5.5 Cultural Resources

5.5.1 Introduction

Purpose

The purpose of this section is to identify any existing cultural resources and potential impacts to these resources from project implementation. This section also identifies mitigation measures, when necessary, to reduce any potentially significant cultural resources impacts and describes the residual impact, if any, after imposition of the mitigation.

Sources

The following sources were used in consideration and discussion of the potential environmental impacts:

- *Addendum to a Phase I Cultural Resources Assessment and Paleontological Records Review Rio Santiago Specific Plan Project*, prepared by BCR Consulting, March 25, 2011, as provided in Technical Appendix F, *Cultural Resources and Paleontological Records Review*, to this Draft EIR.

- Native American Heritage Commission (NAHC) response, October 2008 and MBA information-request letters to each tribal entity named by the NAHC on November 3, 2008, as provided in Technical Appendix F, *Cultural Resources and Paleontological Records Review* to this Draft EIR.

- *Phase I Cultural Resources Assessment and Paleontological Records Review Rio Santiago Specific Plan Project*, prepared by Michael Brandman Associates (MBA), December 3, 2008, as provided in Technical Appendix F, *Cultural Resources and Paleontological Records Review*, to this Draft EIR.

- *Updated Native American Consultation for the Rio Santiago Specific Plan Project*, prepared by BCR Consulting, May 12, 2011, as provided in Technical Appendix F, *Cultural Resources and Paleontological Records Review*, to this Draft EIR.

5.5.2 Existing Environmental Setting

The project site is relatively flat. The elevation ranges from about 380 to 410 feet above mean sea level (AMSL). The topography has been altered historically and significantly by human-related disturbances, and the majority of the southern portion of the project site has been re-contoured due to previous sand and gravel mining operations. The topography is presently being altered with the materials recycling operation (i.e., asphalt and concrete crushing) and backfilling operation.

In March 2011, the City issued Grading Permit #2047 related to the backfill operation on the project site. Table 17.32.020, *Sand and Gravel District Use Regulations*, of the Orange Municipal Code states that backfilling is a permitted use (P) in the S-G (Sand and Gravel) District. Figure 5-1.1, *Planning Areas and Materials Recycling and Backfilling*, show the Planning Area Boundaries in relation to the backfilling and

material recycling operations. This approved, on-going backfill operation currently is separate and distinct from the proposed project.

The project site is situated within an area that has been ethnographically mapped as a traditional use area of the Gabrielino Tribe. The Gabrielino tribal territory is mapped as extending north from Aliso Creek to just beyond Topanga Canyon along the Pacific Coast, and inland to the City of San Bernardino (Bean and Smith 1978). Their territory included portions of the Santa Ana River, and several islands, such as Santa Catalina. It is likely that these tribal boundaries were fluid, and allowed for contact, trade, and diffusion of ideas between neighboring groups, such as the Juaneño Tribe to the south.

Cultural Resource Setting

Prehistory

Of the many chronological sequences theorized for Southern California, two primary regional syntheses are commonly used for the Southern California region in the archaeological literature. The first primary regional synthesis defines four cultural horizons, each with characteristic local variations: Early Man, Milling Stone, Intermediate, and Late Prehistoric. The second primary regional synthesis uses an ecological approach to chronology and defines five periods in Southern California prehistory: Lake Mojave, Pinto, Gypsum, Saratoga Springs, and Protohistoric. With this approach, cultural continuity and change are viewed in terms of the various significant environmental shifts. Many changes in settlement patterns and subsistence focus are viewed as cultural adaptations to a changing environment, beginning with: the gradual environmental warming in the late Pleistocene, the desiccation of the desert lakes during the early Holocene, the short return to pluvial conditions during the middle Holocene, and the general warming and drying trend, with periodic reversals, that continues to present day.

Ethnography

The project site is within the traditional cultural territory of the Gabrielino Native Americans. Gabrielino territory once included: the watersheds of the San Gabriel and Santa Ana Rivers, the Los Angeles Basin, and the coast from Aliso Creek at the south to Topanga Creek at the north, as well as the southern Channel Islands.

History

The City incorporated in 1888. Over the first half of the twentieth century, the City grew steadily, from 1,216 residents in 1900 to approximately 10,000 in 1950.

