



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
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LOS ANGELES, CALIFORNIA 90017-3489

January 7, 2021

Ms. Julianne Polanco
State Historic Preservation Officer
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, California 95816-7100

Dear Ms. Polanco:

The U.S. Army Corps of Engineers (Corps), Los Angeles District is consulting with your office under Section 106 of the National Historic Preservation Act regarding a request that they have received from TH Miramonte Investors, LLC (applicant) to modify an existing flowage easement within the Prado Dam Inundation Area (PDIA) to facilitate development of an approximate 273-acre residential and commercial development project, known as Rancho Miramonte Estates. The flowage easement and proposed development project are located within the city of Chino, San Bernardino County. While the applicant owns the 273-acre property, the United States possesses flowage easement rights on 139.7 acres of the Rancho Miramonte Property. The existing flowage easement was granted for the purpose of operating and maintaining the maximum flood storage pool behind Prado Dam and controlling storm water runoff. The existing flowage easement prohibits human habitation. The limits of the existing flowage easement coincide with the 556-foot elevation which was projected to be the elevation to which water levels could rise behind the Prado Dam, as it was originally designed. As proposed by the applicant, the Rancho Miramonte development would encroach into 30.23 acres of the existing flowage easement. The applicant has requested that the Corps exchange approximately 30.23 acres from their existing flowage easement for approximately 4.91 acres of previously unencumbered land on the Rancho Miramonte Property, creating a new flowage easement of 114.38 acres. The applicant would excavate and grade within the new flowage easement in order to prevent a loss of floodwater storage capacity. The fill would be used to build up the lands under the development project thus raising development outside of the PDIA. This letter provides a brief description of the undertaking, documents the area of potential effect (APE), summarizes our efforts to identify historic properties, and requests your concurrence with our finding that there will be *no historic properties adversely affected*.

Project Description

If the Corps agrees to the easement exchange, the applicant would move forward with the Rancho Miramonte Estate development project. The proposed project entails construction of approximately 823 single and multi-family housing units; approximately 158.5 acres of residential, commercial, and neighborhood park development; approximately 8.6 acres for parks and recreation; 6.79 miles of multi-purpose trails; and approximately 67 acres of habitat restoration and preservation. Demolition is assumed for all existing built environment improvements sited within the project boundaries. Because the development project, as proposed, could not occur "but for" the easement exchange, the Corps has defined the APE as the entire 273 acre development site (Enclosure 1).

Historic Property Identification Efforts

Four Cultural resource investigations have occurred within the APE. Michael Brandman and Associates (MBA) completed a pedestrian survey of the APE in 2006 (Enclosure 2). In 2007, MBA completed subsurface investigations of two sites within the APE and evaluated the sites for the California Register of Historic Places (CRHP) (Enclosure 3). Environmental Science Associates (ESA) completed an assessment of a portion of the APE in 2018 (Enclosure 4), and finally Urbana Preservation & Planning, LLC (Urbana) revisited and re-recorded many of the sites recorded by MBA in 2020 (Enclosure 5). The different firms took different approaches to how the resources were grouped, categorized, and named leading to conflicting narratives on the number of sites within the APE.

The Corps has determined that there is a total of seven cultural resources located within the APE. Four of these sites are related to historic era farming and ranching (CA-SBR- P36-13408/13409, P36-13391, P36-13410 and CA-SBR-12573H); two are prehistoric era archaeological sites (CA-SBR-2845 and CA-SBR-12752); and one is the Southern Sierras Power Company "O" Transmission Line/SCE Transmission Line (CA-SBR-12613H/P-36-13627/ P-33-1668/ P-30-179857). Two of these seven sites, the prehistoric site CA-SBR-2845 and the "O" transmission line CA-SBR-12613H, have previously been determined to be not eligible for the National Register of Historic Places (NRHP) and the SHPO has concurred (Appendix D of Enclosure 4 and Enclosure 6). All of the cultural resource reports also discuss an eighth potential property referred to as Remington Ranch. While the APE intersects with the western edge of the ranch property, the single remaining structure on the parcel is located across Mill Creek and outside of the APE. The other two structures that were once associated with the parcel, a grist mill and a barn, have been destroyed and none of the four cultural resource surveys found any evidence of them within the APE. The Corps has provided a summary of the cultural resource investigations below and the reports are enclosed.

