



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

May 31, 2018

Planning Division

Dear Consulting Party:

As previously related to you in our letters dated February 5, 2016, and June 5, 2017, the U.S. Army Corps of Engineers, Los Angeles District (Corps) is in the process of evaluating whether the Bicentennial-themed mural painted on the Prado Dam spillway is eligible for inclusion on the National Register of Historic Places (National Register). As part of the Corps' efforts to consider the views of those stakeholders with a clear interest in the mural as well as the general public, the Corps distributed copies of our preliminary determination of eligibility and supporting documentation to the consulting parties listed below for their review and comment. The results of the preliminary assessment were also provided to the public via the Corps website. The same items were provided to the State Historic Preservation Office (SHPO) with a copy sent to the Advisory Council on Historic Preservation. Based on the comments received, the Corps has expanded the historic context statement to include a discussion of local significance and updated the cultural resource report and site form accordingly. Since you participated as a consulting party in our determination process, we are providing you this letter, which summarizes the major comments on the draft assessment, transmits our supporting documentation, and provides our final determination of eligibility.

As part of our evaluation efforts and in accordance with 36 C.F.R. § 800.3(f), the Corps invited the following organizations, local governments, and individuals to participate in the National Historic Preservation Act Section 106 process as consulting parties: Friends of the Prado Dam Mural, Mural Conservancy of Los Angeles, the Bicentennial Freedom Mural Conservancy, Ron Kammeyer (designer), Perry Schaefer (designer), Cathy Sciortino (Corona resident), the City of Norco, the City of Chino Hills, the City of Corona, the City of Chino, the County of Riverside Flood Control and Water Conservation District, the County of San Bernardino, and Orange County Public Works. All of the parties, with the exception of Orange County Public Works, have accepted our invitation to be a consulting party.

The Corps hosted a workshop with the consulting parties on May 11, 2016. The purpose of this workshop was for the Corps and the consulting parties to collaboratively apply the National Register criteria to the mural. The results of this workshop were used in the development of a historic context statement (Appendix A of the Enclosure). The historic context statement includes a thematic discussion of the U.S. Bicentennial, a comparison of artistic endeavors completed in celebration of the Bicentennial, as well as a comparison of other large-scale folk art. The Corps has also recorded the mural on Department of Parks and Recreation forms 523a and 523b (Appendix B of the Enclosure).

As part of the Corps' good faith effort to consider the views of those entities who place value on the mural, the Corps provided draft versions of *The Recordation and Evaluation of the Prado Dam Bicentennial Mural, Corona, California* report (Enclosure), abovementioned site form, and historic context statement to the 12 consulting parties and the SHPO along with the preliminary determination that the mural did not meet the National Register criteria. The consulting parties were provided a 30 day comment period but any comments that were received between the dissemination of the draft report on June 5, 2017, and the transmittal of this final report were reviewed and considered in the updated analysis.

The Corps received a total of 219 comments regarding the mural after June 5, 2017. Despite this large response only five of the comments focused on the Corps' analysis regarding the eligibility of the mural. Instead, the focus of the majority of the comments echoed the sentiments submitted to the Corps prior to the draft determination and urged the Corps to "save", "restore", or "repaint" the mural. There was no limit on the number of times an individual or group could provide a comment.

Those comments that pertained to the evaluation of the mural focused on the following issues: 1) a criticism of the Corps' decision to hire an entity that is housed within the larger U.S. Army Corps of Engineers to complete the historic context statement and provide the LA District a recommendation of eligibility; 2) a criticism of the amount of research conducted by the Corps leading to the draft determination and an argument that the Bicentennial was more successful than depicted in the historic context statement; 3) a call to examine the effects of the Bicentennial at the local level; 4) criticism that the Corps did not take into account that the mural was painted by high school students or the large scale of the dam as medium; 5) a critique that the Corps conflated condition with integrity and did not discuss the seven aspects of integrity; 6) an argument that the Corps did not evaluate the mural in regards to criteria consideration G, properties achieving significance within the last 50 years; and 7) an argument that the mural is not a commemorative property but is associated directly with the Bicentennial and that the Bicentennial is a significant event. The consultation package has been updated to address these comments.

The Bicentennial as Significant Event

For the purposes of this evaluation, National Register eligibility requires evidence that the United States' Bicentennial made a significant contribution to the broad patterns of our history at a national, state, or local level. Comments from the consulting parties argue that the Bicentennial was an overall successful nationwide celebration with over 66,000 registered events and activities. A topic within the consulting party workshop and echoed in many of the letters from the public comment period is the suggestion that the Bicentennial brought people together in a time of social unrest. The heart of this argument is that the mural is therefore an artifact of the Bicentennial and not a commemorative property.

