



## 5.4 Tribal and Cultural Resources

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## 5.4 TRIBAL AND CULTURAL RESOURCES

The purpose of this section is to identify existing cultural (including historic and archeological resources), paleontological and tribal resources within and around the Site and to assess the significance of such resources. Mitigation measures are recommended to minimize impacts as a result of Project implementation. This section is primarily based upon the *Cultural Resources Study for the Azusa Business Center Project* (Cultural Study), prepared by Brian F. Smith and Associates, Inc. (BFSA), dated August 11, 2017 and revised January 9, 2018, and the *Paleontological Resources Assessment* (Paleontological Assessment), dated August 8, 2017 and revised January 10, 2018, prepared by BFSA; refer to [Appendix 11.3, \*Cultural/Paleontological Resources Assessment\*](#).

### 5.4.1 EXISTING SETTING

#### CULTURAL SETTING

##### Prehistoric Period

The Project is located within the traditional boundaries of the Gabrieliño/Tongva Indians. Gabrieliño territory included the watersheds of the San Gabriel, Santa Ana, and Los Angeles rivers, portions of the Santa Monica and Santa Ana mountains, the Los Angeles Basin, the coast from Aliso Creek to Topanga Creek, and San Clemente, San Nicolas, and Santa Catalina islands. The Gabrieliño spoke a dialect of the Cupan group of the Shoshonean or Takic language family. This language was part of the larger Uto-Aztecan language stock, which migrated west from the Great Basin. The Gabrieliño shared this language with their neighbors to the south and east.

Gabrieliño were hunters and gatherers whose food sources included acorns, seeds, marine mollusks, fish, and mammals. Santa Catalina Island provided a valuable source of steatite for the Gabrieliño, which they quarried and traded to other groups. About 50 to 100 permanent villages are estimated to have been in existence at the time of European contact, most of which were located along lowland rivers and streams, and along sheltered areas of the coast. Smaller satellite villages and resource extraction sites were located between larger villages. Village sites contained varying types of structures, including houses, sweatshops, and ceremonial huts. Artistic items included shell set in asphaltum, carvings, painting, steatite, and baskets. Settlements were often located at the intersection of two or more ecozones, thus increasing the variety of resources that were immediately accessible. Offshore fishing and hunting was accomplished with the use of plank boats, while shellfish and birds were collected along the coast. At the time of European contact, the Gabrieliño, second only to the Chumash, were the wealthiest, most populous, and most powerful ethnic group in southern California.

As with other Native American populations in southern California, the arrival of the Spanish drastically changed life for the Gabrieliño. Incorporation into the mission system disrupted their culture and changed their subsistence practices. Ranchos were established throughout the area, often in major drainages where Native American villages tended to be located. By the early 1800s, Mission San Gabriel had expanded its holdings for grazing to include much of the former Gabrieliño territory. Eventually, widespread relocation of Native American groups occurred, resulting in further disruption of the native lifeways. Together with the introduction of Euro-American diseases, the Gabrieliño and other groups of southern California experienced drastic



population declines; in the early 1860s, a smallpox epidemic nearly wiped out the remaining Gabrieliño population.

## Historic Period

The historic background of the Site vicinity began with the Spanish colonization of Alta California. The first Spanish colonizing expedition reached southern California in 1769 with the intention of converting and civilizing the indigenous populations, as well as expanding the knowledge of and access to new resources in the region. In the late eighteenth century, the San Gabriel (Los Angeles County), San Juan Capistrano (Orange County), and San Luis Rey (San Diego County) missions began colonizing southern California, gradually expanding their use of the interior valley (into what is now western Riverside County) for raising grain and cattle to support the missions. The San Gabriel Mission claimed lands in what is now Jurupa, Riverside, San Jacinto, and the San Gorgonio Pass, while the San Luis Rey Mission claimed land in what is now Lake Elsinore, Temecula, and Murrieta.

On September 8, 1771, Father Pedro Cambón and Father Angel Somera established the Mission San Gabriel de Arcángel near the present-day City of Montebello. In 1775, the mission was moved to its current location in San Gabriel due to better agricultural lands. This mission marked the first sustained European occupation of the Los Angeles County area. Mission San Gabriel, despite a slow start, partially due to misconduct by Spanish soldiers, eventually became so prosperous that it was known as “The Queen of the Missions.”

