MOA, and appropriate documentation, concludes the NHPA 106 process. The MOA must be signed by all consulting parties and approved by the ACHP prior to construction activities. If no adverse effects are found and the SHPO/THPO or the ACHP do not object within 30 days of receipt, the agencies' responsibilities under NHPA 106 will be satisfied upon completion of report and documentation as stipulated in 36 CFR Part 800.11. The information must be made available for public review upon request, excluding information covered by confidentiality provisions.

State-Level Evaluation Processes

An archaeological site may be considered an historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California per Public Resources Code (PRC) § 5020.1(j) or if it meets the criteria for listing on the CR in accordance with California Code of Regulations (CCR) at Title 14 CCR § 4850.

The most recent amendments to the CEQA Guidelines direct lead agencies to first evaluate an archeological site to determine if it meets the criteria for listing in the CR. If an archeological site is an historical resource, in that it is listed or eligible for listing in the CR, potential adverse impacts to it must be considered as stated in PRC §21084.1 and §21083.2(I). If an archeological site is considered not to be a historical resource, but meets the definition of a "unique archeological resource" as defined in PRC § 21083.2, then it would be treated in accordance with the provisions of that section.

With reference to PRC § 21083.2, each site found within a project area will be evaluated to determine if it is a unique archaeological resource. A unique archaeological resource is described as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

- 1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- 2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

As used in this report, a "non-unique archaeological resource" means an archaeological artifact, object, or site that does not meet the criteria for eligibility for listing on the CR, as noted in subdivision (g) of PRC § 21083.2. A non-unique archaeological resource requires no further consideration, other than the simple recording of its components and features. Isolated artifacts are

typically considered non-unique archaeological resources. Historic structures that have had their superstructures demolished or removed can be considered historic archaeological sites and are evaluated following the processes used for prehistoric sites. Finally, the California State Office of Historic Preservation recognizes an age threshold of 45 years. Cultural resources built less than 45 years ago may qualify for consideration, but only under the most extraordinary circumstances.

Title 14, CCR, Chapter 3 § 15064.5 is associated with determining the significance of impacts to archeological and historical resources. Here, the term historical resource includes the following:

- 1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in the CR (PRC § 5024.1; Title 14 CCR, § 4850 et seq.).
- 2. A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the PRC § 5024.1(g) requirements, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 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 a 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 California Register of Historical Resources (PRC § 5024.1; Title 14 CCR § 4852) including the following:
 - A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
 - B. Is associated with the lives of persons important in our past.
 - C. 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.
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.

Typically, archaeological sites exhibiting significant features qualify for the CR under Criterion D because such features have information important to the prehistory of California. A lead agency may determine that a resource may be a historical resource as defined in PRC §5020.1(j) or §5024.1 even if it is:

- Not listed in or determined to be eligible for listing in the CR.
- Not included in a local register of historical resources pursuant to PRC § 5020.1(k).
- Identified in a historical resources survey per PRC § 5024.1(g).

Threshold of Significance

If a project will have a significant impact on a cultural resource, several steps must be taken to determine if the cultural resource is a "unique archaeological resource" under CEQA. If analysis and/or testing determine that the resource is a unique archaeological resource and therefore subject to mitigation prior to development, a threshold of significance should be developed. The threshold of significance is a point where the qualities of significance are defined and the resource is determined to be unique under CEQA. A significant impact is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced to a point that it no longer meets the significance criteria. Should analysis indicate that project development will destroy the unique elements of a resource; the resource must be mitigated for under CEQA regulations. The preferred form of mitigation is to preserve the resource in-place, in an undisturbed state. However, as that is not always possible or feasible, appropriate mitigation measures may include, but are not limited to:

- 1. Planning construction to avoid the resource.
- 2. Deeding conservation easements.
- 3. Capping the site prior to construction.

If a resource is determined to be a "non-unique archaeological resource," no further consideration of the resource by the lead agency is necessary.

Tribal Consultation

The following serves as an overview of the procedures and timeframes for the Tribal Consultation process, for the complete Tribal Consultation Guidelines, please refer to the State of California Office of Planning and Research web site.

Prior to the amendment or adoption of general or specific plans, local governments must notify the appropriate tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places located on land within the local government's jurisdiction that is affected by the plan adoption or amendment. The tribal contacts for this list maintained by the NAHC and are distinct from the Most Likely Descendent (MLD) list. It is suggested that local governments send written notice by certified mail with return receipt requested. The tribes have 90 days from the date they receive notification to request consultation. In addition, prior to adoption or amendment of a general or specific plan, local government must refer the proposed action to tribes on the NAHC list that have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of prior consultation. The referral must allow a 45-day comment period.

In brief, notices from the local government to the tribes should include:

- A clear statement of purpose.
- A description of the proposed general or specific plan, the reason for the proposal, and the specific geographic areas affected.

- Detailed maps to accompany the description.
- Deadline date for the tribes to respond.
- Government representative(s) contact information.
- Contact information for project proponent/applicant, if applicable.

The basic schedule for this process is:

- 30 days: time NAHC has to provide tribal contact information to the local government; this is recommended not mandatory.
- 90 days: time tribe has to respond indication whether or not they want to consult. Note:
 tribes can agree to a shorter timeframe. In addition, consultation does not begin until/unless
 requested by the tribe within 90 days of receiving notice of the opportunity to consult. The
 consultation period, if requested, is open-ended. The tribes and local governments can
 discuss issues for as long as necessary, or productive, and need not result in agreement.
- 45 days: time local government has to refer proposed action, such as adoption or amendment to a general plan or specific plan, to agencies, including the tribes. Referral required even if there has been prior consultation. This opens the 45-day comment period.
- 10 days: time local government has to provide the tribes with notice of a public hearing.

