

May 7, 2010

Mary E. Rodriguez
3419 Pasado Drive
Diamond Bar, Ca 91765

City of Diamond Bar Planning Commission
c/o Ms. Grace Lee
City of Diamond Bar
21825 Copley Drive
Diamond Bar, Ca 91765

Re: Site D Specific Plan and EIR
My letter plus 6 attachments to Be Included w/ Recorded Report

Dear Chairman and Planning Commissioners,

There are a couple of items I would like you to consider carefully, if you will. What is being done here is a very permanent thing. Once begun, there is no putting the hillside back. What you do today to Site D, will be your legacy to the City. It should be something you will be proud to show your children. Nobody is going to care one way or the other who it was that was responsible for building that crap on Site "D". What they will remember, and give thanks for, is who it was that had the foresight, and the courage, to stand up and do the right thing. How can City Officials, be officers of a city and not have pride in their City? It is beyond my comprehension how one can justify selling out the truly valuable things for a few "shiny trinkets". Site "D" holds the heart of the City of Diamond Bar. From 1918 to 1946 the Diamond Bar Ranch Headquarters Compound was located on much of what is now Site "D". Other portions of the Diamond Bar Ranch Headquarters Compound was located where the Church is on Diamond Bar Blvd., east of Brea Canyon Road. This area too should have been preserved for historical value. How can elected officials sell the heart of their City? How do you run a City without a heart? Our City officials need to see the benefit and the obligation to preserve the City's rich history. Site "D" is all that remains of the original ranch which was approximately 4,340 acres. Site "D" is where it started, it is a Landmark. It is the responsibility of all of our City Officials to protect and preserve these precious few acres, which is Site "D", for now and for always. The "diamond over the bar", that is how the City got it's name, started at Site "D". The Planning Commission should begin taking immediate action to preserve Site D. It should do everything it's power to make certain that Preservation of Site "D" is the only option.

Here is what the DEIR says about the value of Site "D" to our City:

Appendix K
Cultural Resource Assessment

Results and Mitigation
Cultural Resources

Page ES-1 through page ES-2 of the DEIR states the following:

Results of the historic aerial photograph and topographic map review revealed that a structure (HS-1) was once located within the boundaries of the study area that was associated with the historic Diamond Bar Ranch Headquarters Compound (Compound). The Compound included the residence of Frederick E. Lewis, who owned and operated the Diamond Bar Ranch (Ranch) which was located 0.75 miles northeast of the study area. It is unclear if HS-1 was the residence of Mr. Lewis or another individual. Mr. Lewis operated the Ranch from 1918 until 1946 when he sold it to the Bartholome family. At the time, the Ranch was one of the largest working cattle ranches in the western U.S. Mr. Lewis is considered a significant person in the history of the City of Diamond Bar because he registered the "diamond over a bar" branding iron with the California Department of Agriculture in 1918. This later became the symbol for which the City of Diamond Bar was named.

No prehistoric archaeological resources have been previously recorded within one mile of the study area and no prehistoric resources were identified in the study area during the pedestrian survey. Prehistoric sites identified in the study vicinity consist of relatively small collections of surface artifacts; the distribution of subsurface prehistoric deposits in the vicinity is unknown. Given the lack of prehistoric materials identified on the surface of the study area and surrounding radius, in light of multiple previous surrounding studies, the potential for subsurface prehistoric deposits in the study area appears to be low.

Results of the pedestrian survey revealed the identification of a historical archaeological site that will temporarily be designated as SD-Cultural-1 (see Figure 7, Results Map, on page 24). The site components include a landscape component consisting of more than 15 non-native eucalyptus trees as well as a concrete debris concentration and the former location of HS-1. These site components are associated with the former historic Compound.