The pueblo that eventually became the City of Los Angeles was established in 1781. During this period, Spain also deeded ranchos to prominent citizens and soldiers (though very few in comparison to the later Mexican Period). One such rancho, Rancho San Pedro, was deeded to soldier Juan Jose Dominguez in 1784 and comprised 75,000 acres, encompassing the modern South Bay region from the Los Angeles River on the east to the Pacific Ocean on the west.

The area that became Los Angeles County saw an increase in European settlement during the Mexican Period, largely due to the many land grants (ranchos) to Mexican citizens by various governors. The period ended in early January of 1847, when Mexican forces fought the combined United States Army and Navy forces in the Battle of the San Gabriel River on January 8, 1847 and the Battle of La Mesa on January 9, 1847. On January 10, 1847, leaders of the pueblo of Los Angeles surrendered peacefully after Mexican General Jose Maria Flores withdrew his forces. Shortly thereafter, newly appointed Mexican Military Commander of California, Andrés Pico, surrendered all of Alta California to United States Army Lieutenant Colonel John C. Fremont in the Treaty of Cahuenga.

Settlement of the Los Angeles region accelerated during the early American Period. The County was established on February 18, 1850. It was one of 27 counties established in the months prior to California becoming a state. Many ranchos in the county were sold or otherwise acquired by Americans, and most were subdivided into agricultural parcels or towns. Nonetheless, ranching retained its importance, and by the late 1860s, Los Angeles was one of the top dairy production centers in the country. In 1854, the United States Congress agreed to let San Pedro become an official port of entry, and by the 1880s, the railroads had established networks throughout the county, resulting in fast and affordable shipment of goods, as well as a means to transport new residents to the booming region. New residents included many health-seekers drawn to the area by



the fabled climate in the 1870s to the 1880s. In 1876, the County had a population of 30,000; by 1900, it had reached 100,000.

In the early to mid-1900s, population growth accelerated due to industry that was associated with both world wars, as well as emigration from the Midwest “dust bowl” states during the Great Depression. The County became one of the most densely occupied areas in the United States. The county’s mild climate and successful economy continued to draw new residents in the late 1900s, and much of the county transformed from ranches and farms into residential subdivisions surrounding commercial and industrial centers. Hollywood’s development into the entertainment capital of the world and southern California’s booming aerospace industry were key factors in the county’s growth.

## **GENERAL HISTORY OF THE AZUSA AREA**

The Project lies on the east side of the San Gabriel River in the Rancho Azusa de Dalton. Originally granted to Luis Arenas in 1842, the Rancho was sold to Henry Dalton in 1844. Dalton is noted as owning 45,280 acres in 1851, but he lost sizable tracts of his land based upon the findings of the Hancock survey of 1858, when the U.S. Land Commission allowed settlers to homestead along the eastern and southern sections of his land.

Between 1860 and 1880, conflicts over water rights dominated the region. Settlers homesteading on Dalton’s land were cut off from water that ran from the San Gabriel River through Dalton’s irrigation ditches. Years of litigation led Dalton to sell his land to Jonathan S. Slauson, a banker whom Dalton had borrowed money from. Slauson deeded a 55-acre homestead to Dalton at the head of Azusa Avenue and Sierra Madre Avenue.

The San Gabriel Valley experienced a development boom in the 1880s. The railroad, running from Los Angeles through the valley, along with favorable soil, climate, and water supply contributed to the growth of Azusa and surrounding towns. In December of 1886, Slauson organized the Azusa Land & Water Company, to whom he sold most of his holdings to. The land was subdivided and sold in 1887, although most purchasers never intended to live on the property. Development slowed down in 1888; however, Azusa continued to experience slow and steady growth and the City was incorporated in 1898.

Azusa continued to grow as a satellite of the City of Los Angeles throughout the twentieth century. The Pacific Electric Interurban railroad (Monrovia Glendora line) was built through Azusa in 1907, which allowed those living in the San Gabriel Valley improved access to Los Angeles’s City center by way of the “Red Cars.” Transportation in the valley continued to heavily rely upon the Red Cars until their decline in the late 1940s. Azusa and the San Gabriel Valley continued to thrive due to the population growth that spurred the construction of freeways, a growing reliance upon the automobile, and the development of new subdivisions.

## **CULTURAL RESOURCES**

### **Records Search**

An archaeological records search for the Site and the surrounding area within a one-mile radius was conducted by the South Central Coastal Information Center (SCCIC), located at California State



University, Fullerton. The records search did not identify any previously recorded cultural resources within the Site. As shown in Table 5.4-1, *Archaeological Sites Located Within One Mile of the Site*, the records search identified eight cultural resources located within a one-mile radius of the Site, which include: a prehistoric lithic scatter; a historic trash scatter; a Southern California Edison (SCE) transmission line corridor; a historic road complex; three historic bridges; and a single-family residence.