Due to the Great Depression, in combination with a catastrophic freeze and flood in 1937-38, Orange County experienced an economic decline that lasted until the beginning of World War II. With many servicemen returning to California with their families after the war, Orange County experienced its largest ever growth boom. The City grew from 3.8 square miles in 1952 to 8.3 square miles in 1960 and the population more than doubled during this time. Most of the City's expansion has been to the north and east of the original town site. The project site became part of the City through an annexation requested by the then owner in 1985.

Records Search and Literature Review

Data from the South Central Coastal Information Center (SCCIC) indicated that a majority of the project site has been previously surveyed, and portions exhibit numerous archaeological studies. Table 5.5-1, *Previously Recorded Cultural Resources* indicates the results of the previous studies within one-mile of the site and how they relate to the project site. The majority of the unexamined areas is urbanized and was presumably developed prior to the more stringent cultural resource assessment requirements that currently exist.

Archaeological Field Survey

A reconnaissance-level pedestrian field survey of the project site was conducted in October 2008 by MBA. The project site was examined using a block-transect technique, with 10 to 15 meter spacing, were appropriate. The survey of the project site indicated that a majority of the ground consists of previously disturbed soils that have been subject to historic and significant sand and gravel mining operations, as well as continuing processing and materials recycling activities (i.e., asphalt and concrete crushing). The project site exhibited varied surface visibility, ranging from poor to good. Relatively minimal modern refuse was noted throughout the project site, and was more prevalent in the northern portion, along the northern boundary and in a vegetation-laden field in the southern-central portion. No prehistoric age resources and only one potentially historic age foundation, and an adjacent asphalt and concrete lot were detected.

Aerial Photo Review

A historic era aerial photograph review indicated that the project site was part of an extensive sand and gravel mining operation, which began in approximately 1919. This process removed sand and gravel from alluvial deposits, and then processed the sediments in an open area located to the south of Santiago Creek. In the southwestern corner of the project site, to the north of East Santiago Canyon Road, and at the southern terminus of a windrow of eucalyptus trees, is a clearing with apparent structures. These structures were situated between citrus groves, and appear to coincide with the location of a concrete foundation and an asphalt and concrete lot recorded during the pedestrian survey as Site 001. Additional citrus groves were located within the project site boundaries, to the north of Santiago Creek. These citrus groves appear to have covered the recorded location of prehistoric age site CA-Ora-369, which was detected during the cultural resources literature search at the SCCIC. Aerial photographs are included in Appendix F, *Cultural Resources and Paleontological Records Review* of this document.

Paleontological Resource Setting

Geologic Setting

The project site is situated to the south of the Peralta Hills, north of the Tustin Foothills with Santiago Creek trending east-west through the northern portion. Five soil mapping units are found within the project site, including the Botella, Modjeska, and Soboba soils series, and two soil mapping units associated with Pits and Riverwash land features. Previous geologic mapping indicates that the lowest lying portions of the Santiago Creek drainage consist of younger Quaternary alluvium, while the majority of the surrounding acreage has surficial deposits of older Quaternary terrace sediments. The exception is

an area found on the north side of Santiago Creek that has exposures of undifferentiated deposits of the Oligo-Miocene Sespe/Vaqueros Formations. These exposures have marine and non-marine components.

Paleontology Setting

The project site is situated to the south of the Peralta Hills, north of the Tustin Foothills with Santiago Creek trending east-west through the northern portion. Five soil mapping units are found on the project site.

Records Search and Literature Review

Available geological and paleontological literature was reviewed to determine the potential for paleontological resources to occur in sedimentary deposits within the project site. The paleontological review indicated that the lowest lying portions of the Santiago Creek drainage consist of younger Quaternary alluvium, while the majority of the surrounding acreage has surficial deposits of older Quaternary terrace sediments. The exception is an area found on the north side of Santiago Creek that has exposures of undifferentiated deposits of the Oligo-Miocene Sespe/Vaqueros Formations. These exposures have marine and non-marine components.