The significance of SD-Cultural-1 with respect to CEQA is considered to be undetermined. The site has strong associations with Frederick E. Lewis and the early ranching history of southern California, which entail consideration under criteria b and a of the California Register, respectively. The integrity of the surface components of the site, however, is low. The stand of eucalyptus trees appears to be an intact landscape component, but the built component is now represented by only by a few piles of rubble and retains little historical character. Given these conditions, the site does not appear to qualify under criteria c. Given the length of time the Compound was occupied; it is anticipated that there is at least moderate potential for the site to to

retain buried domestic or ranch maintenance components such as trash pits, privy holes, and similar features, which in turn may be encountered during ground disturbing activities during development of the proposed project. As the site, SD-Cultural-1, is associated with a known historical figure and a known timeframe, intact subsurface deposits may qualify as significant archaeological resources under criteria d.

Development of the proposed project will entail grading over extensive portions of the study area. The grading will result in extensive disturbance within the boundaries of SD-Cultural-1.

It appears that the City of Diamond Bar is a bit too quick to dismiss what could be a significant historical resource and potential tourist attraction.

The Los Angeles Conservancy 2008 Los Angeles County Preservation Report Card The City of Diamond Bar was accorded a grade of "F" as a "Preservation Truant." The grading is based upon the following criteria:

CLG? No

Has ordinance that allows designation of historic landmarks? No

How many landmarks designated? 0

Mills Act? No

Has ordinance that allows designation of historic districts? No

Number designated? 0

Has survey of historic architectural resources? No

Has other list of identified resources? No

Historic Preservation Officer? No

Historic Preservation Commission? No

If the Diamond Bar Planning Commission approves this project and chooses to bulldoze the historic site which gave the city its name, then Diamond Bar deserves its "F" grade. (Please see attached Figure 8, Site D, Monitoring Extent)

Another very important fact which I believe requires serious attention is the issue of Native American Consultation.

Page ES-5 Native American Consultation

A Native American Consultation is supposed to happen in the early planning stages of a project and if a tribe requests it to be private (without the developer present), the city must comply.

Per the DEIR, the appropriate Native American groups identified by the Native American Heritage Commission [NAHC] were contacted via certified mail but none of them has responded.

Draft Environmental Impact Report
Section 4.11: cultural Resources
Draft Environmental Impact Report
Section 4.11: cultural Resources

Page 4.11-4 and 4.11-5

On February 1, 2008, the Department submitted to the California Native American Heritage Commission (NAHC) a "local government tribal consultation list request," requesting a list of California Native American tribes with whom the City needed to provide notice. Although the NAHC did not formally provide the City with a written contact list of those tribes groups with traditional lands or cultural places¹³ within or potentially within the City's jurisdiction, a number of tribal organizations, including the Gabrieleno/Tongva Tribal Council, the Gabrieleno/Tongva Council/Gabrielino Tongva Nation, and the Gabrielino Band of Mission Indians of California, were provided copies of the NOP and Initial Study and notice of the pre-circulation scoping meeting. No response to those notices was received by the City from the NAHC or by any of those tribal groups.

Page 4.11-12 and 4.11-13

Sacred Lands File Search and Native American Consultation. On October 8, 2007, a Sacred Lands File (SLF) records search of the study area was commissioned through the NAHC and follow-up consultation with Native American groups and/or individuals identified by the NAHC as having affiliation with the study area vicinity was conducted. Each Native American group and/or individual listed was sent a project notification letter and map and was asked to convey any Native American issues or concerns with the proposed project. The letter included information such as study area location and a brief description of the proposed development. Results of the search and follow-up consultation provide information as to whether there are any locations in the vicinity of the project site that are culturally sensitive to Native Americans.

The NAHC SLF records search results did not indicate any known Native American cultural resources within the study area. Follow-up letters were sent, via certified mail, on November 21, 2007 to the eight individuals and organizations identified by the NAHC as being affiliated with the vicinity of the study area to request any additional information or concerns they may have about Native American cultural resources that may be affected by the proposed project. As of February 22, 2008, no responses had been received from any of the Native American individuals or organizations.

This is the California Public Resource Code for Native American Consultation:

65352.3- 65352.4: Consultation with Native Americans on General Plan Proposals

65352.3. (a) (1) Prior to the adoption or any amendment of a city or county's general plan, proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction.

