

## 4.4 CULTURAL RESOURCES

This EIR section analyzes the potential for adverse impacts associated with paleontological and archaeological resources that are known to occur, or anticipated to be encountered, as a result of implementation of the proposed project. Issues scoped out from detailed analysis in the EIR include effects on historical structures, as the project site is currently void of any structural development. Data used to prepare this section were summarized primarily from a Cultural Resources Survey and Testing Report and a Paleontological Resources Assessment prepared by SWCA Environmental Consultants (SWCA [included as Appendix 5]). In addition, a Confidential Addendum to the Cultural Resources Survey was prepared for the project, the results of which are summarized in this section. Background information was also taken from the City of Huntington Beach General Plan (1996), and previous environmental documentation prepared for the City, including the EIR for the Master Plan of Recreational Uses for Central Park (Central Park Master Plan EIR). Full bibliographic entries for all reference materials are provided in Section 4.4.5 (References) at the end of this section.

As the proposed project has not changed since preparation of the Draft EIR in 2007 and existing conditions on the project site are consistent with those described in the Draft EIR, existing conditions and impacts identified in the Draft EIR remain substantially true. Accordingly, this section is substantially the same as Section 4.4 (Cultural Resources) included in the Draft EIR. However, the setting has been updated to reflect changes in applicable regulations.

All comments received in response to the Initial Study/Notice of Preparation (IS/NOP) circulated for the proposed project were taken in to consideration during preparation of this Environmental Impact Report, and if relevant, have been addressed in this section or others within this document.

### 4.4.1 Environmental Setting

#### ■ Archaeology

##### *Summary of the Cultural History*

The project site lies within the area considered to have been occupied by the Gabrielino culture group; however, the Santa Ana River drainage area appeared multi-ethnic and multi-linguistic, with extensive intermarriage between the Gabrielino and neighboring Juaneño/Luiseño group, which shared many linguistic and cultural similarities.

##### **Territory and Language**

Gabrielino lands encompassed the greater Los Angeles Basin, including the inland valleys of San Fernando, San Gabriel, and Pomona; the Pacific Ocean coastal region from Topanga Canyon in the north to Newport Bay in the south; and three Channel Islands, San Clemente, San Nicolas, and Santa Catalina. Their lands encompassed the Los Angeles and San Gabriel Rivers; and end at the edge of the Santa Ana River, at the San Bernardino and San Jacinto Mountains far to the east and south. These rivers created numerous fresh water marshes across the flat plain in the past, though few currently remain. The southern boundary of Gabrielino territory had long been thought to lay at Los Alisos Creek based on

anthropological fieldwork; however, the Juaneño currently dispute this defined northern boundary of their lands with the Gabrielino.

The Gabrielino language was one of several derived from the Takic family, which can be traced to the Great Basin area, and linguistic analysis suggests that Takic-speaking immigrants from the Great Basin area began moving into southern California around 500 B.C. The Gabrielino language consisted of two main dialects, Eastern and Western. Western dialect lands included much of the coast from Malibu to the Palos Verdes Peninsula, the Channel Island population, and the western Los Angeles Basin and San Fernando Valley. Eastern dialect lands included the eastern Los Angeles Basin, the San Gabriel and Pomona Valleys, and the coastline from the Palos Verdes Peninsula south to encompass Newport Bay.

### **Subsistence and Technology**

The fundamental economy of the Gabrielino was one of subsistence gathering and hunting, and the tribe exploited a variety of ecological niches. Acorns were the staple food, supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora; fresh-water and salt-water fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed.

The Gabrielino used a wide variety of tools to gather and process food resources, including bows and arrows, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Many plant foods were collected with woven seed beaters, several forms of burden baskets, carrying nets, and sharpened digging sticks, sometimes with stone weights fitted onto them. Groups residing near the ocean used ocean-going plank canoes (known as a *ti'at*) and tule balsa canoes for fishing. All these foods were processed with a variety of tools, including portable and bedrock mortars, pestles, basket-hopper mortars, manos and metates, hammerstones and anvils, woven strainers and winnowers, leaching baskets and bowls, woven parching trays, knives, bone saws, and wooden drying racks. Food was consumed from a number of woven and carved wood vessels. The ground meal and unprocessed hard seeds were stored in large finely woven baskets, and the unprocessed acorns were stored in large granaries woven of willow branches and raised off the ground on platforms. Santa Catalina Island steatite was used to make comals, ollas, and cooking vessels that would not crack like regular stone under repeated firings.

