

5. Environmental Analysis

5.5 CULTURAL RESOURCES

Cultural resources comprise archaeological and historical resources. Archaeology studies human artifacts, such as places, objects, and settlements that reflect group or individual religious, cultural, or everyday activities. Historical resources include sites, structures, objects, or places that are at least 50 years old and are significant for their engineering, architecture, cultural use or association, etc. In California, historic resources cover human activities over the past 12,000 years. Cultural resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Brea 265 Specific Plan to impact cultural resources in the City of Brea and its sphere of influence (SOI). The analysis in this section is based in part on the following information:

- *Paleontological and Cultural Resources Assessment for the Brea 265 Specific Plan*, City of Brea, Orange County, California, Cogstone, March 2019.

A complete copy of this study is in Appendix E to this Draft EIR.

5.5.1 Environmental Setting

5.5.1.1 REGULATORY BACKGROUND

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review ensures that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

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Native American Graves Protection and Repatriation Act

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

California Public Resources Code

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage Commission (NAHC); require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

California Health and Safety Code

The discovery of human remains is regulated per California Health and Safety Code Section 7050.5, which 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...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

California Register of Historical Resources

The California Register of Historic Resources is the state version of the National Register of Historic Resources program. It was enacted in 1992 and became official January 1, 1993. The California Register was established to serve as an authoritative guide to the state’s significant historical and archaeological resources.

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Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. According to subsection (c) of Public Resources Code Section 5024.1, a resource may be listed as a historical resource in the California Register if it meets any of the four National Register criteria.

Local Ordinances

The City of Brea generally defers to the provisions of CEQA for issues related to cultural resources. Specific mitigation measures for cultural resources (paleontological and archaeological) can be found in Section 3.7 of the City of Brea General Plan (2003) and are summarized below:

1. City staff may require development permit applicants to provide studies that document the presence/absence of archaeological and/or paleontological resources. Studies will be required in areas with documented or inferred resource presence. On properties where resources are identified, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified specialist.
2. All archaeological resources shall be subject to the provisions of CEQA. (PRC Section 21083.2)

5.5.1.2 METHODOLOGY

Cultural Resources Records Search and Historic Society Consultation

A search of the California Historic Resources Information System at the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton, was conducted on February 7, 2019, by Cogstone. The records search covered the project site as well as a one-mile search radius. Results showed 29 cultural resources investigations within a one-mile search radius, 9 within the project area.

In addition to the SCCIC, a variety of sources were consulted in February 2019 to obtain information regarding the cultural context of the project area. Sources included the National Register of Historic Places (NRHP), the California Register of Historic Resources (CRHR), California Historical Resources Inventory, California Historical Landmarks, and California Points of Historical Interest.

Cogstone consulted with the Brea Historical Society and Olinda Oil Museum on March 14, 2019.

Pedestrian Field Survey

The project site was also surveyed on February 25, 26, and 27, 2019, by Cogstone archaeologists and cross-trained paleontologists. The project site was divided into three areas to facilitate the pedestrian survey. All undeveloped ground surface areas within the ground disturbance portion of the project area were examined for artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools or fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions and features indicative of the former presence of structures or buildings (e.g., postholes, foundations), or historic-era debris (e.g., metal,

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glass, ceramics). Existing ground disturbances (e.g., cutbanks, ditches, animal burrows, etc.) were also visually inspected.

Sacred Lands File Search and Native American Consultation

A Sacred Lands File search was requested from the NAHC on January 25, 2019. On January 28, 2019, the NAHC indicated that a search was completed with negative results.

5.5.1.3 EXISTING CONDITIONS

Natural Setting

The geological, physiographical, and ecological zones in the project site are best described as alluvial plains and valleys bounding the western margin of the Chino Hills. The Chino Hills are the northernmost portion of the Santa Ana Mountains and the Peninsular Ranges, but are isolated from both by Santa Ana Canyon southeast of the project site. A majority of the project site has a 0 to 10 percent slope. It is approximately 4.25 miles north of the Santa Ana River, and Carbon Canyon Creek crosses its southern end.