(2) From the date on which a California Native American tribe is contacted by a city or

county pursuant to this subdivision, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

(b) Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Section 65040.2, the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

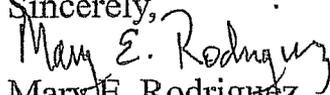
65352.4. For purposes of Section 65351, 65352.3, and 65562.5, "consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

The Tribes would have had 90 days to respond to a request for a consultation with the City of Diamond Bar on this matter so it seems strange that the EIR treats this as if it is still an open matter. Also, when the code says "Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's *sovereignty*," this means that the City should treat the Tribal leader or representative as they would a head of state, in other words, the person who should meet with them would ideally be the Mayor, a council member, City Administrator or some other top city leader.

The Tribes are considered to be "authorities" when it comes to determining if a place holds any significance for Native Americans even if the City is unaware of such significance. That's why the consultation is held. If I remember correctly, the EIR states that pottery shards and other items were found on site and there is a chance that more artifacts may be present that would indicate the site had been used by Native Americans. Who knows? There might even be a burial site there.

There seems to be some odd discrepancies about when this allegedly happened. The Planning Commission must be diligent that TRG Land, Inc. and PCR Services Corporation are not being dismissive of these very critical issues which affect the outcome of the Commissions decisions. The question remains open. Did the Tribes respond? And if so, where are their letters or documents stating their findings at Site D? If the Tribes did not respond, why wasn't there a follow up attempt to get a Tribal Consultation? This is a must! Please do not allow bulldozing without having the Tribal Consultation.

Sincerely,

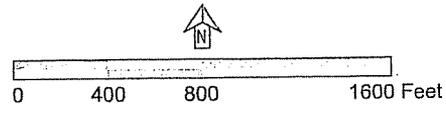
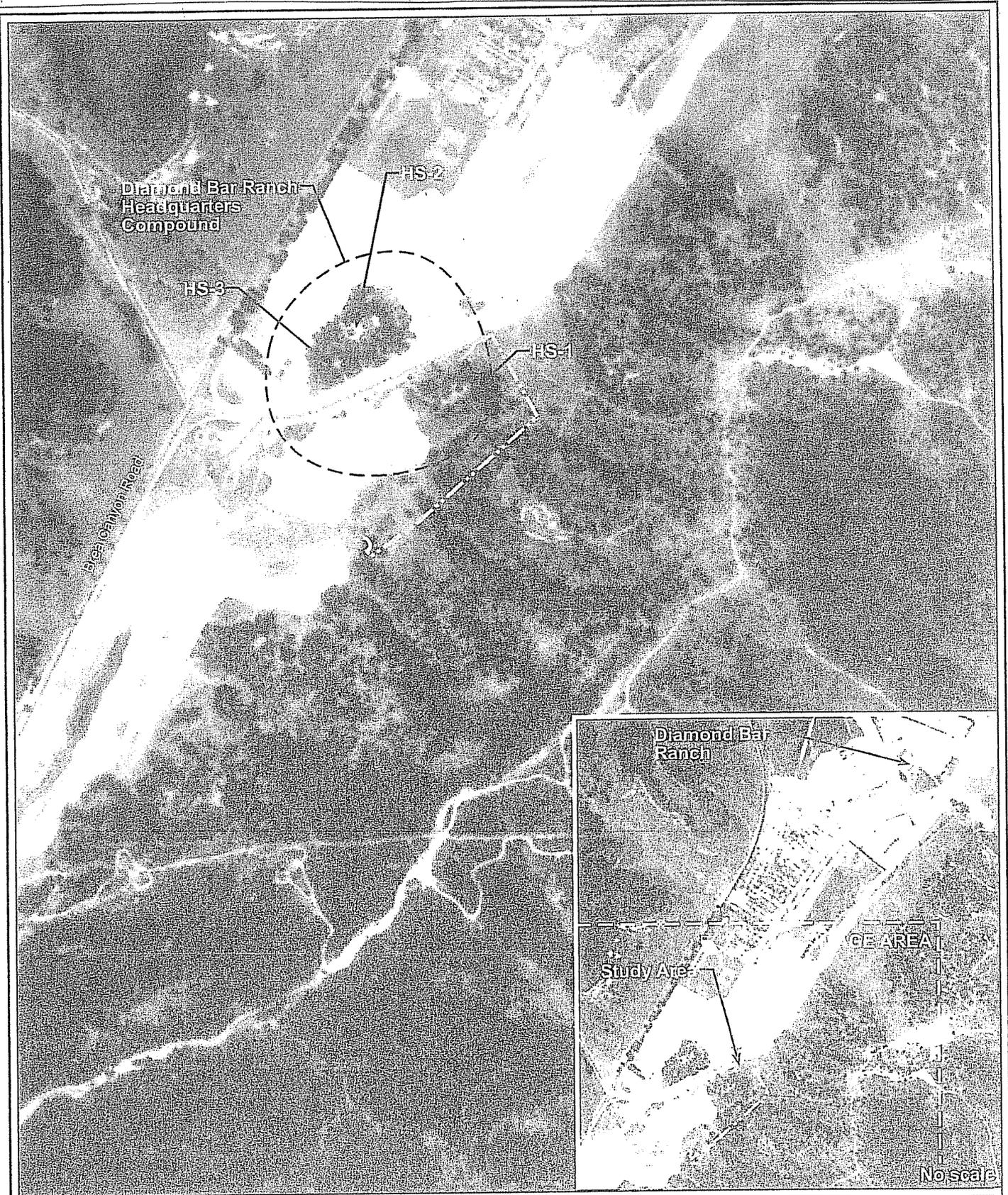