### **Settlement Patterns and Social Organization**

The Gabrielino established large, permanent villages across their territory. Several Gabrielino villages appear to have served as trade centers, due in large part to their central location in relation to the Southern Channel Islands and to other tribes, but these villages along the south coast are not well understood. *Puwunga* lies north of the project site, at Bixby Hill (south Long Beach), and a small, early historic settlement called *El Piojo* lies near Los Alamitos Bay. Another Contact Period village lies opposite the project site, on the south edge of the Huntington Mesa, overlooking the Santa Ana River. Villages contained houses and other structures that served as sweathouses, menstrual huts, ceremonial enclosures, and probably communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Gabrielino villages. Archaeological sites comprised of villages with various sized structures have been identified.

Gabrielino society was organized by clans, which consisted of several lineages, each with their own ceremonial leader. The leader of the primary lineage was the chief of the entire clan. One or two clans

generally made up the population of a village. Even though the Gabrielino did not have a distinctly stratified society, there were two general classes of individuals: elites and commoners.

### **Burial**

The Gabrielino and Luiseño each practiced both burial and cremation. Archaeological finds of adult burials often consists of a body accompanied by various grave goods. Some indication exists that island groups more frequently practiced burial, and inland groups more commonly cremated remains. Even cremated remains, however, were accompanied by grave goods, often consisting of useful belongings that were cremated along with their owner.

### **■ Paleontology**

The project area is immediately underlain by Quaternary marine terrace deposits of Pleistocene age. Marine terrace deposits consist of medium to coarse-grained cross-laminated sandstone and silty sandstone, and are variously tan, orange, gray, white, and greenish-tan, with scattered semi-angular to well-rounded pebbles and some small cobbles. They also commonly contain accumulations of gravel lags (often shelly) and pebble-size channel conglomerate with rip-up clasts. Pleistocene terrace sediments were deposited on wave-cut platforms and represent nearshore and beach environments which are similar to those along the southern California coast today. These deposits are typically highly fossiliferous (fossil-bearing), containing abundant marine mollusks and other marine invertebrates, as well as locally abundant mostly marine vertebrate fossils. These deposits are considered to have high paleontological sensitivity in Orange County.

The project area might also be underlain by Pleistocene-age terrestrial (nonmarine) terrace deposits. Older terrace deposits in coastal southern California are usually found capping slopes and in areas of higher elevations along ridges. They are formed by down cutting of active stream channels and subsequent abandonment of the old channel/floodplain, resulting in a stair step sequence of older terraces located above modern stream channels. Terrestrial terrace deposits generally consist of clayey sands and silts, with local concentrations of pebble to cobble conglomerate. Some degree of paleosol development is common, and radiocarbon dating of these sediments indicates that most nonmarine terraces in Orange County are older than 32,600 years BP. Throughout southern California, older non-marine alluvium and terrace deposits have produced Pleistocene age fossils from numerous localities. Hundreds of Pleistocene fossils have been recovered in the Laguna Hills area of Orange County, from the Cousteau Pit in the 1960's, and from excavations for the Laguna Hills Community Center and Sports Complex in 1989 and 1999. Pleistocene taxa from alluvial and terrace deposits include amphibians, reptiles, birds and mammals (including ground sloth, dire wolf, sabertooth cat, mammoth, mastodon, horse, camel, antelope, and bison). As such, non-marine terrace deposits have been assigned a high paleontological resource sensitivity ranking in Orange County.

### **■ Identification of Cultural Resources on the Project Site**

#### **Archaeological Resources**

According to SWCA (2007), nineteen cultural resources studies have been completed within a 0.5-mile radius of the project area. Of these studies, four occurred within portions of the proposed project site

and resulted in the examination of approximately the northern half of the project area, as well as the eastern one-tenth.