An event or theme "is considered significant if it can be demonstrated, through scholarly research, to be important in American history" (National Register Bulletin 15). Whether the

Bicentennial was successful or fell short of its lofty goals is irrelevant to the question of whether it was significant. Significant events must be shown to have gravitas and consequence within the historical timeline. In making the determination of whether the Bicentennial was a significant event in American history, it must be asked: if the Bicentennial observance had not been celebrated, if the year 1976 passed by without red white and blue polyester and fanfare, what would be different in the United States?

National Register eligibility also demands evidence of exceptional importance for properties less than 50 years of age. While seeming arbitrary at times, the 50 year threshold was established to ensure sufficient passage of time to allow for adequate perspective. Taken in this light, the significance of the Bicentennial as a stand-alone event is a difficult argument to make. Bulletin 22 points out that the case for exceptional importance is bolstered when there is a substantial amount of professional, documented materials--not social commentary--on the resource or resource type. While there are hundreds of thousands of newspaper articles chronicling the activities of the Bicentennial and even a handful of Bicentennial critiques, the literature tying the events of the Bicentennial to changes in cultural and civic institutions, social ordering, or legislative development is lacking. A search through the National Register and various Federal agencies' gray literature revealed no other Bicentennial-themed resources being evaluated for the National Register. In contrast, the academic literature examining the earliest Cold War Era properties as they approached the 50 year threshold was prevalent.

The difficulty with establishing the Bicentennial as its own significant event is that its "significance" is derived from the significance of the event it is commemorating, the founding of the United States. The public comments echo this reality. Very few of the comments draw an association with 1976 or the Bicentennial, and instead memorialize familial or nostalgic connections unrelated to the event itself. Most comments suggest the mural has become a rallying point for the collective nostalgia that comes with societal change, especially in a region of California where growth and development have distorted or erased familiar touchstones.

One of the sources cited in the public comments, *Nation and Commemoration: Creating National Identities in the United States* (Spillman 1997), lays out the paradox that Centennial and Bicentennial events are quickly forgotten despite their massive organization and documentation. Examined within the "dispassionate" view of the passage of time, which National Register Bulletin 22 calls for, the Bicentennial is quickly replaced by the next commemorative event and fails to meet the definition of a significant event in American History for the purposes of National Register eligibility.

Evaluation of the Mural

There are three main standards against which a resource is measured to qualify for listing on the National Register: age, integrity, and significance. To meet the age criteria, a resource generally must be at least 50 years old, although properties failing to meet this threshold can be found eligible when the resource is of exceptional significance. To meet the integrity criteria, a resource must possess integrity of location, design, setting, materials, workmanship, feeling, and

association. Finally, a resource must be deemed significant by meeting one of the four established criteria.

The National Park Service is explicit in its requirements for listing properties in the National Register under the four significance criteria, as well as a set of criteria of consideration. Because of its type and age, the Prado mural must meet the terms of two specific National Register criteria considerations in order to achieve eligibility. These are *Criterion Consideration F* for properties that are commemorative in nature but exceptionally significant under other National Register criteria, and *Criterion Consideration G*, which recognizes properties that have not yet achieved fifty years of age, but have achieved exceptional importance. Even if the mural's age, tradition, or symbolic value has invested it with its own exceptional significance beyond commemoration of the U.S. Bicentennial (Criterion Consideration F), that significance would need to be exceptional due to the property's age of approximately 42 years (Criteria Consideration G).

Criterion A

Properties could be eligible for listing under Criterion A if they are associated with events that have made a significant contribution to the broad patterns of our history. The consulting parties have put forth the idea that the mural is not a commemorative property because it celebrates the Bicentennial itself and that the Bicentennial was a significant event in our nation's history (Criterion A). The Corps has examined this argument but has found that the Bicentennial did not have any verifiable effect on cultural or civic institutions, legislative development, social ordering, or on any other thematic subject. Both spontaneous and publically sponsored works and remnant commemorations can be found nationwide and are valuable to the pride and honor of communities. However, none of these expressions themselves produced a recognizable shift or development of any significance. Although the U.S. Bicentennial observance remains a special anniversary date, it does not meet National Register definitions as a significant event or broad pattern of history that measurably affected the nation. Therefore, we have concluded that the mural is a commemorative property and have evaluated it as such.