Mary E. Rodriguez



0 400 800 1600 Feet

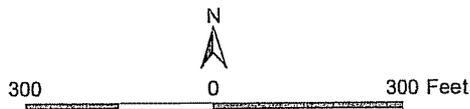
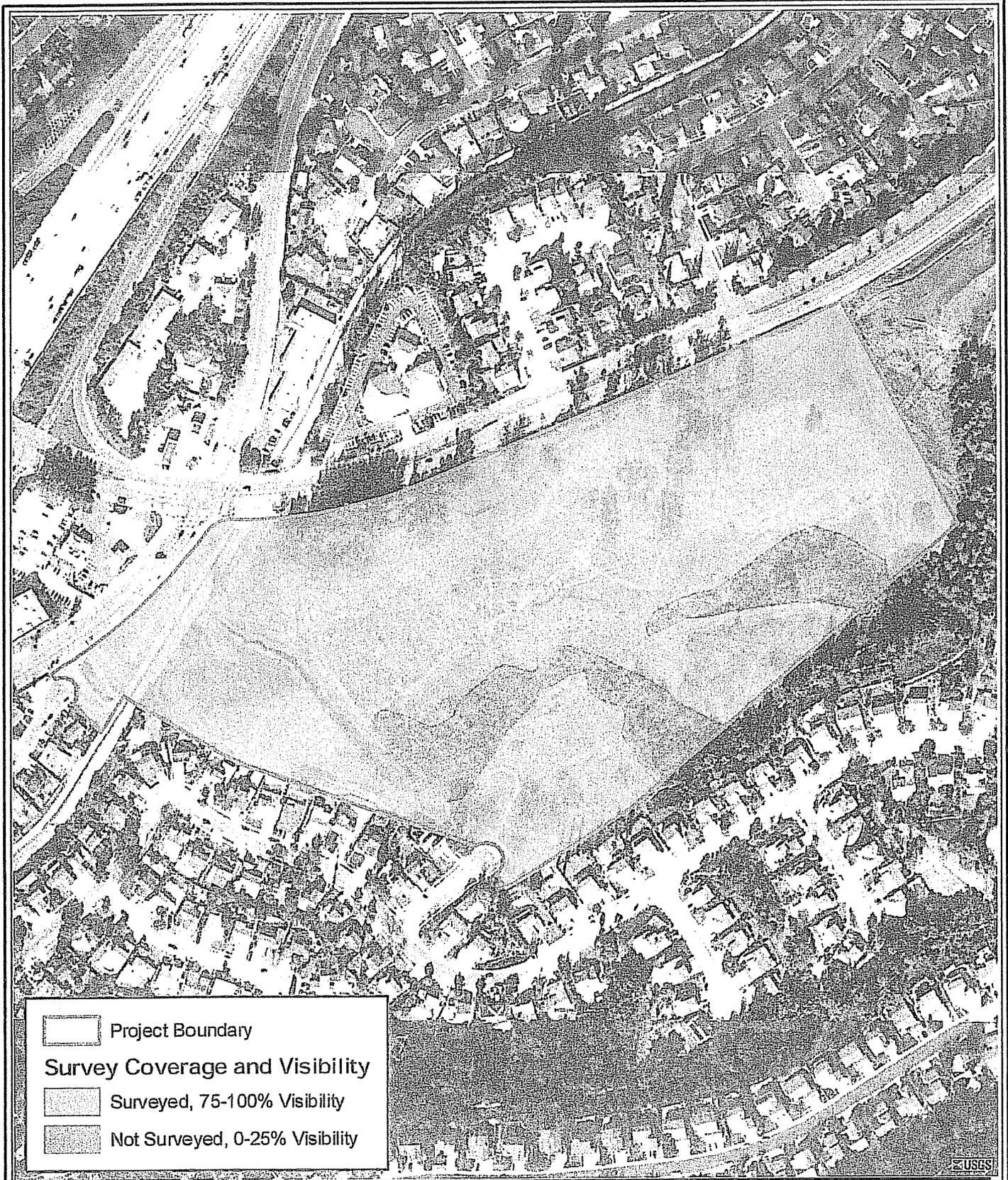
Source: Fairchild Aerial Photography Collection.