According to the cultural resources files at the South Central Coastal Information Center (SCCIC), there are six prehistoric archaeological resources recorded within a 0.5 mile of the project site and one of them, CA-ORA-142, is partially located within the project site as shown in Table 4.4-1 (Archaeological Sites in and within 0.5 Mile of the Project Site). In addition, one historic resource is recorded within a half mile of the project site (30-150064), but is not located within the project site. No site record or additional information was provided in the search results.

**Table 4.4-1 Archaeological Sites in and within 0.5 Mile of the Project Site**

<i>Primary No.</i>	<i>Trinomial</i>	<i>Description</i>	<i>Source and Date</i>	<i>In the Project Area?*</i>
30-000082	CA-ORA-82	Extensive marine shellfish deposit, ground stone tools, flaked stone tools, projectile points, cores, debitage, bone tools, and at least eight burials. One radiocarbon date of 4320 YBP. Portions excavated by CSU Long Beach (1967), P.C.A.S. (1975), and S.R.S. (199X). Central portion damaged by paved road	Dixon (1959), D. Weide and M. Wiede (1966), L. Ross and A. McCurdy (1970), T. Van Bueren and J. Sorenson (1988)	No
30-000142	CA-ORA-142	Large shell midden on mesa with ground stone, metates, hammerstones, choppers; also a cogged stone and possible burial. Part of site impacted by house, then by removal of mesa for fill. Recorded within the current project area.	D. Hafner and A. McKinney (1965)	Yes
30-000372	CA-ORA-372	“Dark shelly midden” previously graded for oil tank and road.	T. Cooley and A. Marquette (1972)	No
30-000585	CA-ORA- 585	This site has been conflated with CA-ORA-372 in the SCCIC’s records. However, site record for 30-000595 was mistakenly provided in its stead.	Unknown	No
30-001275	CA-ORA-1275	Shell scatter on knoll top mixed with historic debris, previously impacted by house, oil tank and road construction.	N. Whitney-Desautels and J. Desautels (1990)	No
30-001317	CA-ORA-1317	Light shell scatter with a few lithic flakes.	R. Bissell (1992)	No
30-150064	N/A	Historic resource; no site record or additional information provided. Not within project area.	Unknown	No

SOURCE: SWCA Environmental Consultants, 2007

\*Site records on file at South Central Coastal Information Center, California State University, Fullerton.

**CA-ORA-142**

The northern half of the current project area lies within the recorded southern portion of prehistoric site CA-ORA-142. The site was originally recorded by members of the Pacific Coast Archaeological Society in 1965. The site is described as a large shell midden occupying the land along the west Huntington Mesa bluff for approximately 0.25 mile. Although the site record indicates that site was destroyed in 1963–64 when the parcel was used as a borrow pit for fill along the San Diego Freeway (Interstate 405), prior to this date numerous artifacts were found here. Artifacts recorded include cobble tools, hammerstones,

manos, metate fragments, choppers, and a cogged stone. Human remains were noted in the form of a human jaw.

Subsequent surveys conducted in the area also indicated that the site had been almost completely destroyed. Surveys conducted in 1987 excavated five test units across Goldenwest and just south of CA-ORA-142, finding historic material, and determining that prehistoric materials present at that time were secondary deposits. Since the excavation of the area as a borrow pit, the site has been periodically used as a dump for fill and spoil soil from other projects in the city. A large stockpile of fine yellow silty sand extends west from the intersection of Goldenwest Street and Talbert Avenue. Testing conducted in 2007 slightly expanded the boundary of the site, based on the examination of material that may be associated with cultural deposits, but confirmed nonetheless that the site had been largely destroyed and that remaining, intact deposits are unlikely.

### **Paleontological Resources**

Museum collections maintained by the Natural History Museum of Los Angeles County (LACM) contain no recorded vertebrate fossil localities within the boundaries of the project area; however, at least nine scientifically significant localities have been discovered near the project area and are from the same or very similar geologic sediments. These localities, and examples of the taxa recovered from them, are listed in Table 4.4-2 (Previously Recorded Vertebrate Fossil Localities in the Vicinity of the Project).