Prior to the applicant acquiring the property, the property was owned by a different company, Trumark Homes, who had proposed a similar development called Edgewater Communities. In 2006, Trumark Homes hired MBA to complete a Phase I survey for the 273-acre development block (Dice 2007; Enclosure 2). Between the record search and the pedestrian survey, MBA noted 13 sites within the APE; however, according to the report, only six of these sites were still extant and therefore recorded-- P36-13408, P36-13409, P36-13391, P36-13410, CA-SBR-12573H, and CA-SBR-12752. The other seven sites were identified during the record search as "pending resources". The term "pending resources" was a common designation utilized for cultural resources within San Bernardino County that were known from historical records, accounts, maps, or interviews but had not been field-verified and/or recorded by an archaeologist or architectural historian. In the case of these seven pending resources, they were noted during a 1985 survey of the Prado Dam Flood Control Basin as either locations where historic-era buildings or structures once stood or where historic-era buildings or structures were still extant but were not recorded. While the report treated the seven pending sites as separate from the newly recorded sites, the maps show that some of the pending resources overlap with the recorded sites, raising the question of why they weren't treated as manifestations of the pending sites. Additionally, one of the pending sites, known as Remington Ranch (P-871-8H), appears to still be in existence but was not recorded and it is unclear if the structure was in the APE or just outside of it.

In the summer of 2007, Trumark Homes again retained MBA to evaluate the six sites recorded during MBA's 2006 survey (Dice 2007a; Enclosure 3). MBA only did evaluative testing of two of the sites-- the historic era Fuqua ditch, CA-SBR-12573H, and a small prehistoric site, CA-SBR-12752. Both of these sites had been recorded prior to MBA's 2006 survey. MBA hand excavated a trench across the Fuqua ditch, roughly six-meters long and 50 centimeters wide. Based on the profile view of the ditch, MBA estimates that the ditch was likely two feet wide at the water level and spoil from excavating the ditch was piled approximately two feet on either side. MBA used a backhoe to dig a 130-meter long trench across prehistoric site CA-SBR-12752. They encountered one battered cobble. MBA also excavated four 1x1-meter excavation units within the recorded site boundary but encountered no additional artifacts. During their additional fieldwork, MBA also recorded a seventh site, CA-SBR-12513H, which is a series of power line towers built by the Southern Sierras Power Company known as the "O" line. MBA determined that all seven recorded sites were not eligible for the California Register of Historic Places (CRHP).

In 2018, Truemark Homes contracted with ESA to conduct a Phase I and II cultural resource assessment of the portion of the project area along Mill Creek slated for habitat restoration and where a 404 permit under the Clean Water Act would be required. ESA's assessment included a cultural resources records search, a Sacred Lands File search, a pedestrian survey, and other archival research. The results of the records search indicated that the southern portion of a previously recorded cultural resource (CA-SBR-2845) was mapped partially within the northern portion of the APE. CA-SBR-2845 had previously undergone evaluative testing in 2011 by PCR Services Corporation (PCR, now ESA). Based on the results of this evaluation, the Corps determined that CA-SBR-2845 was not eligible for listing in the National Register of Historic Places and the State Historic Preservation Officer concurred with this determination (Appendix D of Enclosure 4).

The southern portion of CA-SBR-2845 that is located within the current APE was not directly tested for subsurface archaeological deposits during PCR's Phase II evaluation in 2011. ESA re-examined the site as part of their 2018 Phase I and II assessment. One additional artifact, a fragment of lithic shatter, was found within the site boundary during the pedestrian survey but it appears to have been in a secondary context. ESA completed eight backhoe trenches in the recorded site boundary but did not encounter any prehistoric or historic era artifacts. ESA did encounter approximately 40 items of modern origin. ESA also completed an intensive cultural resource survey in the location of three of the pending site areas, P871-8H, P871-11H and P871-12H. They did not locate any evidence of these sites. ESA also noted that the transmission towers, previously recorded as CA-SBR-12613, had been removed from their APE.

