
4.4 CULTURAL RESOURCES

This EIR section analyzes the potential for adverse impacts on paleontological and archaeological resources that are known to occur, or anticipated to be encountered, as a result of implementing the proposed project. The Initial Study (Appendix A) identified the potential for impacts to occur on paleontological resources, as well as prehistoric and historic archaeological resources. Impacts identified as less than significant include effects on historical structures, as none exist on the project site. Data used to prepare this section were taken from the City of Huntington Beach General Plan (1996), a cultural resources records check from the California Historic Resources Information System (CHRIS) South Central Coastal Information Center, a feasibility-level geotechnical assessment prepared for the project site by Petra Engineering (2005), and previous environmental documentation prepared for the City. Those technical reports are hereby incorporated in their entirety by reference. Also, letters were sent to Native American tribal representatives identified by the Native American Heritage Commission; one response was received from Anthony Morales, Tribal Chair of the Gabrieliño-Tonga Tribe, who stated that the project area is considered sensitive with respect to cultural resources. Full bibliographic entries for all reference materials are provided in Section 4.4.5 (References) at the end of this section.

4.4.1 Existing Conditions

■ Archaeology

Summary of the Culture History

The project site lies within an area considered to have been occupied by the Gabrieliño culture group; however, the Santa Ana River drainage area was multi-ethnic and multi-linguistic, with extensive intermarriage between the Gabrieliño and neighboring Juaneño/Luiseño group, which shared many linguistic and cultural similarities. This section includes a summary of literature regarding both groups.

Territory and Language

The name Gabrieliño is derived from the association of the culture group with the Mission San Gabriel. The Fernandeño, so named by the Spanish for the association of the group with the Mission San Fernando, are also considered to be Gabrieliño. Gabrieliño territory encompassed the San Fernando Valley, the San Gabriel Valley, portions of the San Bernardino Valley, portions of the Los Angeles-Santa Ana Plain, and three of the California Channel Islands. The extent of the geographic range resulted in an important maritime trade network.

The Juaneño are generally considered to be part of the Luiseño culture group. The difference in name results primarily from the affiliations of the groups with different Spanish missions, San Luis Rey and San Juan Capistrano. The Juaneño are associated with coastal areas extending to the vicinity of San Onofre, but the combined area of the Juaneño and Luiseño likely extended to the San Luis Rey drainage in northern San Diego County, running along a line between Escondido and Oceanside. Luiseño territory

extended inland to the southern San Bernardino Valley, as well as western Riverside and central San Diego Counties.

Subsistence and Technology

The Gabrieliño and Juaneño/Luiseño were hunter-gatherers with coastal populations that also exploited marine resources. Food preparation materials included manos and metates (grinding stones and associated hand stones) for seed grinding, mortars and pestles for crushing acorns and other nuts, and basketry winnowing and seed-parching trays. Cooking methods and materials included stone boiling in baskets often sealed with asphaltum (naturally occurring tar-like seepage), the use of stone pots and steatite/soapstone comals (griddles), and roasting in earthen ovens. Food was stored in large baskets or in granaries constructed of brush and twigs, sometimes inside caves or rock shelters.

Settlement Patterns and Social Organization

The Gabrieliño and Juaneño/Luiseño lived in autonomous territories that the Spanish called *rancherías*. Each *ranchería* contained a village and its associated resource procurement areas. Each *ranchería* was associated with a specific territory and had a principal village that was a permanent, year-round residential base with ceremonial structures and a cemetery. Different groups followed different seasonal migration patterns, which were probably based on seasonal resource shortages. Little is known about the Gabrieliño movement, but hostility between coastal Gabrieliño groups and groups from the San Gabriel Mountains has been recorded, and some groups may have prevented inland areas from reaching the coast.

Burial

The Gabrieliño 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.

Identification of Resources on or Near the Project Site

According to the cultural resources records check (Appendix E) completed for the project, four previous cultural resources investigations have been conducted with a half-mile radius, two of which (OR1 and OR2456) are located within the project site. However, no archaeological sites or any additional cultural resources have been identified within the project site, or within a one-half mile radius of the project site. Nonetheless, the vicinity is known to be sensitive for archaeological resources. For example, two archaeological sites (CA-ORA-149 and CA-ORA-1582H) have been identified on the Pacific City site, located slightly more than one-half mile to the west of the project site. CA-ORA-149 was determined to be historically significant under Section 15064.5(a)(3)(D) of the CEQA Guidelines, and CA-ORA-1582H was not determined to be historically significant.

■ Paleontology

Archaeological surveys of the project site have not been completed; however, the ground surface of the southwestern three quarters of the site have been subject to extensive remediation, which included the export of original surface soils and import of soils to depths of up to 12 inches. The northeastern quarter of the site is presently developed with a recreational vehicle/boat storage facility. Consequently, foot surveys would not reveal the presence or potential presence of paleontological resources. Previous research included a review of geologic and paleontological reports and maps that provide coverage of the project site and immediate vicinity. These maps and reports show and describe the rock units that underlie the project site and document the species represented by the fossil remains that were encountered in nearby areas. As shown in Figure 2 of the feasibility-level geotechnical report (Petra 2005), a mix of two rock units underlie the project site: undifferentiated Holocene alluvium and colluvium (Qac) on the eastern half of the site and Quaternary Marine Terrace deposits (Qtm) on the western half.