Figure 4
Site D
Historic Aerial Photograph - 1928



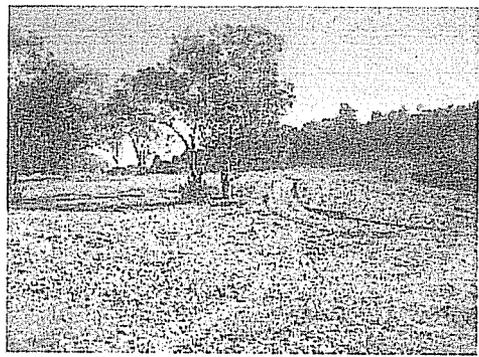
Source: Fairchild Aerial Photography Collection.

Figure 5
Site D
Historic Aerial Photograph - 1963



Source: Google Earth, 2007; PCR Services Corporation, 2008.

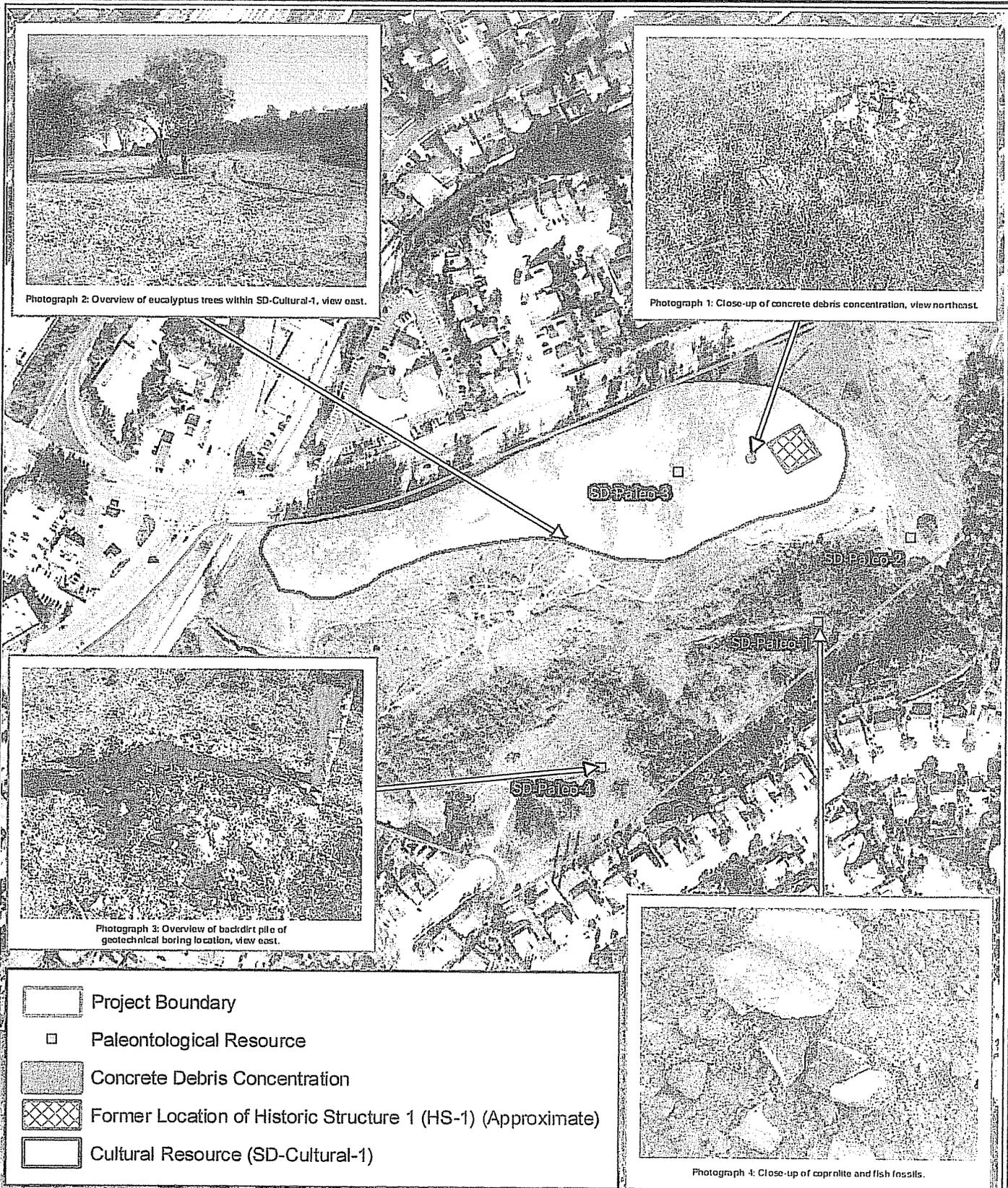
Figure 6
Site D
Survey Coverage and
Visibility Map



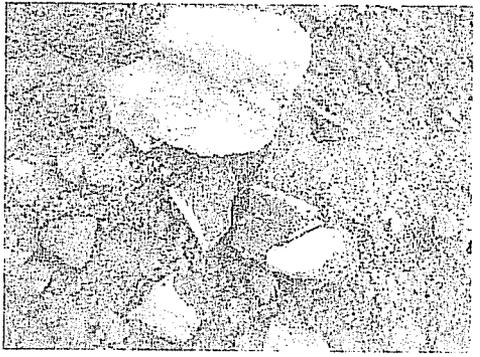
Photograph 2: Overview of eucalyptus trees within SD-Cultural-1, view east.



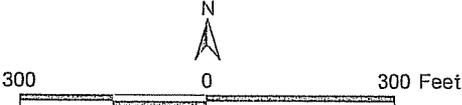
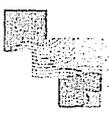
Photograph 1: Close-up of concrete debris concentration, view northeast.



-  Project Boundary
-  Paleontological Resource
-  Concrete Debris Concentration
-  Former Location of Historic Structure 1 (HS-1) (Approximate)
-  Cultural Resource (SD-Cultural-1)



Photograph 4: Close-up of coprolite and fish fossils.



Source: Google Earth, 2007; PCR Services Corporation, 2008.