The Corps' planning division became involved in the current undertaking in 2020 and determined that the MBA surveys did not provide enough information to make a determination of eligibility for the historic era sites and required clarifying information. The applicant contracted with Urbana Preservation & Planning, LLC to revisit the sites, rerecord them, and provide additional details on their eligibility. Because sites P-36-13408 and P-36-13409 seem to be associated and are located on the same Assessor's Parcel, Urbana combined them into a single site form under P-36-13408. Similarly, documentation and evaluation of P-36-13410 was expanded to include three additional structures, previously unrecorded, but located within the same assessor's parcel. Urbana also prepared a site form for the previously undocumented parcel where the pending sites associated with the Remington Ranch (P871-8, P871-11 and

P871-12) once stood. The barn (P871-11) and the grist mill (P871-12) had been mapped within the APE but had been destroyed and no evidence of them exists within the APE. The single standing structure, a 1930s ranch house that is not associated with the Remington family, is located outside of the APE.

Cultural Resource Summary

P36-013410/ P871-22H

MBA described this site as two ranch homes located at 8121 and 8131 Chino-Corona Road. These structures are located atop a historic farm site that was removed in the 1930s, and were probably built as part of a dairy complex known to be onsite in the late 1950s. Urbana (2020) tied the history of the parcel to one of the pending resources (P871-22) that came up during MBA's literature search. P871-22 was referred to as the Mary Race Property by Langenwalter and Brock (1985). Urbana rerecorded site P36-013410 as a 34-acre parcel with five primary improvements, four of which are historic, and one is modern. The site contains the two ranch homes previously described by MBA, a single-family residence constructed in 1956 that has been called the Mary Race property despite being built after Mary Race sold the property, a barn constructed between 1959 and 1966, and a modern dairy parlor constructed after 1977.

P36-013408/P36-013409

MBA recorded the structures on this parcel as two separate sites but Urbana combined them since they are located on the same parcel of land, referred to as the Mayhew property, and have been consistently linked by ownership. Initial construction on the Mayhew Property occurred circa 1866 with the construction of the Mayhew house and the last known construction occurred in 1980. The Mayhew House (P871-16) no longer exists and was never recorded. Its existence is just known from historic research. No descriptions of the dwelling, its exact location, or associated structures exist. No evidence of the Mayhew property was found during any of the previous surveys.

Site P36-013408 consists of two grouping of structures: a house and barn that were constructed between 1948 and 1959 (which MBA recorded as P-36-13409); and a modern era corral and material remains from two demolished historic era ranch houses (which MBA recorded as P-36-13408).

The extant single-family residence is an asymmetrical single-story Ranch-Style home that sits on a rectangular concrete foundation. It features a composite shingled, low-pitched roof with a small shed like extension on the east elevation and moderate eave overhang, brick chimney, vertical wood panel façade, and wood framed double hung windows. The barn is located approximately 80-feet southwest of the main residences. The symmetrical monitor-style barn, constructed between 1948 and 1959, features: a slightly raised central monitor with composite shingled roofing, a large central wood-framed opening, vertical wood panel façade, wood framed multi-lite windows, wood framed vertical wood panel doors, central vinyl slider windows located on the east and west elevations, and a small shed extension located on the south elevation of the barn. Both structures exhibit structural deterioration due to weathering and neglect. A few of the windows on the main residence have been covered with plywood.

The corral, constructed between 1976 and 1980, is located approximately 30-feet north from where the property survey report shows that the two residences once stood. The property survey report provides a 1945 to 1953 age range for the residences. All that remains of the homes is some roofing materials. The corral is rectangular and mainly of wood design with horizontal and vertical wood slats and metal fencing along the northern side. A loading chute is located towards the southwest end of the improvement. A cement path located parallel to the north side of the corral spans for approximately 250-feet terminating at a small enclosed ancillary structure. It is approximately 250-feet in width and 100-feet in length.