## **4.4.2 Regulatory Framework**

The treatment of cultural resources is governed by federal, state, and local laws and guidelines. There are specific criteria for determining whether prehistoric and historic sites or objects are significant and/or protected by law. Federal and state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant by State criteria. The laws and regulations seek to mitigate impacts on significant prehistoric or historic resources. The federal, state, and local laws and guidelines for protecting historic resources are summarized below.

### **■ Federal**

#### ***The National Historic Preservation Act of 1966***

The *National Historic Preservation Act of 1966* established the National Register of Historic Places (NRHP) to recognize resources associated with the country's history and heritage. Criteria for listing on the NRHP are set forth in Title 26, Part 63 of the Code of Federal Regulations (36 CFR Part 63). Three of the four criteria are meant to apply to historic structures, however, Criterion D—"have yielded, or may be likely to yield, information important in prehistory or history"—is also sometimes associated with archaeological and paleontological materials.

**Table 4.4-2 Previously Recorded Vertebrate Fossil Localities in the Vicinity of the Project**

<i>Locality Number</i>	<i>Taxa</i>	<i>Common Name</i>
LACM 65113 (Warner Avenue and Bolsa Chica Street)	<i>Mammuthus</i> sp.	Mammoth
	<i>Bison</i> sp.	Bison
LACM 1121 (Sunset and Bolsa Chica Street)	<i>Mammuthus</i> sp.	Mammoth
	<i>Enhydra</i> sp.	Sea Otter
	<i>Equus</i> sp.	Horse
LACM 3291 (Sunset and Bolsa Chica Street)	<i>Camelops hesternus</i>	Camel
LACM 6912 (Sunset and Bolsa Chica Street)	<i>Mammuthus</i> sp.	Mammoth
	<i>Paramylodon</i> sp.	Ground Sloth
	<i>Equus</i> sp.	Horse
	<i>Bison</i> sp.	Bison
LACM 7422-7425 (Between Beach Boulevard and Pacific Coast Highway)	<i>Mammuthus</i> sp.	Mammoth
	<i>Bison</i> sp.	Bison
	<i>Equus</i> sp.	Horse
LACM 7366 (Between Beach Boulevard and Pacific Coast Highway)	<i>Triakis</i> sp.	Leopard shark
	<i>Gasterosteus</i> sp.	Three-spined stickleback
	<i>Thamnophis</i>	Garter Snake
	<i>Notiosorex</i> sp.	Desert Shrew
	<i>Thomomys</i> sp.	Pocket Gopher

SOURCE: SWCA Environmental Consultants, 2007

## ■ State

### ***The California Register of Historic Resources***

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 Section 15064.5(a) of the CEQA Guidelines. The California Register of Historic Resources (CRHR) was created to identify resources deemed worthy of preservation at a State level and was modeled closely after the NRHP. The criteria are nearly identical to the four criteria of the NRHP, but focus upon resources of statewide, rather than national, significance. The CRHR includes all resources in the State that are listed on the NRHP. Similar to the NRHP, the CRHR is sometimes also associated with archaeological and paleontological resources. The State Historic Preservation Office (SHPO) maintains the CRHR.

### **California Health and Safety Code Sections 7050.5, 7051, and 7054**

These sections collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the Public Resources Code), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

### **California Senate Bill 297 (1982)**

This bill addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission to resolve disputes regarding the disposition of such remains. It has been incorporated into Section 15064.5(e) of the CEQA Guidelines.

## **Local**

### **General Plan Historic and Cultural Resources Element**

This element identifies the historical resources of the community, their current designations and community status, and the issues affecting their future. Goals and objectives presented in the Cultural Resources Element of the General Plan related to cultural resources that are potentially relevant to the proposed project are listed below, along with an assessment of the proposed project's potential to conflict with the policies adopted in support of these goals and objectives.

**Goal HCR 1** To promote the preservation and restoration of the sites, structures and districts which have architectural, historical, and/or archaeological significance to the City of Huntington Beach.

**Objective HCR 1.1** Ensure that all the City's historically and archaeologically significant resources are identified and protected.