Younger Quaternary alluvial deposits do not typically contain fossil resources, and no localities are known from such deposits or similar deposits nearby. In contrast, localities are known within the City from older Quaternary deposits at depth, and numerous localities are known within the general vicinity, as well as within the project area from the Sespe/Vaqueros Formations. The nearest locality from older Quaternary deposits is LACM 4943. This locality is recorded between State Route 55 and the Santa Ana River, near the intersection of Glassell Street and Fletcher Avenue. This locality yielded the fossilized remains of a horse (Equus) at depths of about 8 to 10 feet from the modern ground surface. LACM 5449 is recorded in the northeastern portion of the project area from exposures of the Sespe/Vaqueros Formations. This locality yielded the fossilized remains of an undetermined carnivore (Carnivora) and camel (Camelidae). LACM 5450, 5451, and 6927 to 6930 are all known from the Sespe/Vaqueros Formations, and are found near the project site boundaries. These localities have produced the fossil remains of an undetermined camel, skunk, rabbit, horse, peccary, and oreodont.

Field Survey

A reconnaissance-level pedestrian field survey of the project site was conducted in October 2008 by MBA. The project site was examined using a block-transect technique, with 10 to 15 meter spacing, where appropriate. The survey of the project site indicated that a majority of the ground consists of previously disturbed soils that have been subject to historic era sand and gravel mining operations, as well as materials recycling (i.e., asphalt and concrete crushing) and backfilling operations that continue today. The project site exhibited varied surface visibility, ranging from poor to good. The soils observed in the project site along the dirt access roads consisted of small gravels not more than 3 centimeters in diameter, found within a light brown alluvium. Numerous rock inclusions were noted throughout, ranging in size from pebbles to cobbles. Relatively minimal modern refuse was noted throughout the project area, and was more prevalent in the northern portion, along the northern boundary and in a vegetation-laden field in the southern-central portion.

Table 5.5-1: Previously Recorded Cultural Resources

Site Name	Type	Within 1 mile radius	Within 0.5 mile radius	Within 0.25 mile radius	On-Site
30-179872	Historic age - A single-family Craftsman-style residence built in CA. 1940. This structure was found not significant under CEQA through evaluation by the recorder.	●	___	___	No
CA-Ora-1017	Prehistoric age - Artifact scatter consisting of flakes, hammerstones, a chopper, a metate and a core.	●	___	___	No
CA-Ora-1018	Prehistoric age - Artifact scatter consisting of manos, metates, a hammerstone and a possible stone ball.	●	___	___	No
CA-Ora-1019	Prehistoric age - Artifact scatter consisting of manos, metates, hammerstones, flakes and a core.	●	___	___	No
CA-Ora-1020	Prehistoric age - Lithic scatter containing approximately 10 to 15 flakes.	●	___	___	No
CA-Ora-1273	Prehistoric age - Artifact scatter and a rock ring. Noted artifacts include mano fragments, metate fragments, cores and flakes. Site was excavated in 1991.	___	●	___	No
CA-Ora-1172	Prehistoric age - Artifact scatter consisting of flakes, hammerstones, manos, metates and a “donut stone”.	___	___	●	The site is mapped at the South Central Coastal Information Center (SCCIC) as potentially extending into the eastern project area boundary. The site record does not map the site adjacent to the present project area boundary.
CA-Ora-369	Prehistoric age - Artifact scatter consisting of cores, shells and flakes.	___	___	___	Yes. This resource is mapped near the northern project area boundary.
CA-Ora-702	Prehistoric age - A scraper, a mano and a chopper found at the surface with indications of subsurface component.	___	●	___	No
30-176770/ NR-02001725	Historic age - NRHP listed property (Historic Property) - Villa Park School.	●	___	___	No
30-160083/ NR-83001212	Historic age - NRHP listed property (Historic Property) - Smith and Clark Brothers Ranch.	___	●	___	No

Source: Appendix F, Cultural Resources and Paleontological Records Review.

5.5.3 Regulatory Setting

Federal

Section 106 of the National Historic Preservation ACT (NHPA), as amended, requires Federal agencies to consider the effects of proposed Federal undertakings on historic properties. NHPA's implementation regulations require Federal agencies (and their designees, permitees, licenses, or grantees) to initiate consultation with the State Historic Preservation Officer (SHPO) as part of the Section 106 review process.