P-36-13391

P-36-13391 consists of one building, a T-shaped, corrugated metal Quonset structure. The structure is comprised of two separate Quonset structures joined together to make a larger building. The corrugated sheet metal walls and roof are supported by concrete masonry unit walls that extend up about 5-6 feet. One of the openings to the interior of the building is not enclosed while the other two openings are enclosed with horizontal board siding with large double door entries with horizontal board clad doors. Along the east elevation of the Quonset is a shed roof addition with vertical board siding and vertical sliding sash windows on the north and south elevations. The building is surrounded by an open dirt lot and adjacent agricultural land. The Quonset structure was constructed in 1953 along with a small dwelling and nine barns/stalls with corrals. The dwelling and barn/stalls are visible in historic aerials, but they were not recorded on the San Bernardino County Recorder website. The dwellings and the nine structures were demolished between 1967 and 1994.

CA-SBR-12573H/ P-36-013412

Site CA-SBR-12573H is the remains of a historic-era irrigation ditch known as the Fuqua Ditch after the man credited with constructing it. The Fuqua Ditch was constructed in 1868 during the early development within the Prado Basin, once conveying water from Mill Creek to irrigate agricultural lands located east of the creek. During the late 1860's, as the population and livestock of the Prado Basin increased, the need for additional water resources emerged. Throughout the 1870s and 1880s, claims for water rights defined the region. Often times claims were made separately or as a joint enterprise between local residents. On March 21, 1883, John M. Fuqua and William Thomas filed a joint claim for water rights over "Fuqua Creek" also known as Fuqua Ditch. The 1860 United States Federal Census Records show the Fuqua family as one of the earliest families who settled in the Prado Basin. By 1912, the rights of the Fuqua Ditch had transferred to Arvin R. McCarty, one of the earliest homesteaders of the region. McCarty was involved in a dispute with I. W. Reynolds over control of the Fuqua Ditch. In 1912, the Fuqua Ditch went from irrigating an area of about 66-acres that included orchards, vineyards, and fields of alfalfa, to irrigating over 200-acres of crops owned by the McCarty Family. The ditch was last mentioned in a 1944 San Bernardino Sun article. By the 1950s, the hydraulic regime of the area changed due to the construction of Prado Dam and reduced flows to Mill Creek soon led to abandonment of the Fuqua Ditch.

The Fuqua Ditch was determined to be ineligible for the CRHP by MBA in 2007 and Urbana recommends that site as ineligible for the NRHP for a lack of integrity. The Corps disagrees with these recommendations and has determined that the site is eligible for the NRHP under Criterion A as a rare surviving example of early water resource management feature and its association with the earliest development of agriculture in the region. The ditch contains

enough integrity to be recognized as a water conveyance structure and the rarity of the resource provides for a lower standard of physical integrity. This resource is located outside of any proposed ground disturbance and would not be adversely affected by the project.

CA-SBR-12613H/ P-36-013627

This site is a single-circuit 115kV transmission line built by Southern Sierras Power Company known as the "O" Line. Site CA-SBR-12613H was originally recorded by MBA in 2007 as a historic-age power line right-of-way trending through Orange, Riverside and San Bernardino counties. A large portion of the original towers have been replaced with steel towers that date to 1953 to 1954. The site was determined to be not eligible for the NRHP in 2020 (Enclosure 6).

CA-SBR-12752

This site was initially recorded as containing three large groundstones in an 85 x 80-meter area. The artifacts appeared to have been kicked up by a plow and it was thought that there may be subsurface deposits. MBA tested the site using a backhoe to dig a 130-meter long trench across the site and excavated four 1x1-meter excavation units within the recorded site boundary. They encountered one additional battered cobble. MBA determined that the site was not eligible for the CRHP. The Corps has determined that the site is not eligible for the NRHP under any criteria.