**Table 5.4-1  
Archaeological Sites Located Within One Mile of the Site**

Site(s)	Description
LAN-241	Prehistoric lithic scatter
LAN-1368	Historic trash scatter
P-19-186876	SCE Eagle Rock-Pardee & Antelope-Vincent No.1 220kV Transmission Line Corridor
P-19-186917	Rincon-Red Box-Sawpit Roads Complex
P-19-189108, P-19-190992, and P-19-190993	Historic bridges
P-19-189436	Historic single-family residence

The records search also indicates that 35 cultural resource studies have been conducted within a one-mile radius of the Site. The SCCIC identified 34 of the studies within their records and indicated that one of the 34 studies was located within the Site vicinity conducted by Scientific Resource Surveys, Inc. (SRS). Nevertheless, the SRS study was a linear survey located off-site, to the west of the Site.

However, one investigation (not found in SCCIC) was conducted by Environmental Resources Management in 2002, which included the Site. This investigation identified historic land-use of the Site as industrial since 1918. The Owl Fumigating Company originally used the location to produce hydrogen cyanide gas for tree fumigation. The American Cyanamid & Chemical Corporation (ACC) took over operations in 1934 and constructed the Owl-4X Plant in 1943 for the manufacturing of cyanogen chloride (teargas). The Owl-4X Plant was operational by 1944. From 1943 to about 1958 or 1960, the ACC leased the plant to the United States Army Chemical Corps, who used the facility to produce cyanogen chloride to fill bombs for use during World War II. Between 1958 and 1960, the Owl-4X plant buildings were sold and demolished and the ACC regained control of the property. Aerial imagery shows that by 1960, only the building foundations and floor slabs were present. Underground storage containers associated with the former Owl-4X Plant on the eastern half of the Site were removed in 1985. The Colorama Wholesale Nursery began leasing the eastern half of the Site in 1987 and the western half in 1993. A hazardous material storage shed was identified by Environmental Resources Management as potentially historic and possibly associated with the former ACC and World War II bomb production. However, the shed does not appear on aerial photographs until 1964, and has no association with any military use during World War II. Thus, this finding made by Environmental Resources Management appears to be incorrect. Based on the Cultural Study, prepared by BFSA, this storage shed was not associated with past military use.

The SCCIC also reviewed the following historic sources:

- The National Register of Historic Place Index;
- The Office of Historic Preservation (OHP), Archaeological Determinations of Eligibility;



- The OHP, Directory of Properties in the Historic Property Data File (HPD); and
- The 1899 and 1904 15' USGS *Pomona* topographic maps.

No historic properties were identified within the Site. The SCCIC did identify eight properties, all historic addresses, listed on the OHP HPD within one mile of the Site. Of the eight properties, five have been determined ineligible for the National Register by consensus through the Section 106 process, but not evaluated for the California Register or local listing. The remaining three properties have been determined ineligible for the National Register pursuant to Section 106 without review by State Historic Preservation Officer (SHPO).

## FIELD SURVEY

The Site contains two generally flat sections known as the “upper deck” in the western half of the property and the “lower deck” in the eastern half. The lower deck was the location of the ACC’s Owl-4X Plant and the upper deck was utilized for the disposal of calcium sulfate (gypsum) slurry, a byproduct of plant operations. Elevations range from approximately 640 feet above mean sea level (amsl) on the upper deck to 633 feet amsl on the lower deck. On the lower deck, there are moderate, westward-descending, man-made slopes comprised of gravel, boulders, and modern building material, which were first created during the development of the former Owl-4X Plant. Man-made slopes are also present around the property boundaries of the upper deck, descending north and south to adjacent properties. The Colorama Wholesale Nursery has occupied the lower deck since 1987 and the upper deck since 1993. New structures have been added to both the upper and lower decks since that time, including permanent metal and plastic corrugated sheds, warehouses, greenhouses, a cinderblock hazardous material storage shed, a cinderblock main office/administration building, and semi-permanent, steel framed shade structures. Underground storage tanks associated with the former Owl-4X Plant were removed in 1985 in the eastern half of the Site, while water retention basins were added to the western half.