State

State Historic Preservation Programs

The State Office of Historic Preservation oversees four historic preservation programs:

- National Register of Historic Places,
- California Register of Historical Resources,
- California Historical Landmarks, and
- California Points of Historic Interest.

Each program has its own specific eligibility criteria, though historic resources often overlap on multiple lists.

Native American Consultation

A Native American Consultation is required in conformance with the provisions of SB-18 due to the proposed General Plan Amendment. This process was initiated by MBA on behalf of the City. The NAHC response (October 2008) indicated that no sacred lands or traditional cultural properties are known for the project area. MBA subsequently sent information-request letters to each tribal entity named by the NAHC on November 3, 2008.

Local

Title 17.17 of the City's Municipal Code defines the criteria for establishing a historic district to preserve landmarks and areas exemplary of architectural, archaeological, cultural, economic, social, and/or historical value. In addition, under Title 17 of the Municipal Code, the City has defined "public interest property" as "any property, privately owned or otherwise, whether developed or undeveloped, which has, because of the presence of certain trees of historical value in such property, become property endowed with a public interest." The applicable General Plan goals and polices related to cultural resources are addressed in Section 5.10 *Land Use and Planning*.

5.5.4 Significance Thresholds

The following thresholds of significance have been established for the evaluation of the proposed project's potential cultural and paleontological impacts consistent with Appendix G of the State CEQA Guidelines:

Threshold CR-A Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Threshold CR-B Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Threshold CR-C Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Threshold CR-D Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?

5.5.5 Evaluation of Potential Project Impacts

This section will evaluate whether the proposed project would potentially have a substantial adverse effect on cultural resources. This evaluation assumes that the project will be implemented consistent with the Project Description, including all Project Design Features (PDF's).

Project Design Features

There are no PDF's associated with this environmental issue area.

Historical Resources

Threshold CR-A	**Would the proposed project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?** **[CEQA Public Services Threshold 5(a)]**

Field Survey and Data Review

A pedestrian survey was conducted by Michael Brandman Associates (MBA) on October 9, 2008. The survey indicated one potentially historic age foundation and an adjacent asphalt and concrete lot. Portions of the concrete and asphalt lot may be of historic age, and were recorded in conjunction with the foundation as Site 001. A DPR 523 Form was submitted for previously recorded resource CA-Ora-369 to the State Department of Parks and Recreation (DPR). This resource could not be relocated during the MBA surveys or during previous surveys. MBA noted that this was presumably due to the negligible surface visibility at the mapped location and the collection of surface artifacts during a previous subsurface testing program.

CA-Ora-369

The mapped location of CA-Ora-369 is in the northeastern quarter of the project site, to the north of Santiago Creek. CA-Ora-369 was originally recorded on October 13, 1972 by A. Marquette and J. Houser (Marquette and Houser 1972). CA-Ora-369 was relocated in 1976 by Drover (Drover 1976). CA-Ora-369 was then surface collected and tested for the presence of subsurface artifact deposits in 1979 (APC 1979). Based upon the results of this subsurface testing program the site did not appear to be significant. The mapped location of CA-Ora-369 is within the portion of the project site proposed as open

space. Therefore, no impacts would occur, as its location would be avoided by the proposed project and no mitigation measures would be required.

Level of Significance

The proposed project would have a less than significant impact to historical resources and no mitigation measures would be required.

Archaeological Resources

Threshold CR-B	**Would the proposed project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?** **[CEQA Public Services Threshold 5(b)]**

The development of the proposed project could cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5 of the CEQA Guidelines.

Field Survey and Data Review

The majority of the project site has been previously surveyed and portions exhibit numerous archaeological studies according to SCCIC files. A study was conducted along East Santiago Canyon Road and extended across the majority of the southern project site boundary (ARMC 1999). This study returned negative results for cultural resources near the project site. Two studies have been conducted that assessed Santiago Creek (Drover 1976 and ECOS 1985). The ECOS (1985) testing program did not address resources within the project site. The Drover (1976) study detected one resource on the project site (CA-Ora-369). McKenna et al. assessed a similar project site in 1999 (McKenna et al. 2000). The McKenna et al. project site appears to have excluded a negligible amount of project site acreage in the western-most and eastern-most extensions based upon mapped location at the SCCIC within their report.