Figure 7
 Site D
 Results Map

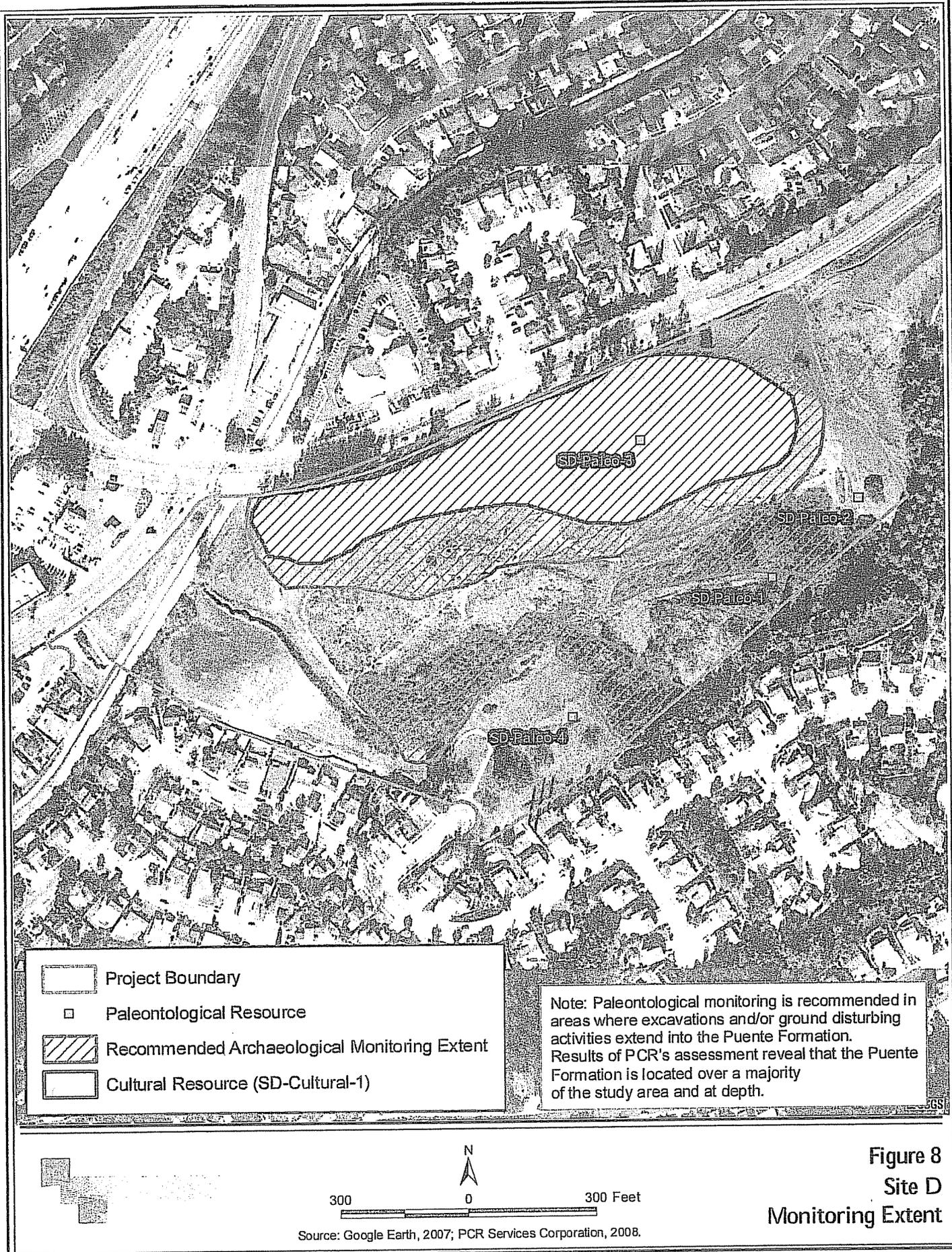
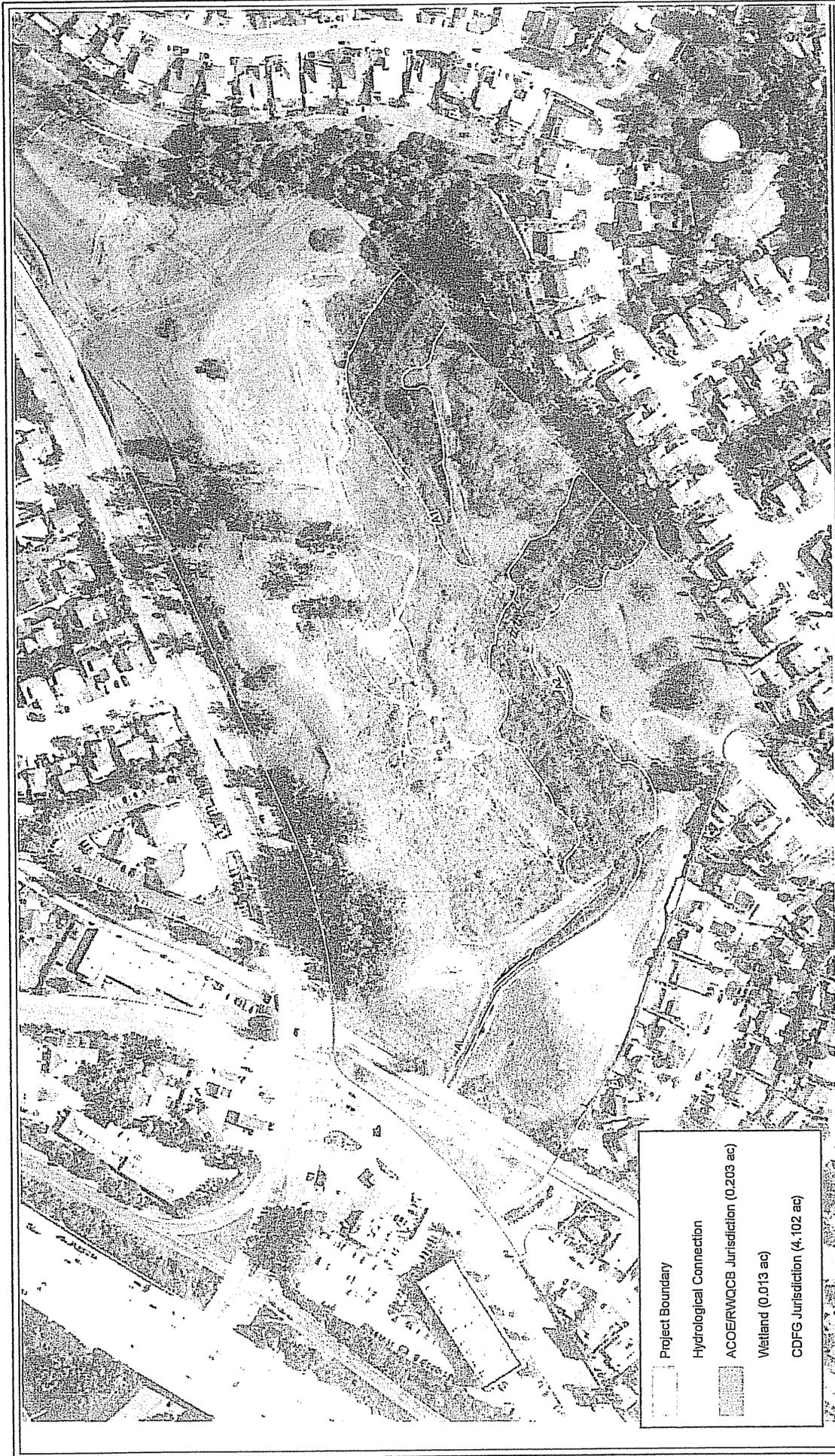


Figure 8
Site D
Monitoring Extent

Attachment to Letter to Planning Commission Dated May 7, 2010
from Mary E. Rodriguez



- Project Boundary
- Hydrological Connection
- ACOE/RWQCB Jurisdiction (0.203 ac)
- Wetland (0.013 ac)
- CDFG Jurisdiction (4.102 ac)

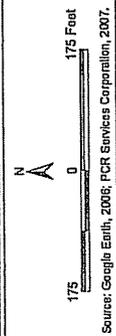


Figure 7
Site D
Jurisdictional Features

Source: Google Earth, 2008; PCR Services Corporation, 2007.

