

4.7 CULTURAL RESOURCES

This section provides a discussion of the existing cultural and paleontological resource environment and an analysis of potential impacts from implementation of the proposed project. Cultural resources are sites, buildings, structures, objects, and districts over 50 years old that may have traditional or cultural value for the historical significance they possess. Paleontological resources include fossil plants and animals and evidence of past life such as trace fossils and tracks. This section summarizes information provided in the Cultural Resources Assessment Report (LSA Associates, Inc., March 2010) and the Paleontological Resources Assessment Report (LSA Associates, Inc., March 2010). The Cultural Resources Assessment Report and Paleontological Resources Assessment Report are included in Appendices G and H, respectively, of this Environmental Impact Report (EIR).

4.7.1 Existing Environmental Setting

4.7.1.1 Cultural Resources

Prehistory. Of the many chronological sequences proposed for Southern California, two primary regional syntheses are commonly used for the Southern California region in the archaeological literature. The first defines four cultural horizons, each with characteristic local variations: Early Horizon, Milling Stone, Intermediate, and Late Prehistoric. Employing a more ecological approach, the second regional synthesis defined five periods in Southern California prehistory: Lake Mojave, Pinto, Gypsum, Saratoga Springs, and Protohistoric. This regional synthesis viewed cultural continuity and change in terms of various significant environmental shifts, defining the cultural ecological approach for archaeological research of the California deserts and coast. Many changes in settlement pattern 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 this day.

Ethnography. The project area is within territory ethnographically occupied by the Juaneño, with the Gabrielino located to the north and the Luiseño to the south. The Juaneño are considered to be a linguistically related subgroup of the Luiseño, who occupied the area near San Juan Capistrano.

The Gabrielino, Luiseño, and Juaneño were hunters and gatherers who used both inland and coastal food resources. They hunted and collected seasonally available food resources and led a semisedentary lifestyle, often living in permanent communities along watercourses and near coastal estuaries. Commonly chosen habitation sites included rivers, streams, sheltered coastal bays and estuaries, and the transition zone marking the interface between prairies and foothills. The presence of water, a stable food supply, and some measure of protection from flooding were the most important factors relating to the location of habitation sites. Gabrielino and Luiseño communities located in the interior regions maintained permanent geographical territories, or use areas, that averaged 30 square miles although it is likely that coastal settlements, where food resources may have been more plentiful and more easily available throughout the entire year, occupied less acreage.

In addition to permanent settlements, native groups occupied temporary campsites used seasonally for hunting, fishing, and gathering plant foods and shellfish. Rabbit and deer were the most commonly

hunted animals, while acorns, buckwheat, chía, berries, and fruits were some of the more commonly collected plant foods. Acorns were the staple food of most indigenous Californians and were the most characteristic feature of the domestic economy of native California. Fully 25 to 50 percent of inland Luiseño food is thought to have been acorns. Among the inland Luiseño, land use was patterned with only a small quantity of total territory in disuse. The Gabrielino established seasonal camps along the coast and near estuaries and bays, such as Newport Bay, in order to fish, gather shellfish, and hunt waterfowl. The economy of coastal groups is thought to have focused on marine rather than land resources.

4.7.1.2 History

Spanish Mission Period (1769–1821). The Historic Period in Southern California is generally accepted to commence with the establishment of Mission San Diego De Alcalá, first and southernmost of the Alta California Missions, on July 16, 1769. The seventh mission founded in Alta California was Mission San Juan Capistrano, established on November 1, 1776, in Juaneño territory. In 1778, Mission San Juan Capistrano was moved to its present location in order to take advantage of a more dependable water supply. It has been disputed whether there ever was an old mission site, based on Pedro Font's description of the area during Anza's trek to San Diego in 1776.

While the location of the old mission is unknown, its name is not. The lands occupied by the old mission have been anglicized as Mission Viejo. The Mission San Juan Capistrano land holding was extensive in order to support itself and its Indian converts. The mission lands stretched 13 to 14 leagues north to south and 3 to 4 leagues east to west. The mission ranchos included Rancho Santa Ana, Rancho San Joaquin, Rancho Mission Viejo, Rancho Trabuco, and Rancho San Mateo. Rancho San Mateo was specifically named by the Mission fathers due to encroachment on their lands by the Mission San Luis Rey to the south. A report from the Mission fathers mentions Rancho San Mateo as being approximately 3 leagues southeast of San Juan Capistrano. However, Mission San Luis Rey placed its own Rancho San Onófrío within one-half league of San Mateo, apparently on lands of San Juan Capistrano.