On August 1, 2017, an intensive pedestrian survey of the entire Site was conducted for exposed cultural resources. The field methodology employed for the Site included walking evenly spaced survey transects set approximately 10 meters apart, where possible, while visually inspecting the ground surface; however, the structures and two fenced-off water retention basins on-site limited the ability to maintain uninterrupted transects. All potentially sensitive areas where cultural resources might be located were closely inspected. Photographs were taken documenting the survey areas and overall survey conditions. No cultural resources were observed during the field reconnaissance.

## HISTORICAL RESOURCE FINDINGS

Based on the records search, no historic resources have been identified on-site. However, historic features associated with the surrounding infrastructure, including a historic road complex (P-19-186917), three historic bridges (P-19-189108, P-19-190992, and P-19-190993), and a single-family residence (P-19-189436), have been previously documented within a one-mile search radius of the Site; refer to [Table 5.4-1](#). The Site was found to have a low potential for historical resources to occur on-site.



## ARCHAEOLOGICAL RESOURCE FINDINGS

Based on the record search, no archaeological resources have been identified on-site. Two are archaeological sites (LAN-241 and LAN-1368) have been previously documented within a one-mile search radius of the Site; refer to [Table 5.4-1](#). The resources found at the prehistoric and historic sites included lithic scatter and trash scatter, respectively. Based upon the documentation of extensive ground disturbance through the historic use of the Site, the absence of recorded cultural resources within the Site boundaries, and the limited number of known resources within the general area, the Site was found to have a low potential for archaeological resources to occur on-site.

## TRIBAL CONSULTATION

A sacred Lands File (SLF) search request was submitted to the Native American Heritage Commission (NAHC) on June 29, 2017. The NAHC replied on June 30, 2017, that their research returned negative results. In accordance with AB 52, a list of six Native American contacts was provided by the NAHC. On January 31, 2018 the City prepared and mailed letters to each of these contacts requesting any information they may have regarding Native American cultural resources within the Site. On February 28, 2018, Ms. Jessica Mauck, a Cultural Resources Specialist with the San Manuel Band of Mission Indians (SMBMI) e-mailed the City and indicated that the Site is outside of Serrano ancestral territory and, as such, the SMBMI would not be requesting consulting party status with the lead agency. To date, no other correspondence has been received.

## PALEONTOLOGICAL SETTING

The Site is located near the base of the San Gabriel Mountains, in the San Gabriel River debauches onto the proximal parts of the alluvial plain in Azusa. At the Site, the sediments are represented by very young (late Holocene, or “modern”) alluvial-fan deposits consisting of unconsolidated to slightly consolidated coarse-grained sand to bouldery alluvial fan deposits. The sediment in the area also includes large bouldery alluvium. The presence of a large open gravel pit more than 200 feet deep in the immediate vicinity of the Site attests to the abundance of geologically young, coarse-grained debris that is regularly shed down the San Gabriel River during flood stages in recent times.

### **Paleontological Sensitivity**

Late Quaternary (Holocene, or “modern”) alluvial-fan deposits are generally considered to be geologically too young to contain significant nonrenewable paleontological resources (i.e., fossils). However, older, Pleistocene (more than 10,000 years old), alluvial and alluvial-fan deposits in many areas of the Los Angeles County, that can be buried under younger deposits, have yielded important Ice Age terrestrial vertebrate fossils, such as saber-toothed cats, mammoths, mastodons, and extinct species of horse, bison, and camel. These fossiliferous Pleistocene sediments are accorded a high paleontological resource sensitivity based on their history of yielding such fossils. However, coarser-grained, high energy deposits upslope (at the heads of alluvial fans) in steep terrains have little likelihood of containing fossils and are accorded a low paleontological resource potential, and thus a low paleontological sensitivity.





## **Paleontological Field Survey**

On August 27, 2017, an intensive pedestrian survey of the entire Site was conducted for exposed archaeological and paleontological resources. The survey consisted of observations made around the existing nursery infrastructure. A seven- to ten-foot-high bluff (cut slope) on the south side of the Site exhibited the gravel to boulder nature of the underlying sediments at the Site. No fossiliferous sediments, fossils, or faunal remains (vertebrate or invertebrate) of any sort, were observed during the field reconnaissance.

## **Paleontological Findings**

Based on the record search and field survey, the Site has a low paleontological resource potential due to the geologic youth of the surficial sediments (late Quaternary), the coarse-grained gravely to bouldery colluvial and alluvial fan sediments (not fine-grained fluvial sandstone), and the lack of nearby fossil localities in these colluvial sediments.