### **Consistency Analysis**

As described above in Section 4.4.1 (Existing Conditions), one archaeological site and several paleontological resources sites are known to exist in the vicinity of the project site. Furthermore, the archaeological site (CA-ORA-142) has been determined to be a unique archaeological site for the purposes of CEQA. Therefore, the project site is considered sensitive with respect to archaeological resources. Although resources could be present on the project site and could be affected by the proposed project, deposits associated with the portion of CA-ORA-142 within the project site have been destroyed and intact deposits are considered unlikely. Further, mitigation measures proposed for the project would ensure that, in the unlikely event that intact cultural materials are encountered during site development, these materials would be identified and scientifically removed and preserved, as appropriate. The proposed project would not, therefore, conflict with this policy.

### 4.4.3 Project Impacts and Mitigation

#### ■ Analytic Method

##### ***Archaeological Resources (Including Human Remains)***

As previously stated, the northern half of the current project area lies within the recorded southern portion of prehistoric site CA-ORA-142. As such, a records search, Native American consultation, pedestrian survey of the property, and subsequent test trenching was performed to assess the presence of cultural resources within the project area. The records search confirmed the site location and site records confirmed the destruction of the site. On April 19 and 20, 2007, SWCA archaeologist Stephen O'Neil directed and monitored the backhoe excavation of three test trenches within the project area to conduct presence/absence subsurface testing for cultural materials and to document the level of disturbance at the site. The location and length of these trenches was determined by three factors: 1) the location, density and extant of several marine shell scatters observed on the surface during the prior pedestrian survey; 2) the hypothesis based on previous studies that remnants of the prehistoric midden may still exist along the east edge of the site; and 3) the presence of a current sewer line along the east edge of the lot.

The test trench excavations were negative for evidence of CA-ORA-142; no prehistoric cultural materials were observed in the spoil piles or in the walls of the trench. Modern construction debris was observed within Test Trench 1 and Test Trench 3. The site record for CA-ORA-142 and previous archaeological studies indicate that the site was present within the project area in the past and that the site contained multiple artifact types as well as human remains. In addition, previous research has identified the past presence of a historic period residence within the project area. However, the residence was demolished sometime in the 1960's before the City acquired the property for Central Park, and no evidence of the building was identified during the current study. It is possible that intact portions of CA-ORA-142 remain outside of the current project site in areas of Huntington Central Park capped by grass or other vegetation and structures; however, the scope of the cultural resources study was limited to the area that would be directly impacted by the proposed project.

After completion of the original cultural resources technical report, the Geotechnical Evaluation (Appendix 6) completed for the project indicated that a slope to the south of the project site could potentially require stabilization and recompaction by operation of a tracked piece of equipment (such as a bulldozer) on the slope. Although no excavation would be necessary to achieve the desired recompaction, SWCA recognized that these activities have the potential to impact an intact cultural deposit should there be one within the area of recompaction. Thus, a confidential addendum was prepared to document additional presence/absence archaeological testing for the hillside located outside of, but adjacent to, the project site, that would require stabilization as part of the project through recompaction. The services entailed pedestrian survey of the hillside and excavation of a series of shovel test pits to assess the presence/absence of cultural resources within the hillside. The archaeological survey and testing was conducted on June 5 to 6, 2007. Based on the latest conceptual plan (Figure 3-7 [Conceptual Grading and Utility Plan]), it has since been determined that the proposed project and associated improvements will generally not impact the adjacent southern slope; however, the conclusions presented within the confidential addendum are still presented within this section.

## **Paleontological Resources**

SWCA conducted a comprehensive literature review and a museum records search of the project area, the results of which were detailed in a paleontological resources assessment for the project. Specifically, the assessment included a detailed review of museum collections records performed by the Vertebrate Paleontology division of the Los Angeles County Natural History Museum (LACM) for the purposes of (1) determining whether there are any known vertebrate fossil localities in or near the project area; (2) identifying the geologic units present in the project area; and (3) determining the paleontological sensitivity ratings of those geologic units in order to assess potential impacts to nonrenewable paleontological resources. In addition, published and unpublished literature and geologic maps were reviewed. This analysis considers the probability, based on the research conducted by SWCA, of affecting paleontological resources by activities that disturb the ground surface or subsurface, including grading or excavation.