Ultimately, Spanish colonization resulted in the destruction of native culture and society. Two important factors that contributed to this decline included: (1) the removal of the youngest, healthiest, and most productive natives from their traditional communities and their placement into the mission system; and (2) the introduction of highly infectious diseases, which eventually led to epidemics and reduced birth rates. As a result, traditional Native American communities were depopulated and the survivors integrated into local Mexican-American communities.

Mexican Rancho Period (1821–1848). In 1821, Mexico gained independence from Spain, and in 1848, the United States formally obtained California. The period from 1821 to 1848 is here referred to as the Mexican Rancho Period. During this period, there was a change from the subsistence by agriculture of the Spanish Mission Period to livestock husbandry of the large ranches, or *ranchos*, acquired by Mexican citizens through grants or by purchase from Mission administrators. This change was even more distinct after 1833–1834, when Mission secularization occurred.

In 1833, 12 years after gaining independence from Spain, the Mexican government's Secularization Act changed missions into civil parishes, and those natives who had inhabited areas adjacent to a

Spanish Period Mission were to obtain half of all Mission possessions, including land. However, this did not occur in most instances, and the Secularization Act resulted in the transfer of large Mission tracts to politically prominent individuals rather than to local natives. Economic activities centered around cattle ranching on the numerous expansive “ranchos” that had been created out of the Mission lands.

The 1840s saw increased tension between the United States and Mexico. Finally, in 1846, war was declared between these two countries. By 1847, the United States had established control of California. The Treaty of Guadalupe Hidalgo in 1848 formally ended hostilities.

American Period (1848–Present). Following the end of hostilities between Mexico and the United States, the United States officially obtained California in the Treaty of Guadalupe Hidalgo on February 2, 1848. In 1850, California was accepted into the Union of the United States, mainly due to the population increase created by the Gold Rush of 1849. In the years immediately following the United States’ acquisition of California, the cattle industry reached its greatest prosperity due to the massive influx of immigrants during the Gold Rush. Mexican Rancho Period land grants had created large pastoral estates in California, and a high demand for beef during the Gold Rush led to a cattle boom that lasted from 1849 to 1855. In 1855, however, the demand for California beef began to decline as a result of sheep imports from New Mexico, cattle imports from the Mississippi and Missouri Valleys, and the development of stock breeding farms. When the beef market collapsed, California ranchers were unprepared. Many had borrowed heavily during the boom, mortgaging their land at interest rates as high as 10 percent per month. The collapse of the cattle market meant that many of these ranchos were lost through foreclosure, while others were sold to pay debts and taxes. Nature also conspired to force economic change. During the winter of 1861–1862, a disastrous series of floods, followed by 2 years of drought, occurred in California.

4.7.1.3 City of San Juan Capistrano

During the Mexican/Rancho period, San Juan Capistrano was the only settlement with Mexican governmental offices between San Diego and San Gabriel. In 1841, the Mexican government declared San Juan to be a pueblo (town), instead of a religious parish. Many of the Mission buildings were converted into civic structures and the name of the town was changed to San Juan de Arguello after the unpopular garrison commander. The townspeople, however, continued to refer to it as Capistrano.

In the early days of the American Period, San Juan’s location on the road to newly discovered gold fields in northern California led to rapid growth with homes, stores and a hotel being built. A number of board and batten homes were built next to Mission-era adobes in the Los Rios area. Part of the Miguel Yorba adobe on Camino Capistrano became an overnight stage stop. Cattle raised on nearby ranchos were driven north and sold at great profit to feed prospectors. Drought, smallpox and a state property tax led to the decline of the ranchos and began the sale of land to settlers interested in farming. The Homestead Act and inviting travel guides caused an increase in the number of easterners interested in pursuing the California dream. By the 1880s, barley, walnuts, and oranges had been planted within the town limits. The California Central Railroad came to San Juan in 1887, bringing access to markets and creating a land boom.