### **5.4.2 REGULATORY SETTING**

Numerous laws and regulations require Federal, State, and local agencies to consider the effects a project may have on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies (i.e., State Historic Preservation Office and the Advisory Council on Historic Preservation). The National Historic Preservation Act (NHPA) of 1966, as amended, the California Environmental Quality Act (CEQA), and the California Register of Historical Resources, Public Resources Code 5024, are the primary Federal and State laws governing and affecting preservation of cultural resources of Federal, State, regional, and local significance. The applicable regulations are discussed below.

#### **FEDERAL LEVEL**

##### **National Historic Preservation Act of 1966**

Enacted in 1966 and amended in 2000, the NHPA declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the Federal, State, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of SHPO and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

##### **Section 106 Process**

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have



not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- *Criterion A:* It is associated with events that have made a significant contribution to the broad patterns of our history; or
- *Criterion B:* It is associated with the lives of persons significant in our past; or
- *Criterion C:* It embodies 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
- *Criterion D:* It has yielded, or may be likely to yield, information important in prehistory or history.

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

The Section 106 evaluation process does not apply to projects undertaken under City environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered.

## **Secretary of the Interior's Standards for the Treatment of Historic Properties**

Evolving from the *Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards* that were developed in 1976, the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are "intended to promote responsible preservation practices that help protect our Nation's



irreplaceable cultural resources.” “Preservation” acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. “Rehabilitation” not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. “Restoration” involves the retention and replacement of features from a specific period of significance. “Reconstruction,” the least used treatment, provides a basis for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

## **STATE LEVEL**

### **California Environmental Quality Act**

CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (State CEQA Guidelines, Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following criteria:

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

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource 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 any 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; or
- 3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.



## California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

### Assembly Bill 52 (Gatto, 2014)

On September 25, 2014, Governor Brown signed AB 52. In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of AB 52 to accomplish all of the following:

- 1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
- 2) Establish a new category of resources in CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
- 3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
- 4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
- 5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.



- 6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
- 7) Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
- 8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
- 9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

## **LOCAL LEVEL**

### **City of Azusa General Plan**

City policies and implementation programs pertaining to cultural resources are contained in the Historic/Cultural Resources Element of the General Plan. The Historic/Cultural Resources Element establishes a framework to develop a rich and diverse cultural experience that enhances daily life. The City's historical and cultural resources are those buildings, objects, landmarks, and features of the land that evoke a sense of the past and reflect the cultural history of the City. These programs and policies include, but are not limited to, the following:

#### **GOALS AND POLICIES**

Goal 1 – Acknowledge, preserve, and protect the City's Native American heritage.

Policy 1.1: Determine, early in the planning process, through field surveys and Native American consultation, whether archaeological or cultural resources are located within a proposed development site.

#### **IMPLEMENTATION PROGRAM**

HR2 Archaeological Surveys. Require archaeological surveys of undeveloped areas including those areas that although part of the built environment, may have the potential for subsurface archaeological sites. In the case of the San Gabriel River corridor, which may not have project specific actions, conduct surveys as part of the overall planning process so that resources can be integrated into the planning and enhancement process. If resources are encountered, encourage avoidance of the resources if they are determined to be significant as defined in CEQA Guidelines Section 15064.5. If avoidance is not feasible, implement a mitigation plan to excavate, analyze, and report on the discoveries.

In the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and the developer shall consult with a qualified archaeologist or



paleontologist to assess the significance of the find. If any finds are determined to be significant by the qualified archaeologist, then representatives from the City of Azusa and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate course of action.

Should human remains be discovered during the implementation of a proposed project, the local coroner must be contacted immediately. Both the Native American Heritage Commission (pursuant to NAGPRA) and any identified descendants should be notified, and recommendations received, if the remains are determined to probe of Native American origin (CEQA Guidelines Section 15064.5, Health and Safety Code Section 7070.5, Public Resources Code Sections 5097.94 and 5097.98).

## City of Azusa Municipal Code

Azusa’s zoning code is found in Municipal Code Chapter 88, *Development Code* (Development Code), and carries out the General Plan policies by regulating development and land uses within the City. The Development Code was adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of the City’s residents and businesses. Development Code Article 3, *Site, Development and Operational Standards*, provides standards for the planning, design, and operation of new development for specific zones. Development Code Section 88.30.012, *Archaeological Resource Protection*, regulates construction activities when archeological resources are unearthed or discovered during. Section 88.30.012 provides the following standards:

- A. Construction activities shall cease, and the department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, approved by the city, and funded by the applicant, and disposition of artifacts may be accomplished in compliance with State and Federal law.
- B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the county coroner shall be notified in addition to the department so proper disposition may be accomplished.