Commemorative properties typically honor a person, place, or event in history and achieve memorial status as the years pass. However important such persons or milestones may be, historic monuments cannot be listed in the National Register for their association with the individuals or events for which they were created. These properties may, however, be found eligible for listing under a separate context unrelated to the figures they commemorate, or to the inscriptions they bear. There can be no doubt that the Prado mural is associated with the nation's 200-year anniversary of its founding; however, its commemorative aspect presumptively disqualifies it from eligibility. Because it is a commemorative property, the mural cannot be eligible unless it derives significance from aspects other than from the Bicentennial it proclaims. Similarly, due to its age, the mural must have achieved exceptional importance in order to be eligible under Criterion A. However, as the mural is not distinguished within the historical record of late twentieth century artwork and does not have significant associations apart from the Bicentennial, it is not eligible under Criterion A.

Criterion B

In regard to Criterion B, properties could be eligible if they are associated with the lives of significant persons in our past. Properties associated with living persons are typically not eligible for listing on the National Register because insufficient time has passed to evaluate the person's larger contribution or body of works. The authors of the Prado mural design, Ron Kammeyer and Perry Schaefer, are living, therefore presumptively disqualifying the mural for associations with an important artist/individual. Furthermore, even once an artist is no longer living, a comparative analysis of their works would be needed in order to elevate the subject work as exceptional within their career and production. Although the authors of the Prado Mural design, Ron Kammeyer and Perry Schaefer, may be locally recognized as talented individuals, the mural is not identified with a significant artistic career of exceptional merit, nor does it exude particular qualities of a body of work.

Criterion C

The Corps has also evaluated the mural under Criterion C, under which properties could be eligible if they embody the distinctive characteristics of a type, period, or method of construction that represent the work of a master; possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction. It has been demonstrated that murals may be eligible for the National Register if they are found to be significant works of a recognized artist or because they represent a distinctive artistic style, type, or expression associated with a group of people. However, the graphics used in the Prado mural -- letters, numbers, Liberty Bell -- are not unique or sufficiently distinguished to convey exceptional artistic merit. The bell motif, for example, was rendered with ordinary styling and cannot be attributed to a particular artistic movement or to the work of a master artist; the letters and numbers, likewise, do not evoke associations with a particular artistic type, or with a recognized Bicentennial mode or style.

Criterion D

And finally, the Corps has found that the mural is not eligible under Criterion D. Eligibility under Criterion D relies on two factors: whether "the property has or had information to contribute to our understanding of human history or prehistory," and secondly, whether that information is "considered important" (National Register Bulletin 15). The mural does not have the ability to answer questions regarding specialized painting methods or engineering designs. Further research of the mural does not have the ability to generate any additional information about life in the United States in the 1970s or the founding of America, or to provide as of yet unknown information about mural planning and execution.

Summary

Eligibility for listing in the National Register is only one measure of a property's value in history. Through the Corps' analysis, it has become clear that the mural falls within a category of resources that while clearly adding to a community's sense of place does not meet the criteria of listing on the National Register. Throughout the evaluation process, the public's support for the current mural design has been made clear. The Corps has not made any decisions regarding the future of the mural while going through the evaluation process. Once the evaluation process is complete, the Corps will continue to engage with the local stakeholders to identify strategies for the long term management of the Prado Dam spillway. For example, multiple local jurisdictions have expressed interest to the Corps in entering into an agreement whereby they would fund the repainting and maintenance of a new mural with the same design as the original mural should the lead paint associated with the existing mural eventually be removed.

Additional information regarding the Corps' determination can be found in the enclosed documentation. We have included in the enclosure the following materials: A cultural resources report entitled, *The Recordation and Evaluation of the Prado Dam Bicentennial Mural, Corona, California* and its associated site form; the historic context statement entitled, *The Prado Dam Mural: Evaluation of National Register Eligibility*, prepared by the U.S. Army Corps of Engineers' Technical Center of Expertise for the Preservation of Historic Structures and Buildings; a transcript of the consulting party workshop held on May 11, 2016; copies of correspondence related to the eligibility determination, including prior correspondence between the Corps, SHPO, and ACHP, and comments received on the draft determination; the Programmatic Agreement for the Santa Ana River Mainstem Flood Control Project; and an excerpt of the HAER documentation.

Concurrent with this letter, the Corps is notifying the SHPO of our determination that the Prado Dam Bicentennial mural is not eligible for listing on the National Register and requesting the SHPO's concurrence within thirty days of receipt of our determination. A courtesy copy of the SHPO letter is also being sent to the Advisory Council on Historic Preservation. Any comments received from the consulting parties during the SHPO's review period will be forwarded to the SHPO. Please direct any comments or concerns to Ms. Danielle Storey, Archaeologist, at Danielle.L.Storey@usace.army.mil, via phone at (213) 452-3855, or you may mail your response to Ms. Storey at the address listed on the letterhead.

Sincerely,

Eduardo T. De Mesa
Chief, Planning Division

Enclosure