In the first decades of 1900, the mission languished, but the town itself grew and stabilized. San Juan Capistrano continued to thrive and expand through the 1920s and 1930s, fueled by visitors to the mission and the beach, and the area's agricultural wealth. It remained a hub for shipping local produce and the products of several canneries and packing houses. The downtown district was steadily transformed from a sleepy California village to a bustling node of rail and highway transportation, exemplified by the erection of the Ferris Kelly block, Capistrano Hotel, and other modern commercial structures along the main commercial thoroughfare, Camino Capistrano. During the 1910s and 1920s, residential development radiated outward from the historic core that centered on the mission, the rail depot, and Los Rios Street with its old adobes.

In the post-World War II (WWII) period, San Juan Capistrano, like most Southern California communities, experienced a construction boom. Agriculture remained the primary industry, although light industrial development typified by the Capistrano Ceramics Company was also on the rise. Growth was accelerated when Interstate 5 (I-5) was completed through San Juan Capistrano in 1959 and then was extended through San Clemente and into San Diego County the following year. In more recent years, numerous housing tracts have been developed in the City of San Juan Capistrano. According to the United States Census, by 2000, the City had a population of nearly 34,000, only slightly less than its neighbor to the south, Dana Point.

4.7.1.4 City of San Clemente

The conception, founding, and initial development of the City of San Clemente were primarily due to the vision and initiative of one man, Ole Hanson. The son of Norwegian immigrants, Hanson was born in 1874 in Racine, Wisconsin. Hanson believed that the ideal community should offer an alternative to what he saw as the chaos, ugliness, and lack of amenities resulting from organic, unplanned, and unregulated growth, as typified by many tract developments sprouting across the southland. On November 8, 1925, the *Los Angeles Examiner* announced Hanson's purchase of a 2,000-acre tract 6 miles south of San Juan Capistrano, where he would found a new city to be known as San Clemente, the Spanish Village. With its broad beaches and coastal hills, the land fulfilled Hanson's requirements for beauty. With the assistance of Professor Leonard S. Smith, Chairman of the University of Wisconsin City Planning Department, the layout of the community was developed. Engineer Horace N. Taylor surveyed the tract and set out the streets to Hanson's specifications of 80-foot widths and following the contours of the land rather than in the traditional grid. At the time, this was an unheard-of waste of acreage in a new development. Ground was broken by the street grading crew under the supervision of contractor Oscar F. Easley on November 25, 1925.

Santa Barbara architect J. Wilmer Hershey was engaged to design San Clemente's public buildings and to provide guidance on the massing of the structures and the architecture of individual residences. Hanson set a standard for developers by personally financing nearly all the civic construction, including the municipal pier, beach club, water works, hospital, and school, all of which were integral to his vision of San Clemente. Virgil Westbrook, an architect who had also worked in Santa Barbara, was engaged to assist after Hershey's death and ultimately became early San Clemente's most prolific architect, designing numerous private homes and public buildings. He was also responsible for many of the commercial buildings in the City's growing business district focused along El Camino Real and Avenida Del Mar. Among his credits is the Moorish-influenced Oscar Easley Block of 1929, a property listed on the National Register of Historic Places (National Register) that contained Hanson's offices and the Chamber of Commerce.

Construction activity remained brisk into 1929. Approximately 500 buildings had been erected, but the community was still not densely developed. Gaps remained in the City's urban fabric, with numerous unimproved lots creating isolated pockets of housing in some areas. The stock market crash of October 1929 drastically slowed the momentum of growth, although eight new subdivisions were recorded between 1929 and 1931. As the Great Depression deepened, construction in San Clemente came to a standstill.

By the late 1930s, war loomed on the horizon, and the establishment of the 126,000-acre Marine Corps Base Camp Pendleton immediately south and east of San Clemente during the early days of WWII spurred a modest resurgence of the economy in this and neighboring communities. By the end of the war, San Clemente was showing new signs of life, setting the stage for its participation in Southern California's post-war construction boom.