## 5.4.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The purpose of this analysis is to identify any potential cultural resources within or adjacent to the Site, and to assist the Lead Agency in determining whether such resources meet the official definitions of “historical resources,” as provided in the Public Resource Code, in particular CEQA.

## SIGNIFICANCE GUIDELINES

### Historical Resources

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from “physical demolition, destruction, relocation, or alteration of the resource or its immediate



surroundings such that the significance of an historical resource would be materially impaired” (*CEQA Guidelines*, Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration “in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register” (*CEQA Guidelines*, Section 15064.5[b][2][A]).

## Archaeological Resources

A significant prehistoric archaeological impact would occur if grading and construction activities result in a substantial adverse change to archaeological resources determined to be “unique” or “historic.” “Unique” resources are defined in Public Resources Code Section 21083.2; “historic” resources are defined in Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15126.4.

Public Resources Code Section 21083.2(g) states:

*As used in this section, “unique archaeological resource” means 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 any 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; or*
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

## Paleontological Resources

An impact on paleontological materials would be considered a significant impact if a project results in the direct or indirect destruction of a unique or important paleontological resource or site. The following criteria are used to determine whether a resource is unique or important:

- The past record of fossil recovery from the geologic unit(s);
- The recorded fossil localities in the project site;
- Observation of fossil material on-site; and
- The type of fossil materials previously recovered from the geologic unit (vertebrate, invertebrate, etc.).

## Tribal Cultural Resources

AB 52 established a new category of resources in CEQA called Tribal Cultural Resources. (Public Resources Code Section 21074.) “Tribal cultural resources” are either of the following:



- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to Tribal Cultural Resources to the extent feasible.

## **CEQA SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist form, which includes questions relating to cultural resources. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may create a significant adverse environmental impact if it would:

### **Cultural Resources**

- a) Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-2);
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Impact Statement CUL-3); and/or
- d) Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Impact Statement CUL-4).

### **Tribal Cultural Resources**

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (refer to Impact Statement CUL-5); or





- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement CUL-5).

Based on these standards/criteria, the effects of the Project have been categorized as either a “less than significant impact” or a “potentially significant impact.” If a potentially significant impact cannot be reduced to a less than significant level through the application of goals, policies, standards, or mitigation, it is categorized as a significant and unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative because appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

## 5.4.4 IMPACTS AND MITIGATION MEASURES

### HISTORICAL RESOURCES

**CUL-1** Would the Project cause a significant impact to an historical resource?

#### **Impact Analysis:**

#### **WAREHOUSE ONLY OPTION**

Based on the Cultural Study, the Site was first developed in the early part of the twentieth century. The Owl Fumigating Company originally used the location to produce hydrogen cyanide gas for tree fumigation. The ACC took over operations in 1934 and constructed the Owl-4X Plant in 1943 for the manufacturing of cyanogen chloride (teargas). The Owl-4X Plant was operational by 1944. From 1943 to about 1958 or 1960, ACC leased the plant to the United States Army Chemical Corps, who used the facility to produce cyanogen chloride to fill bombs for use during World War II. Between 1958 and 1960, the Owl-4X plant buildings were sold and demolished and the ACC regained control of the property. Aerial imagery shows that by 1960, only the building foundations and floor slabs were present. Underground storage containers associated with the former Owl-4X Plant on the eastern half of the Site were removed in 1985. The Colorama Wholesale Nursery began leasing the eastern half of the Site in 1987 and the western half in 1993.

Based on the record search, no historic properties were identified within the Site. However, historic features associated with the surrounding infrastructure, including a historic road complex (P-19-186917), three historic bridges (P-19-189108, P-19-190992, and P-19-190993), and a single-family residence (P-19-189436), have been previously documented within a one-mile search radius of the Site; refer to [Table 5.4-1](#). One investigation (not found in SCCIC) identified a potentially historic hazardous material storage shed possibly associated with the former ACC and World War II bomb production on-site. However, according to the Cultural Study, the shed does not appear on aerial photographs until 1964, and has no association with any military use during World War II. Thus, this finding made by Environmental Resources Management appears to be incorrect. Based on the Cultural Study, this storage shed was not associated with past military use. Given the lack of historical resources documented within or near the Site, and the proposed grading and construction



activities, the Site was found to have a low potential for historical resources to occur on-site. As such, a less than significant impact would occur.

## WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result.

**Standard Conditions of Approval:** No standard conditions of approval are applicable.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## ARCHAEOLOGICAL RESOURCES

**CUL-2** Would the Project cause a significant impact to an archaeological resource on-site?

### Impact Analysis:

#### WAREHOUSE ONLY OPTION

The archaeological records search performed for the Project determined that there are no known cultural resources within the Site boundaries. The records search identified eight cultural resources located within a one-mile radius of the Site, which include: a prehistoric lithic scatter; a historic trash scatter; a SCE transmission line corridor; a historic road complex; three historic bridges; and a single-family residence; refer to [Table 5.4-1](#). The SCCIC reported 34 studies conducted within one mile of the Site, while one additional study not located in the SCCIC holdings was identified in the Site vicinity. These previous studies were obtained for reference and to gather a comprehensive context of the area surrounding the Site. The Cultural Study concluded that there are no known archaeological resources that would be impacted by the Project and that there is a low sensitivity for archaeological resources to occur.

The Site and surrounding area have been highly disturbed as part of development that has occurred on-site, and the Site occurs in a highly urbanized area. The potential for impacts to unknown buried archaeological resources is considered low. Due to the proximity of the Site to the San Gabriel River and the association of the river with the prehistoric occupation of this general area, there is a relatively low potential to encounter buried archaeological resources during grading. However, in accordance with General Plan Implementation Program HR2, in the unlikely event that cultural resources are exposed during ground-disturbing activities, avoidance or a mitigation plan should be prepared to excavate, analyze, and report on the discoveries. Further, Municipal Code Section 88.30.012 regulates construction activities when archeological resources are unearthed or discovered during construction. Section 88.30.012 requires construction activities to stop and the department be notified. Standard Condition of Approval (SCA) CUL-1 would require that construction activities are halted in the immediate vicinity of the discovery. An archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (Secretary of the Interior 1983) would be retained to evaluate the find's significance under CEQA. If the discovery proves to be



significant, additional work, such as data recovery excavation, may be recommended by the archaeologist, in consultation with the City, and if so recommended, shall be implemented by the Applicant. Therefore, with adherence to General Plan Implementation Program HR2, Municipal Code Section 88.30.012 and SCA CUL-1, impacts to cultural resources would be less than significant.

## WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result with implementation of SCA CUL-1.

### **Standard Conditions of Approval:**

SCA CUL-1 In accordance with Municipal Code Section 88.30.012, if evidence of subsurface cultural resources is found during excavation and other ground-breaking activities, excavation and other construction activity within 50 feet of the find shall cease and the construction contractor shall contact the City of Azusa Community Development Department. With direction from the Director of Community Development, a Registered Professional Archaeologist approved by the City shall be retained to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If the discovery is believed to be an important Native American deposit, a Native American representative shall be contacted to allow for their concerns to be addressed. If warranted, the archaeologist shall develop a Research Design and Data Recovery Program to mitigate impacts. Mitigation may include, but shall not be limited to, salvage excavation, laboratory analysis and processing, research, curation of the find in a local museum or repository, and preparation of a report summarizing the find.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## PALEONTOLOGICAL RESOURCES

CUL-3 Would the Project could cause a significant impact to a paleontological resource?

### **Impact Analysis:**

#### WAREHOUSE ONLY OPTION

According to the records search, the Site contains deposits of younger Quaternary alluvium from the San Gabriel River, which are too young to contain fossils. As noted above, the Site and surrounding area have been highly disturbed as part of development that has occurred on-site, and the Site occurs in a highly urbanized area. The Site has been used for industrial/ manufacturing purposes since the early 1900s and the potential for impacts to unknown buried paleontological resources is considered low. However, in accordance with General Plan Implementation Program HR2, in the unlikely event that paleontological resources are exposed during ground-disturbing activities,



avoidance or a mitigation plan should be prepared to excavate, analyze, and report on the discoveries. SCA CUL-2, which is required by the City's Municipal Code, would ensure that construction activities are halted in the immediate vicinity of the discovery. A paleontologist who meets the Secretary of the Interior's Professional Qualifications Standards (Secretary of the Interior 1983) would be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as the preparation of a Paleontological Resources Mitigation Program for the salvage and curation of identified resources, may be recommended by the paleontologist, in consultation with the City, and if so recommended, shall be implemented by the Applicant. Impacts in this regard are less than significant, and would be further reduced with compliance with the City's Municipal Code and SCA CUL-2.

## WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result.

### **Standard Conditions of Approval:**

SCA CUL-2 If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity within 50 feet of the find shall cease and the construction contractor shall contact the City of Azusa Community Development Department. With direction from the Director of Community Development, a paleontologist certified by the County of Los Angeles shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources. The Paleontological Resources Mitigation Program shall be adopted and implemented by the Applicant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## HUMAN REMAINS

CUL-4 Would the Project cause a significant impact to human remains?

### **Impact Analysis:**

## WAREHOUSE ONLY OPTION

Although no conditions exist that suggest human remains are likely to be found on the Site, development of the Site could result in the discovery of human remains and potential impacts to these resources. Consistent with General Implementation Program HR2, if human remains are found, those remains would be required to conduct proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a Site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the



California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the “most likely descendant (MLD).” The MLD would be required to complete the inspection of the Site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

### **WAREHOUSING AND MANUFACTURING OPTION**

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result.

**Standard Conditions of Approval:** No standard conditions of approval are applicable.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **TRIBAL CULTURAL RESOURCES**

**CUL-5** Would the Project cause a significant impact to a tribal cultural resource?

#### **Impact Analysis:**

#### **WAREHOUSE ONLY OPTION**

Per Section Public Resources Code Section 21074, tribal cultural resources are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.



AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to Tribal Cultural Resources to the extent feasible.

### **Tribal Consultation**

The City requested Tribal consultation for the purposes of AB 52 on January 31, 2018. On February 28, 2018, Ms. Jessica Mauck, a Cultural Resources Specialist with the San Manuel Band of Mission Indians (SMBMI) e-mailed the City and indicated that the Site is outside of Serrano ancestral territory and, as such, the SMBMI would not be requesting consulting party status with the lead agency. To date, no other correspondence has been received.

### **Tribal Cultural Resource Determination**

Based on the records search, literature review, and the results of the field survey, the City has determined that no Tribal Cultural Resources are known to exist on the Site. However, there is the potential for unknown resources to be discovered on-site during site disturbance activities. As such, SCA CUL-1 ensures that in the event unknown tribal resources are discovered during construction, appropriate measures are taken.

### **WAREHOUSING AND MANUFACTURING OPTION**

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, a less than significant impact would result with implementation of SCA CUL-1.

**Standard Conditions of Approval:** Refer to SCA CUL-1.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **5.4.5 CUMULATIVE IMPACTS**

- Would the Project, combined with other related cumulative projects, cause a cumulatively considerable impact to a historical resource, archaeological resource, paleontological resource, human remains, or a tribal cultural resource?

### **Impact Analysis:**

#### **WAREHOUSE ONLY OPTION**

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the Project to the extent that a significant cumulative effect may occur. Historical, archeological, paleontological, and tribal cultural



resources, including burial sites have been determined by the Cultural Study and Paleontological Assessment to have a low sensitivity to occur on-site and nearby. Individual projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to historical, archeological, paleontological, and/or tribal cultural resources. Adherence to State and Federal statutes, as well as project-specific mitigation measures, cumulative impacts to historical, archaeological, and paleontological resources would be reduced to less than significant levels. Further, compliance with Section 5097.98 of the California Public Resources Code would ensure cumulative impacts to burial sites are reduced to less than significant levels.

As discussed in Impact Statements CUL-1 through CUL-4, with compliance with the recommended SCA CUL-1 and SCA CUL-2, and Section 5097.98 of the California Public Resources Code, the Project would result in less than significant impacts to historical, archeological, paleontological, and tribal cultural resources, as well as human remains. Thus, the Project would not result in cumulatively considerable impacts pertaining to cultural resources or burial sites.

## WAREHOUSING AND MANUFACTURING OPTION

Since the Warehousing and Manufacturing Option would result in the same building footprint as the Warehouse Only Option, compliance with the recommended SCA CUL-1 and SCA CUL-2, and Section 5097.98 of the California Public Resources Code would result in a less than cumulatively considerable impact.

**Standard Conditions of Approval:** Refer to SCA CUL-1 and SCA CUL-2.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## 5.4.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to cultural resources have been identified following implementation of mitigation measures referenced in this section.



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