A total of 36 studies have been conducted within a 1-mile radius of the project site. Despite the high number of studies conducted, less than 50 percent of the acreage within the 1-mile radius of the project site has been assessed for cultural resources. The majority of the unexamined areas are urbanized. It is presumed that they were developed prior to current cultural resource assessment requirements. There are 11 known cultural resources within the 1-mile search radius. This includes eight prehistoric age and three historic age resources. Two of the historic age resources are National Register Historic Places (NRHP) listed properties located more than 0.25 mile from the project site.

CA-Ora-1172

The SCCIC records search indicated that CA-Ora-1172 a previously recorded prehistoric age resource is located within the project site. CA-Ora-1172 is a prehistoric age artifact scatter mapped by the SCCIC as potentially extending into the eastern portion of the project site. CA-Ora-1172 is located on a knoll to the southeast of the project site boundaries (Hatheway and McKenna 1988). It does not appear that CA-Ora-1172 would extend into the project site and no artifacts were observed near the eastern-most portion during the MBA pedestrian survey. Therefore, no impacts would occur, as its location would be avoided by the proposed project and no mitigation measures would be required.

CA-Ora-369

As previously noted, the mapped location of CA-Ora-369 is within the portion of the project site proposed as open space. Therefore, no impacts would occur, as its location would be avoided by the proposed project and no mitigation measures would be required.

Native American Resources

Letters were sent to each of the 12 listed tribal contacts provided by NAHC to evaluate impacts to Native American resources, twice for the proposed project site. BCR Consulting updated Native American Consultation was done in May 2011. No letters were received from this consultation. MBA had previously prepared a Native American Consultation. MBA received an emailed response from John Tommy Rosas, Tribal Administrator for the Tongva Ancestral Territorial Tribal Nation, on November 3, 2008. Mr. Rosas asserted that development of the proposed project violated indigenous rights. He stipulated the project location along Santiago Creek as located in an especially sensitive area. Further, he noted the need for additional consultation efforts as required by law. He referenced Section 106 of the NHPA and Senate Bill (SB) 18 (SB 18). He requested additional information on the proposed project. MBA replied to this email and provided additional information. Additionally, MBA requested information that could be included in the cultural resources assessment. No further correspondence has been received from the Tongva Ancestral Territorial Tribal Nation or from Mr. Rosas. Additionally, during the second NOP process the Tongva Ancestral Territorial Tribal Nation and Mr. Rosas were contacted related to the revisions to the proposed project. No further correspondence has been received from the Tongva Ancestral Territorial Tribal Nation or from Mr. Rosas. Therefore, no impacts were identified as a result of the Native American Consultation process and no mitigation measures would be required.

Local Regulations

Title 17.17 of the City's Municipal Code defines the criteria for establishing a historic district to preserve landmarks and areas exemplary of architectural, archaeological, cultural, economic, social, and/or historical value. In addition, under Title 17 of the Municipal Code, the City has defined "public interest property" as "any property, privately owned or otherwise, whether developed or undeveloped, which has, because of the presence of certain trees of historical value in such property, become property endowed with a public interest." The project site does not meet the criteria for establishing a historic district. Additionally, the project site is not a "public interest property" and does not contain "trees of historic value." Therefore, no impacts would occur and no mitigation measures would be required.

The applicable General Plan goals and polices related to cultural resources are addressed in Section 5.11 *Land Use and Planning.*

Based on the above data, the potential for archaeological resources impacts would be considered high within the project site. The potential for archaeological resources impacts would be high within undisturbed or minimally disturbed portions of the project site. The potential for archaeological resources impacts would be significantly lower in areas that have been subject to historic-era surface mining and processing activities. The development of the proposed project would potentially have an impact on

archaeological resources pursuant to Section 15064.5 of the CEQA Guidelines. Therefore, the following impact would have the potential to occur and mitigation is proposed:

Impact CR-1: The development of the proposed project would potentially have an impact on archaeological resources.