In the early post-war period, growth was apparently slow because as late as 1960 San Clemente remained a sleepy town of only 5,000 people. However, in the early 1960s, I-5 was completed through the City, replacing El Camino Real/United States Route 101 as the primary thoroughfare and making the community more accessible, but also bisecting the City and eliminating some residential uses. Large residential developments, such as the Shorecliffs development, which is partially within the project area, were also built in the early to mid-1960s, further diminishing the City's sleepy village identity. In 1969, another event occurred that accelerated the growth and reputation of San Clemente. In that year, former President Nixon purchased a Spanish mansion in the southern part of town that Hamilton Cotton had built in 1927. Although Nixon named the estate La Casa Pacifica, it was widely known as the "Western White House" and was the site of numerous historic meetings. Heads of State from around the world, returning astronauts, and released prisoners of war had their official welcomes there. Although the Nixon era passed quickly, it brought international recognition to San Clemente.

Since then, single- and multifamily homes have filled the lots left vacant after the Spanish Village-era subdivisions, and the City has lost some of the early Spanish-style architecture that embodied Ole Hanson's vision. As of July 2008, the population of San Clemente was estimated at nearly 62,000.

4.7.1.5 Archaeological Sites

Through a records search, five archaeological sites and four isolated artifacts have been identified in the project area. One site (CA-ORA-26/H, a.k.a. 30-000026) is listed on the Archaeological Determination of Eligibility (DOE) list as a 6Y resource.¹ Two additional historic resources have been identified within the project area. Thirty-three studies have been conducted within the project area, and approximately 80 percent of the project area has been previously surveyed at some level. Resources plotted within the project area are briefly described below.

- **CA-ORA-26/H** was first excavated as part of the Orange County Archaeological Survey in 1935, and was recorded in 1949. Subsequent site record updates were prepared in 1977 and 1985. The

¹ A California Historical Resources Status Code of 6Y means the resource has been "determined ineligible for the National Register by consensus through the Section 106 process, not evaluated for the California Register or Local Listing."

site is described as an extremely large area encompassing two bluffs separated by Ortega Highway (State Route 74 [SR-74]), which bisects them. The nursery has almost completely destroyed the integrity of the site through extensive grading. Some out-of-context surface artifacts still exist in a disturbed context. The site was determined ineligible for the National Register and is considered “almost totally destroyed.” Site primary number: 30-000026.

- **CA-ORA-700** is described as a sparse flake and milling stone scatter without depth. When recorded, it contained a basin metate, discoidal fragment, metate fragment, two basalt flake scrapers, basalt flakes and a quartz flake. It is described as having minimal or no vertical depth. The site was mitigated as part of mitigation for the Prima Deshecha Landfill and has been destroyed. Site primary number: 30-000700.
- **CA-ORA-781** was described as an isolated porphyritic core. No site was identified associated with the core. The core was located in Prima Deshecha canyon along a graded Transmission Tower road. Site primary number: 30-000781.
- **CA-ORA-1369** is described as an open-air prehistoric occupation area. The site was recorded as part of the assessment survey for the Borrow Area C of the Prima Deshecha Landfill. The site was mitigated through data recovery in 1994 and has been destroyed. The site area is now under the landfill debris. Site primary number: 30-001369.
- **CA-ORA-1493** is described as a sparse lithic scatter on a slope. The site was recorded in 1997 and was mitigated as part of Zone 1 – Phase A mass excavation for the Prima Deshecha Landfill. The site has been destroyed. Site primary number: 30-001493.
- **Isolate 30-100019** is described as a single metavolcanic flake that was found on a slope above Prima Deshecha drainage. It was identified within the Borrow Area B of the Prima Deshecha Landfill and has been mitigated.
- **Isolate 30-1000105** is a single metate located near the current entrance road to the Prima Deshecha Landfill.
- **Isolate 30-1000106** is a mano fragment located near the current entrance road to the Prima Deshecha Landfill.
- **Isolate 30-1000108** is a utilized quartz flake located near the current entrance road to the Prima Deshecha Landfill.
- **30-120011** is described by the Records Search as an “additional cultural resource.” The site record describes three metate fragments that were recovered from a previously graded area. The metates are described as being out of context. The primary record describes three metate fragments from three distinct metates.
- **30-176626** is a collection of three agricultural buildings constructed of wood and corrugated iron. The site record estimates their construction date as 1970.