### **■ Thresholds of significance**

The following thresholds of significance are based on Appendix G to the 2011 CEQA Guidelines. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact if it would do any of the following:

Implementation of the proposed project could result in potentially significant impacts if the project would do the following:

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

### **■ Effects Not Found to Be Significant**

Threshold	Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?
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There are no structures located on the proposed project site. Therefore, no impact to historical building resources would occur, and no further analysis of this issue is required in the EIR.

## ■ Impacts and Mitigation Measures

Threshold	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
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**Impact 4.4-1      Construction of the proposed project could cause a substantial adverse change in the significance of previously unknown archaeological resources that could be present on the project site.**

Implementation of the proposed project would include a GPA to re-designate the use of the project site from low intensity to high intensity, to accommodate the development of the proposed senior center on the project site. Implementation of the proposed GPA would result in a departure from the anticipated low-intensity, passive recreational uses and instead would result in a high-intensity use on the site. Under both designations, the existing undeveloped conditions of the project site would not remain. While the GPA itself would not result in direct physical environmental impacts to cultural or historic resources, the development of the senior center would result in physical changes to the project site, the effects of which are analyzed in the paragraphs below.

As described above in Section 4.4.1 (Existing Conditions), the site record for CA-ORA-142 and previous archaeological studies indicate that the site was present within the project area in the past and that CA-ORA-142 contained multiple artifact types as well as human remains. It is possible that intact portions of CA-ORA-142 remain outside of the current project site in areas of Huntington Central Park capped by grass or other vegetation and structures; however, intact portions of the site were not identified in the area that would be impacted by the proposed senior center, including the slopes adjacent to the project site. While not expected, in the event that an intact portion of CA-ORA-142 is identified, it should be evaluated for California Register of Historical Resources eligibility with further management recommendations based on the results of that evaluation. Such resources must be considered significant under the criterion specified in Section 15064.5(a)(3)(D) of the CEQA Guidelines (may be likely to yield information important in prehistory or history). Therefore, the potential for damage to or destruction of, these cultural resources would be a potentially significant impact.

The following mitigation measures related to impacts associated with archaeological resources were initially identified in the Central Park Master Plan EIR. The language in these measures has been modified for this project to reflect project-specific components of the proposed senior center where necessary, although the intent remains the same. The original measures from the Central Park Master Plan EIR appear in Table 4-1 (Mitigation Measures Incorporated from Master Plan of Recreation Uses MMP) of this EIR.

For the purposes of this document, the City shall implement mitigation measures MM4.4-1(a) through MM4.4-1(c), which would ensure that measures set forth in the Central Park Master Plan EIR are carried over:

*MM4.4-1(a)      (This MM incorporates Measures Archaeology-3, Archaeology-4, Historical-1, and Paleontology-1 from the Central Park Master Plan EIR)*

*The City shall arrange for a qualified professional archaeological and paleontological monitor to be present during all project-related ground-disturbing activities, including the potential disturbance of*

*soils on adjacent slopes. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.*

MM4.4-1(b) *(This MM incorporates Measures Archaeology-6,7 and 8, Historical-2 and 3, Paleontology-2,3 and 4, from the Central Park Master Plan EIR)*

*If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach.*

MM4.4-1(c) *(This MM incorporates Measure Archaeology-5 from the Central Park Master Plan EIR)*

*The City shall arrange for a qualified Native American monitor or a rotation of monitors from the interested bands to be present during all project-related ground-disturbing construction activities, including the recompaction of soils on the adjacent hillside. Should project personnel discover any previously unknown cultural resources in the absence of an archaeological monitor, a qualified archaeologist should be notified immediately to evaluate the significance of the find and make recommendations for treatment.*

Implementation of mitigation measures MM4.4-1(a), MM4.4-1(b) and MM4.4-1(c) would reduce impacts on archaeological resources to a ***less than significant*** level by requiring monitoring of construction activities by a qualified professional archaeologist and requiring the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

Threshold	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
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**Impact 4.4-2 Paleontological resources could be present within rock units on the project site, and could be damaged or destroyed by earth-moving activities resulting from implementation of the proposed project.**