MM CR-1: Prior to the issuance of a grading or grubbing permit the project developer shall have an archaeological resources mitigation-monitoring program, commencing with a site visit. This site visit would allow the retained, qualified archaeologist to examine the project area sediments in relation to the parameters of the grading/excavation program as detailed in Mitigation Measures CR-2, CR-3, and CR-4. All documentation shall be reviewed by the Community Development Director (CDD) and grading permit issuance may not occur unless the CDD approves the documentation.

MM CR-2: During all grading activities, full-time archaeological monitoring shall be conducted throughout the entire project area, with the exception of the portions that have been subject to historic-era surface mining operations. Full-time monitoring shall continue until the project archaeologist determines that the overall sensitivity of the project area has been reduced from high to low, as a result of mitigation monitoring. Should the monitor determine that there are no cultural resources within the impacted areas, or should the sensitivity be reduced to low during monitoring, all monitoring may cease at the discretion of the Community Development Director.

MM CR-3: Specifically, prior to issuance of the first preliminary or precise grading permit, and for any subsequent permit involving excavation to increased depth, the landowner or subsequent Project Developer shall provide the City with evidence that a qualified archaeologist has been retained by the landowner or subsequent Project Developer, and that the consultant(s) will be present during all grading and other significant ground disturbing activities.

MM CR-4: If any archeological artifacts are collected during construction monitoring, they shall be identified, photographed, measured, and temporarily housed as appropriate under the supervision of the project archaeologist at a laboratory or facility maintained by the firm or group represented by the project archaeologist, and as approved by the City. Any artifacts recovered shall be described for the technical report to fully exhaust the artifact's data potential as it relates to significance of the greater resource or site with which the artifact is associated, per CEQA Guideline Section 15064.5. All collected artifacts shall be inventoried and catalogued per curation requirements consistent with those of an established,

accredited museum repository. The project archaeologist must have a written repository agreement in hand prior to the initiation of mitigation activities.

Mitigation Measure CR-1 through CR-4 requires archaeological monitoring during all ground disturbing activities, commencing with a site visit by a qualified archaeologist and the development crew. Consistent with existing City procedures, monitoring may be reduced or eliminated based upon the parameters of the development program based upon the review by City Staff, and at the discretion of the qualified archaeologist. Monitoring is not required in the central portion of the project site which has been adversely disturbed by historic era surface mining and on-going materials recycling (i.e., asphalt and concrete crushing) and backfilling operations due to a decreased potential for yielding intact cultural deposits.

City standard policies require developers to perform archaeological and paleontological surveys prior to grading in areas known or suspected to contain archaeological and paleontological resources (Open Space and Conservation Element, Policy 6.1). A qualified archaeologist shall have the authority to stop or divert construction excavation as necessary pending an evaluation and disposition of any significant finds. Implementation of Mitigation Measures CR-1 through CR-4 reduces Impact CR- 1 to a less than significant level.

Level of Significance

The proposed project would have a less than significant impact related to archaeological resource with the inclusion of Mitigation Measures CR-1 through CR-4.

Paleontological and Unique Geological Resources

Threshold CR-C	**Would the proposed project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?** **[CEQA Public Services Threshold 5(c)]**

The proposed project has the potential to cause impacts to significant paleontological resources. This potential is considered low in the younger Quaternary deposits, and high for older Quaternary terrace deposits at depth and for any exposures of the Sespe/Vaqueros Formations. The recent alluvial deposits correspond to the younger Quaternary alluvium and the Pleistocene alluvium to the older Quaternary terrace deposits. The exposures of the Sespe/Vaqueros Formations are known to occur in the northeastern corner of the project area, to the north of Santiago Creek. Their location has been documented by previous paleontological assessments as outlined by McLeod (2008).

The potential for impacts to significant paleontological resources within the project area is considered varied, ranging from low to high. This is based upon a low sensitivity designation within younger Quaternary alluvium, and a high sensitivity designation in older Quaternary terrace deposits at depth and any exposures of the Sespe/Vaqueros Formations. The high paleontological sensitivity of the Sespe/Vaqueros Formations is demonstrated by the presence of a locality within the northeastern corner

of the project area, and numerous localities nearby from these deposits. Therefore, the following impact would have the potential to occur and mitigation is proposed:

Impact CR-2: The development of the proposed project could potentially cause a substantial adverse change in a significant paleontological resource.