4.7.1.6 Paleontological Resources

Monterey Formation. Several significant invertebrate and vertebrate localities are recorded from the south Orange County area. These include: fossils of crocodylians, fish, shark, ray, whale, dolphin, sea lion, sea cow, desmostylian, bivalves, gastropods, barnacles, bryozoan, and sand dollars. The upper part of this formation contains Late Miocene microfossils (7.5 to 15.5 million years ago), and the

lower section contains sandstones with megafossils that suggest a slightly older age. Numerous fossil fish and marine mammal remains have been recovered from this formation near Crystal Cove State Park and in the Laguna Hills area. A localized limestone deposit in the Aliso Viejo area known as “Pecten Reef” has produced abundant invertebrate and vertebrate fossils.

Capistrano Formation. Late Miocene to Early Pliocene microfossils (approximately 2.2 to 8 million years ago) have been identified in this member. Recent work has identified plants, fish, birds, pseudo walrus, seals and sea lions, dolphins, and whales from this formation, many from the State Route 73 (SR-73) alignment. An almost complete whale was found and collected at the Greenfield exit on northbound SR-73. Whales, sharks, and terrestrial and marine plants have been recovered in the Prima Deshecha Landfill in San Juan Capistrano. The siltstone member of this formation produced abundant and diverse marine vertebrates, including fish, shark, whale, dolphin, porpoise, sea lion, sea cow, and seagoing birds. In addition, the Marblehead project near San Clemente has yielded voluminous and exceptional fauna.

Older Alluvium. Fossils have been collected in similar deposits from excavations for roads, housing developments, retention basins, and quarries in the Los Angeles Basin and vicinity. Remains of Rancholabrean animals, including elephant, horse, bison, camel, saber tooth cat, deer, and sloth, are known from these localities. The potential exists to encounter similar fossils in all Pleistocene alluvium.

Landslide Deposits. There is a low potential for fossils within these sediments. Usually, any fossils within these sediments are derived from the older formations from which the slide originated; however, there is a slight possibility that fossils of organisms caught within the slide material may be present. Unless it can be determined that the landslide is shallow and the underlying bedrock will be exposed, these sediments are considered to have a low paleontological sensitivity.

Young Alluvium. Young alluvium can contain remains of once-living things such as bones, shells, and plants; however, as these are less than 10,000 years old, not enough time has passed to mineralize the remains, and they are not considered to be “fossils.” In addition, most of the remains that are found are contemporaneous with modern species. Occasionally, fossils from older upstream formations are eroded out and transported to a new location. However, it is usually impossible to determine where the fossils originally came from.

Artificial Fill. Artificial fill can contain fossils, but these fossils have been removed from their original location and are thus out of context. They are not considered to be important for scientific study.

Paleontological Sensitivity. The specific sensitivities for formations and units within the study area are listed in Table 4.7.1. Table 4.7.1 lists the sensitivities for the older alluvium, the Capistrano Formation, and the Monterey Formation as all high to very high based on the presence of significant

Table 4.7.1: Specific Sensitivities for Formations and Units within the Study Area

Geologic Unit	Paleontological Sensitivity
Artificial Fill	Not Rated
Young Alluvium	None
Landslide Deposits	Not Rated
Older Alluvium	High
Capistrano Formation	Very High
Monterey Formation	Very High

fossil remains that have been recovered from these units in other areas. It is likely that similar significant resources may be encountered if these units are encountered during excavation associated with the study area. Artificial fill is not rated; however, unless depth is known, it is usually assigned a sensitivity of “low” in the event that excavation extends below the fill to the underlying formation or unit. The young alluvium has no sensitivity as it is too young to contain paleontological resources; however, like the artificial fill, it is usually assigned a sensitivity of “low” in case it is shallow and the underlying sediments are encountered. The landslide deposits have transported any fossils within the landslide block out of context, thus rendering them not significant and resulting in a low sensitivity rating.

4.7.2 Regulatory Setting

4.7.2.1 State Regulations

CEQA Requirements. The California Environmental Quality Act (CEQA) defines a “historical resource” as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project’s Lead Agency (CEQA PRC Section 21084.1 and CEQA Guidelines California Code of Regulations [CCR] Section 15064.5(a)). A historical resource consists of:

“Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources.” CEQA Guidelines CCR Section 15064.5(a)(3).