CA-SBR-2845

The site was recorded in 1985 as a sparse and disturbed lithic scatter. The 1985 fieldwork also included test units and the site was recommended as not eligible for the NRHP. In 2011, the site was determined to be not eligible for the NRHP through a consensus determination between the Corps and your office (Appendix D of Enclosure 4). In 2018, ESA re-examined the portion of the recorded site boundary that overlaps with the APE. ESA completed eight backhoe trenches but did not encounter any prehistoric or historic era artifacts beyond a single flake that was found on the surface. The 2018 testing provides no information to support re-opening consultation on the eligibility of this site.

Tribal Consultation

As part of their historic property identification efforts, MBA sent a letter to the Native American Heritage Commission (NAHC) in October of 2006 and requested a Sacred Lands File search of the project area. The NAHC response indicated that no sacred lands or traditional cultural properties are known to exist within the immediate project area. MBA subsequently sent information-request letters to each of six tribal entities named by the NAHC on April 12, 2007. Only one response from those entities has been obtained as of the date of their report.

The Corps again contacted the NAHC and requested a Sacred Land File search for the project in March of 2020. The results were also negative. The Corps is concurrently consulting with the Tribal entities identified by the NAHC regarding the undertaking: Gabrieleno Band of Mission Indians - Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino /Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, Gabrielino-Tongva Tribe, Juaneno Band of Mission Indians Acjachemen Nation –Belardes, and San Fernando Band of Mission Indians.

Determinations of Eligibility and Finding of Effect

A total of seven cultural resources are located within the APE. Four of these sites are related to historic era farming and ranching (CA-SBR- P36-13408/13409, P36-13391, P36-13410 and CA-SBR-12573H); two are prehistoric era archaeological sites (CA-SBR-2845 and CA-SBR-12752); and one is the Southern Sierras Power Company "O" Transmission Line/SCE Transmission Line (CA-SBR-12613H). Two of these seven sites, the prehistoric site CA-SBR-2845 and the "O" transmission line CA-SBR-12613H, have previously been determined to be not eligible for the NRHP and the SHPO has concurred.

Based on the enclosed cultural resource investigations, the Corps has determined that three of the four historic-era sites lack essential integrity and are not eligible for the NRHP (CA-SBR-P36-13408/13409, P36-13391, P36-13410). All three are the remnants of late twentieth century ranches. Most of the original structures have been demolished and the remaining buildings no longer exhibit or embody a distinctive dairy farm design. With the loss of materials and design, the properties do not exhibit integrity of the original workmanship of the unidentified architects, builders, engineers, etc. The properties do retain integrity of location, for they have not moved since construction; however, with recent development of new housing communities and commercial centers in the vicinity, the setting around the properties has changed from the original agricultural setting thus causing loss of integrity of setting. Lastly, the historic-era improvements observed do not convey an association with significant historical events or individuals.

The Corps has determined that the remaining historic-era site, CA-SBR-12573 (Fuqua Ditch), is eligible for the NRHP under Criterion A as a rare surviving example of an early water resource management feature and its association with the earliest development of agriculture in the region. This resource is located outside of any proposed ground disturbance and would not be adversely affected by the proposed undertaking. The ditch is located in a densely vegetated area near Mill Creek, well outside of any ground disturbing activities. It is not visible to a casual observer and there are no artifacts associated with the historic feature.

The remaining prehistoric site, CA-SBR-12752, underwent evaluative archaeological testing in 2007. Based on the results of the 2007 investigation, the Corps has determined that the site is not eligible under any criteria.

At this time the Corps is requesting your review and agreement with our determination that sites P36-13408/13409, P36-13391, P36-13410, and CA-SBR-12752 are not eligible for the NRHP and that the segment of the Fuqua Ditch CA-SBR-12573H located within the APE is eligible for the NRHP under Criterion A at a local level of significance. The Corps is further

requesting agreement with our finding that the proposed undertaking would result in no adverse effect. If you have specific questions or if we can provide any clarification about this request or any other concerns, please contact Ms. Danielle Storey, Archaeologist, at Danielle.L.Storey@usace.army.mil or at (213) 308-0437.

Sincerely,

Eduardo T. De Mesa
Chief, Planning Division

Enclosure(s)