As described above in Section 4.4.1 (Existing Conditions), the project site is underlain by paleontologically sensitive Quaternary marine and non-marine terrace deposits of late Pleistocene age. Museum collections maintained by LACM contain no recorded vertebrate fossil localities within the boundaries of the project site; however, at least nine scientifically significant localities have been discovered near the project area and are from the same or very similar geologic sediments. Even though previous activities may have involved excavation or other earth-disturbing activities, some

paleontologically sensitive rock units underlying the project site may not have been disturbed, despite the possible destruction of surface evidence of their presence. Consequently, paleontological resources may be present on the project site, and earth-disturbing activities—such as grading and excavation—that could occur on the project site as a result of project implementation could damage or destroy these paleontological resources, which have the potential to yield additional information important in prehistory. Therefore, the impact resulting from damage to, or destruction of, these resources would be potentially significant, as it makes biological records of ancient life permanently unavailable for study by scientists.

Mitigation measure MM4.4-1(a), above, requires monitoring of construction activities by a qualified paleontologist, and mitigation measure MM4.4-1(b) requires implementation of additional provisional measures in the event that paleontological resources are identified. Implementation of these mitigation measures would reduce this impact to a *less than significant* level by ensuring that construction activities would be monitored by a qualified professional, and that paleontological resources would be subject to scientific recovery and evaluation, which would ensure that important scientific information that could be provided by these resources regarding prehistory is not lost.

Threshold	Would the project disturb any human remains, including those interred outside of formal cemeteries?
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**Impact 4.4-3            Construction activities associated with implementation of the proposed project could result in the disturbance of human remains, including those interred outside of formal cemeteries.**

No formal cemeteries are known to have occupied the project site, so any human remains encountered would likely come from archaeological or historical archaeological contexts. As described above in Section 4.4.1 (Existing Conditions) and in Impact 4.4-1, no intact portions of CA-ORA-142 were identified within the area that could be impacted by the proposed project, including the adjacent slopes. Although not likely, the potential exists for archaeological resources to be present and for excavation during construction activities to disturb these resources, and it is possible that human burials could be associated with potential finds.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. Disturbing human remains could violate the health code, as well as destroy the resource, which would constitute a potentially significant impact. To reduce this impact, and as required by law, mitigation measure MM4.4-3 reflects provisional measures if human remains are discovered on the project site.

*MM4.4-3            In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Developer shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of PRC Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.*

Implementing mitigation measure MM4.4-3 would ensure that this impact is reduced to a *less than significant* level by ensuring appropriate examination, treatment, and protection of human remains, as required by law.

#### 4.4.4 Cumulative Impacts

This cumulative impact analysis considers development of the proposed project, in conjunction with other development within the vicinity of the project in the City of Huntington Beach. Cumulative development would require grading and excavation that could potentially affect archaeological or paleontological resources, similar to the proposed project. The cumulative effect of these projects is the continued loss of these resources. The potential loss of paleontological and archaeological resources under the project would contribute to the degradation of the historic fabric of the City of Huntington Beach. However, project-specific mitigation would be implemented as appropriate to reduce the effect of this development by ensuring the evaluation and—where appropriate—scientific recovery and study of any resources encountered, which would ensure that important scientific information that is provided by these resources regarding history and prehistory would not be lost. Similar conditions would be required where cumulative development has the potential to affect these resources. The contribution of the proposed project to the degradation of the historic fabric of the City of Huntington Beach would, therefore, not be cumulatively considerable. Cumulative impacts would be *less than significant*.

#### 4.4.5 References

- Huntington Beach, City of. 1995. *General Plan Update Draft Environmental Impact Report*. State Clearinghouse No. 94091018. Prepared by Envicom Corporation.
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- . 1999. *Draft Master Environmental Impact Report for Master Plan of Recreation Uses for Central Park*. Prepared by Sapphos Environmental. February 26.
- SWCA Environmental Consultants, 2007. *Cultural Resources Survey and Testing for the Huntington Beach Senior Center Project*. June
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- . 2007. *Revised Confidential Addendum to: Cultural Resources Survey and Testing for the Huntington Beach Senior Center Project, City of Huntington Beach, Orange County, California*. July 24.