In accordance with CEQA Guidelines CCR Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA requires a Lead Agency to determine whether an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (CEQA Guidelines CCR Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether an archaeological cultural resource meets the definition of a historical resource in CEQA Guidelines CCR Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, it is treated like any other type of historical resource in accordance with CEQA Guidelines CCR Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the Lead Agency determines whether it meets the definition of a unique archaeological resource as defined in CEQA PRC Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource. Should the archaeological cultural resource meet the definition of a unique archaeological resource, it must be treated in accordance with CEQA PRC Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, the effects to the resource are not considered significant effects on the environment (CEQA Guidelines CCR Section 15064.5(c)(4)).

CEQA also requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Guidelines Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California PRC Section 5097.5 also applies to paleontological resources (see below).

California Health and Safety Code Section 7050.5. California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

California PRC Section 5097.5. PRC Section 5097.5 provides for the protection of cultural and paleontological resources and prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

California Register of Historical Resources (PRC Section 5020 et seq.) State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in CCR Section 15064.5(a) of the CEQA Guidelines. These criteria are nearly identical to those for the National Register, which are listed above.

The State Historic Preservation Officer (SHPO) maintains the California Register. Properties listed, or formally designated eligible for listing, on the National Register are nominated to the California Register and then selected to be listed on the California Register, as are State Landmarks and Points of Interest.

4.7.2.2 Local Plans and Regulations

County of Orange General Plan. The Resources Element of the Orange County General Plan includes the following goal and objectives for cultural resources that are applicable to the proposed project:

- **Cultural - Historic Resources Goal 1:** To raise the awareness and appreciation of Orange County's cultural and historic heritage.
- **Cultural - Historic Resources Objective 2.2:** Take all reasonable and proper steps to achieve the preservation of archaeological and paleontological remains, or their recovery and analysis to preserve cultural, scientific, and educational values.
- **Cultural - Historic Resources Objective 2.3:** Take all reasonable and proper steps to achieve the preservation and use of significant historic resources including properties of historic, historic architectural, historic archaeological, and/or historic preservation value.

City of San Clemente General Plan. The Natural and Historic/Cultural Resources Element of the City of San Clemente General Plan includes the following goal for cultural resources that is applicable to the proposed project:

- **Cultural Resources Goal:** To promote the preservation and restoration of the sites, structures and districts which have architectural, historical, archaeological and/or cultural significance to the City of San Clemente.

Please see Appendix N of this EIR for a summary of the project's General Plan consistency pursuant to CEQA Guidelines CCR Section 15125(d).

4.7.3 Methodology

The existing conditions for cultural resources in the proposed project area were determined through background research and field surveys. On February 1, 2010, a current records search was conducted by personnel at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within a 0.25-mile radius of the project as well as a review of known cultural resource survey and excavation reports. In addition, the following inventories were examined:

- National Register
- California Register

- California Historical Landmarks
- California Points of Historical Interest
- California Department of Transportation (Caltrans) Historic Highway Bridge Inventory

The existing conditions for paleontological resources in the proposed project area were determined through background research and a field survey. A paleontological literature review was conducted using unpublished reports, paleontological assessment and monitoring reports, field notes, published literature, and maps. The purpose of the locality search and archival study was to establish the status and extent of previously recorded paleontological resources within and adjacent to the project. A paleontological resource records search was not conducted for this project for two reasons: (1) there is no current repository for fossil localities from projects conducted in the County since 1977; and (2) suitable information existed in reports of paleontological mitigation from surrounding residential and commercial development to prove the sensitivity and significance of any fossils that might be encountered within the project area.

On December 10–11 and 14–16, 2009, LSA Principal Steven W. Conkling conducted an intensive pedestrian survey of the project area. The pedestrian survey visited the reported locations of all known archaeological and/or paleontological resources that extend into the project area.

4.7.4 Thresholds of Significance

The impact significance criteria used for this analysis are based primarily on Appendix G of the CEQA Guidelines and the County of Orange *Local CEQA Procedures Manual* (2000). The project may be considered to have a significant effect related to cultural and paleontological resources if implementation would result in one of more of the following:

- Threshold 4.7.1:** Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- Threshold 4.7.2:** Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- Threshold 4.7.3:** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- Threshold 4.7.4:** Disturb any human remains, including those interred outside of formal cemeteries?

4.7.5 Impacts and Mitigation

4.7.5.1 Less Than Significant Impacts

There are no less than significant impacts related to cultural and paleontological resources. All cultural and paleontological impacts are discussed below under “Potentially Significant Impacts.”