The Qac deposits have yielded no fossil remains in the vicinity of the project site; however, investigations in Los Angeles County and other areas of Orange County have yielded fossilized remains of Holocene land mollusks, continental vertebrates, and land plants. These occurrences indicate an undetermined potential for similar fossil remains being encountered in this rock unit on the project site as a result of grading or excavation activities on roughly the eastern half of the site.

The type of Qtm deposits on the project site have yielded fossil remains representing a variety of Pleistocene shallow-water marine invertebrates, including coral, worms, snails, clams, crabs, sand dollars, sea urchins, and other types. Fossilized bones and teeth have also been recovered and represent a wide variety of marine and land vertebrates. Most of these remains were collected at sites in Newport Beach, Huntington Beach, and Costa Mesa. Additionally, fossilized shells of unidentified mollusks were observed in exposed marine terrace deposits on a site nearby the proposed project (Pacific City site). According to Lander (1998), these recently recorded fossil occurrences indicate a high potential for similar fossil remains in areas of the project site that are underlain by Qtm deposits.

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.

■ 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 Historical 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. 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 State CEQA Guidelines.

California Senate Bill 18 (2004)

Senate Bill 18, signed into law September 2004, requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of

protecting Traditional Tribal Cultural Places ("cultural places"). Starting on March 1, 2005, prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes that are on the NAHC contact list of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe. Notice in compliance with these requirements were sent to appropriate tribes in October 2005 for the proposed project.

Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period. Notice must be sent regardless of whether prior consultation has taken place. Consequently, the appropriate tribes will also receive the Notice of Availability (NOA) of the Draft EIR for the proposed project in order to coincide with the 45-day public review period. In addition, local governments must send notice of a public hearing, at least ten days prior to the hearing, to tribes who have filed a written request for such notice.

Consistency Analysis

As described above in Section 4.4.1 (Existing Conditions), the project site has the potential to contain archaeological or paleontological resources, based on investigations of similar, nearby contexts. Although these resources could be affected by the proposed project, mitigation measures proposed for the project would ensure that cultural materials that would be affected are identified and scientifically removed and preserved prior to site development, as well as when they are encountered during site development, as appropriate. The proposed project would not, therefore, conflict with this policy.

■ 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), two archaeological sites and several paleontological resources sites are known to exist in the vicinity of the project site. Furthermore, one of the archaeological sites (CA-ORA-149) 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 that could be present on the project site could be affected by the proposed project, mitigation measures proposed for the project would ensure that cultural materials encountered during site development are 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)

Surface examination often cannot reveal whether archaeological resources are present at a specific project location, particularly when fill has been deposited on a site and masks native soils. This analysis is based on the probability, based on previous studies and excavations in the vicinity of the project site, that an archaeological resource or human burial could be affected by activities that disturb the ground surface or subsurface, including grading or excavation.

Paleontological Resources

As with archaeological resources, surface examination often cannot reveal whether paleontological resources are present at a specific project location, particularly when fill has been deposited on a site and masks native soils. However, this analysis considers the probability, based on previous studies of rock units similar to those under the project site, of affecting paleontological resources by activities that disturb the ground surface or subsurface, including grading or excavation. For the purposes of this EIR, impacts on paleontological resources are assessed in terms of significance based upon whether these resources meet the definition of a “unique archaeological resource” found in Section 21083.2(g) of CEQA.

■ Thresholds of Significance

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 an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines
- 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

■ Impacts and Mitigation Measures

Threshold	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?
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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.

As described above in Section 4.4.1 (Existing Conditions), investigations in the vicinity of the project site have detected several archaeological sites, including sites that were determined to be historical resources. Because the project site and vicinity are known to be archaeologically sensitive, the potential exists for unanticipated finds of archaeological resources during ground-disturbing activities associated with project implementation, even though portions of the site near the ground surface have previously been disturbed. 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.

MM 4.4-1(a) requires monitoring of construction activities by a qualified archaeologist, and MM 4.4-1(b) requires additional provisional measures in the event that archaeological resources are identified.

The following mitigation measures shall be implemented:

MM 4.4-1(a) The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. 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.

MM 4.4-1(b) If archaeological or paleontological resources are discovered during earth moving 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 Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and the City of Huntington Beach.

Implementation of MM 4.4-1(a) and MM 4.4-1(b) 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 considered paleontologically sensitive, based on materials recovered in similar rock units in the vicinity of the project site and elsewhere. Sites in Qac rock units in the project vicinity and elsewhere have yielded remains of a range of plant and animal species, which in turn provided significant data regarding local paleoclimatic conditions. Sites in Qtm rock units elsewhere in Los Angeles and Orange Counties have also yielded remains with similar value. Also, because remediation activities have resulted in relatively shallow disturbance on the project site, paleontologically sensitive rock units may not have been disturbed, despite the 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.

However, MM 4.4-1(a), above, requires monitoring of construction activities by a qualified paleontologist, and MM 4.4-1(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, 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, MM 4.4-3 reflects provisional measures if human remains are discovered on the project site.

MM 4.4-3 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 Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.

Implementing MM 4.4-3 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

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