MM CR-5: Prior to issuance of a grading permit the project applicant shall demonstrate to the satisfaction of the City that monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor, and based upon the results of a preliminary site assessment shall be conducted by qualified paleontologist. As monitoring is occurring, areas of concern include undisturbed older Quaternary terrace deposits and any and all exposures of the Sespe/ Vaqueros Formations. Paleontological monitors shall be equipped to salvage fossils, as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced or eliminated, at the discretion of the Community Development Director, if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologist to have low potential to contain fossil resources, or if the parameters of the proposed project will not impact potentially fossiliferous units. This decision is at the discretion of the qualified paleontological monitor. If the monitoring program results in positive findings, then refer to Mitigation Measure CR-6 to CR-8.

MM CR-6: If the monitoring program results in positive findings, the preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates shall occur by qualified paleontologist. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources.

MM CR-7: If the monitoring program results in positive findings, identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage shall occur by qualified paleontologist. These procedures are also essential steps in effective paleontological mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontological resources is not complete until such curation into an established museum repository has been fully completed and documented.

MM CR-8: If the monitoring program results in positive findings, preparation of a report of findings with an appended itemized inventory of specimens shall occur by qualified paleontologist. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.

Mitigation Measures CR-5 through CR-8 provides a mitigation-monitoring program during development. This program would include a preliminary site assessment by a qualified paleontologist prior to ground disturbing activities. The results of this preliminary assessment would assist in determining the intensity and duration of monitoring, and may include full-time paleontologic monitoring during development. Monitoring would be reduced or eliminated based upon the parameters of the development program, at the discretion of the qualified paleontologist. Therefore, while the development of the proposed project has the potential for Impact CR-2, the implementation of Mitigation Measures CR-5 through CR-8 would reduce the impact to a less than significant level.

Level of Significance

The proposed project would have a less than significant impact related to impacting a potential significant (Impact CR-2) paleontological resource with the inclusion of Mitigation Measures CR-5 through CR-8.

Human Remains

Threshold CR-D	**Would the proposed project disturb any human remains, including those interred outside of formal cemeteries?** **[CEQA Public Services Threshold 5(d)]**

The development of the proposed project would potentially disturb unknown human remains. There is the potential for human remains to be encountered during site clearing and grading for the proposed project. Therefore, the following impact would have the potential to occur and mitigation is proposed:

Impact CR-3: The development of the proposed project could potentially cause a substantial adverse change in the significance of human remains.

MM CR-9: If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD) and at the same time provide notification to the Community Development Director or designee. If the remains are deemed non-historic, the Coroner shall notify the Sheriff's Department for investigation. As required by Section 5097.98 of the Public Resources Code, with the granting of

permission by the landowner or his/her authorized representative, the descendent may inspect the site of the discovery; however, the MLD is not prohibited from discussing and conferring with other descendants of the human remains as allowed by Public Resources Code Section 5097.98. The descendent shall complete the inspection within 48 hours of notification by the NAHC consistent with Public Resources Code Section 5097.98. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The MLD will determine the ultimate disposition of the remains and provide written documentation to the Community Development Director or designee of the ultimate disposition of the remains.

Mitigation Measure CR-9 would halt the disturbance to human remains and determine if the remains are of Native American origin. Therefore, the implementation of Mitigation Measure CR-7 would reduce Impact CR-9 to a less than significant level.

Level of Significance

The proposed project would have a less than significant impact related to human remains with the inclusion of Mitigation Measure CR-7.

5.5.6 Evaluation Summary

Table 5.5-2, *Evaluation Summary Table – Cultural Resources*, summarizes potentially significant project impacts from this Draft EIR.

Table 5.5-2: Evaluation Summary Table – Cultural Resources

Threshold	Potential Impact	Mitigation Measure	Level of Significance
Historical Resources	Less than significant	None required	Less than significant
Archaeological Resources	Impact CR-1	MM CR-1 MM CR-2 MM CR-3 MM CR-4	Less than significant with mitigation
Paleontological and Unique Geologic Resources	Impact CR-2	MM CR-5 MM CR-6 MM CR-7 MM CR-8	Less than significant with mitigation
Human Remains	Impact CR-3	MM CR-9	Less than significant with mitigation