4.7.5.2 Potentially Significant Impacts

Threshold 4.7.1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Threshold 4.7.2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The pedestrian survey visited the reported locations of all known archaeological resources that extend into the project area. CA-ORA-26 has been previously tested and determined to not be eligible for the National Register. At that time (1985) the site was determined to be completely destroyed. No intact cultural remains were identified at the location of this site. CA-ORA-700 is located along the Landfill Access Road and has also been mitigated through excavation. CA-ORA-781 was described as a single isolated core. The site was also examined in 1989. CA-ORA-1369 was identified, tested, and data recovered. The site is located under existing landfill operations and has been destroyed. CA-ORA-1493 was also located within a previous borrow site and is now beneath landfill operations. Attempts were made to locate the known isolates, but they could not be relocated. Due to the fact that isolates represent an isolated artifact (not a cultural resource site), they are, by definition, not significant historical resources under CEQA.

30-120011, a collection of three metate fragments, was collected at the time of discovery and curated at California State University, Fullerton. The location of 30-12-0011 is currently beneath landfill operations. 30-176626, four agricultural sheds, is located near the intersection of La Pata Avenue and SR-74. These were determined to not be eligible for the National Register, and components within the current project area were removed as part of Caltrans improvements to that intersection. No extant archaeological resources were identified within or immediately adjacent to the project area as a result of the archaeological field survey or archival research.

The project area is densely covered with vegetation, and a limitation of this survey is that buried resources may be present beneath the plant cover. The pedestrian survey of the project area concentrated on level, flat areas that were more likely to contain cultural resource sites, and none were identified.

Although no extant cultural resources were identified within or immediately adjacent to the project area, precautionary mitigation is required. Generally, the first 6 feet below ground surface is the area considered sensitive for archaeological resources. *A cultural monitoring program, as specified in Mitigation Measures 4.7-1 through 4.7-3, would be instituted to ensure that any previously unidentified cultural resources encountered through project construction are properly treated. Incorporation of Mitigation Measures 4.7-1 through 4.7-3 would ensure that impacts to cultural resources would be less than significant.*

Threshold 4.7.3: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The project site crosses two fossiliferous Tertiary Formations, the Monterey Formation and the Capistrano Formation. These fossiliferous formations, along with Quaternary Alluvium sediments, crop out at the surface and may also be encountered below the surface of the project. Based on the background research and field survey conducted for the proposed project, sensitive sediments that

may contain fossil remains do exist within the project areas, and there is the potential to encounter paleontological resources during all ground-disturbing activities for the proposed project. Mitigation is required to reduce potential adverse impacts to unknown (buried) paleontological resources.

This study does not anticipate special paleontological situations that would require project redesign to avoid critical localities or strata. However, because there are areas of high paleontological sensitivity within the project area, paleontological monitoring during project ground disturbing construction activities is recommended. A detailed plan for the monitoring is presented in this document. Implementation of these recommendations will reduce impacts to nonrenewable paleontological resources.

Mitigation Measure 4.7-5 requires the County to retain a County Certified Paleontologist to implement a paleontological monitoring program during earth movement at levels 6 feet or more below the ground surface. This program would include excavation monitoring and specimen recovery, including screen washing, preparation, identification, and curation of collected specimens into a museum repository. A final report would provide details of monitoring and curation methods, fossil identification, and discussion, cataloging, and repository arrangements. Implementation of Mitigation Measure 4.7-5 would reduce potential impacts to unknown paleontological resources to less than significant, and no additional mitigation is required.

Threshold 4.7.4: Disturb any human remains, including those interred outside of formal cemeteries?

Although no additional human remains are known to be on site or are anticipated to be discovered, precautionary mitigation is required. Mitigation Measure 4.7-4 requires compliance with State HSC Section 7050.5 in the unlikely event that human remains are encountered during project grading. Upon discovery of the remains, the County Coroner would be notified immediately, and no further disturbance would occur until the County Coroner makes a determination of origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be Native American, the County Coroner would notify the NAHC, which would determine and notify the MLD. The MLD would complete inspection within 48 hours of notification by the NAHC. *Implementation of Mitigation Measure 4.7-4 reduces potential impacts related to the discovery of human remains on the proposed project site to a less than significant level, and no additional mitigation is required.*

4.7.5.3 Mitigation Measures

The following measures are required for impacts related to cultural resources:

- 4.7-1** The County Director of Public Works will institute a cultural resource monitoring program, consistent with County SCA A04 (Archaeological Grading Observation and Salvage), during grading and earth movement for ground disturbance within the first 6 feet below ground surface to ensure that any previously unidentified cultural resources encountered through project construction are properly treated.
- 4.7-2** If previously unidentified cultural materials are unearthed during construction, the County Director of Public Works will verify that the contractor halts work in the vicinity of the discovery until a qualified archaeologist can assess the significance of

the find. Additional archaeological survey will be needed if the project limits are extended beyond the present survey limits.

- 4.7-3** If previously unrecorded artifacts or quantities of ecofacts are found, the County Director of Public Works will verify that the archaeological monitor will map the finds with a handheld global positioning system (GPS) unit and record them on an Artifact Record form. Notes and photographs will be taken on Daily Logs and Photographic Record forms, respectively. Previously unrecorded cultural resources will be recorded on State of California Department of Parks and Recreation (DPR) forms.

If it is possible to resume construction work in the vicinity of the finds without further impacts to site integrity, then the work will be allowed to continue. In the event that work is halted or redirected, it is the responsibility of the archaeological monitor to notify both the Project Manager and the County Director of Public Works, and to record the reason for redirection of work on the Daily Log. If it is not possible to allow construction work without further impacts to the cultural resource, the County Director of Public Works will be contacted for a decision regarding the disposition of the newly identified resource or resources.

- 4.7-4** In the event human remains are encountered, State Health and Safety Code (HSC) 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 (PRC) Section 5097.98. The contractor must notify the County Coroner of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains. The County Director of Public Works will verify compliance with this review.

- 4.7-5** The County Director of Public Works shall verify that a paleontological monitoring program is implemented for all ground disturbance at 6 feet below ground surface. Paleontological monitoring shall be directed by a qualified Principal Paleontologist who is a County Certified Paleontologist. During ground disturbance associated with construction, the qualified paleontologic monitor shall monitor areas designated as having high sensitivity. The qualified paleontologic monitor shall be present on a full-time basis whenever excavation occurs in sediments that have a high sensitivity rating and on a spot-check basis for excavation in sediments that have a low sensitivity rating. The monitoring program would include specimen recovery, including screen washing, preparation, identification, and curation of collected specimens into a museum repository. At the completion of the project, the Principal Paleontologist shall prepare a report documenting the results of the monitoring effort.

4.7.6 Cumulative Impacts

4.7.6.1 Less Than Significant with Mitigation

The cumulative study area for cultural and paleontological resources is the geographical area of the City of San Clemente and unincorporated Orange County, which is the geographical area covered by the City's and County's General Plans, including all goals and policies included therein. Future development in the City of San Clemente and Orange County could include excavation and grading that could potentially impact archaeological and paleontological resources and human remains. The cumulative effect of the proposed project is the continued loss of these resources. The proposed project, in conjunction with other development in the City and County, has the potential to cumulatively impact archaeological and paleontological resources; however, it should be noted that each development proposal received by the City and County undergoes environmental review pursuant to CEQA. If there is a potential for significant impacts to archaeological or paleontological resources, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. If subsurface cultural resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant. In addition, the City's and County's General Plan policies would be implemented as appropriate to reduce the effects of additional development within the City and County.

Mitigation Measures 4.6-1 through 4.6-5 would be implemented to reduce potential project impacts by ensuring avoidance, evaluation, and, as applicable, scientific recovery and study of any resources encountered. Therefore, with implementation of Mitigation Measures 4.6-1 through 4.6-5, the project's contribution to the cumulative destruction of known and unknown cultural resources throughout the City and County would be reduced to below a level of significance. The project's contribution to cumulative impacts to cultural resources in the City and County would not be cumulatively considerable nor significant under CEQA, and no mitigation is required.

4.7.7 Level of Significance after Mitigation

The mitigation measures presented above would reduce potential impacts to archaeological resources, paleontological resources, and human remains to a less than significant level. No significant unavoidable project or cumulative impacts to cultural resources are anticipated with implementation of these measures.