Native vegetation communities are characterized by coastal scrub communities dominated by species such as California sagebrush (*Artemisia californica*), coastal brittle-bush (*Encelia californica*), monkey flowers (*Mimulus aurantiacus*), scrub oak (*Quercus berberidifolia*), and toyon (*Heteromeles arbutifolia*). Wildlife species native to the area include amphibians such as the side-blotched lizard (*Uta stansburiana*), birds such as black-necked stilt (*Himantopus mexicanus*), mammals such as the California mouse (*Peromyscus californicus*) and raccoon (*Procyon lotor*), and fish species such as the white croaker (*Genyonemus lineatus*) and the California corbina (*Menticirrhus undulatus*).

The majority of the project has been used for oil production continuously since the early 1900s, with the exception of the southern agricultural area. Approximately 110 wells are in operation currently.

Cultural Setting

Prehistory

Approaches to prehistoric frameworks have changed over the past half century from being based on material attributes, to radiocarbon chronologies, to association with cultural traditions. Archaeologists defined a material complex consisting of an abundance of milling stones (for grinding food items) with few projectile points or vertebrate faunal remains dating from about 7,000 to 3,000 years before the present as the “Millingstone Horizon” (Wallace 1955). Later, the Millingstone Horizon was redefined as a cultural tradition named the Encinitas Tradition (Warren 1968) with various regional expressions. The Encinitas Tradition is currently redefined as comprising four geographical patterns: (1) Topanga in coastal Los Angeles and Orange counties; (2) La Jolla in coastal San Diego County; (3) Greven Knoll in inland San Bernardino, Riverside, Orange, and Los Angeles counties; and (4) Pauma in inland San Diego County.

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The Encinitas Tradition characteristics are abundant metates and manos, crudely made core and flake tools, bone tools, shell ornaments, and very few projectile points, with subsistence focusing on collecting (plants, shellfish, etc.). Faunal remains vary by location but include shellfish, land animals, marine mammals, and fish.

Prehistoric Chronology

The latest studies of the vicinity of the project site recognize its prehistoric cultures as expressive of the Greven Knoll Pattern of the Encinitas Tradition. About 3,500 years ago, the Encinitas Tradition was replaced in the greater Los Angeles Basin by the Del Rey Tradition. This tradition has been generally assigned to the Intermediate and Late Prehistoric periods. The changes that initiated the beginning of the Intermediate Period include new settlement patterns, economic foci, and artifact types that coincided with the arrival of a biologically distinctive population. The Intermediate and Late Prehistoric periods have not been well defined. Many archaeologists have proposed that the beginning of the Intermediate marked the arrival of Takic-speaking groups (from the Mojave Desert, southern Sierra Nevada, and San Joaquin Valley), and that the Late Prehistoric Period reflected Shoshonean groups (from the Great Basin). Related cultural and biological changes occurred on the southern Channel Islands about 300 years later.

The Del Rey Tradition replaces usage of the Intermediate and Late Prehistoric designations for both the southern California mainland and the southern Channel Islands. Within the Del Rey Tradition are two regional patterns—Angeles and Island. The Del Rey Tradition represents the arrival, divergence, and development of the Gabrielino in southern California.

Ethnographic Context

The project site is within the traditional tribal territory of the Gabrielino (Tongva). The project area is 5.5 miles west of the approximate location of the ethnographical documented Gabrielino Village of Hotuuknga. Hotuuknga was reported near the location of the former Bernardo Yorba adobe house on the northern bank of the Santa Ana River.

The project site was used in prehistory for its abundant deposits of asphaltum, or tar. The Gabrielino word for tar is shaanat. Local Native American tribes used the naturally occurring oil and tar seeps for tar's effective adhesive properties, that is, as a means of waterproofing baskets and canoes, hafting (attaching) projectile points to their shafts, plugging abalone shells for bowls and containers, and for medicinal purposes. It was also a valuable trade item. Early Spanish explorers referred to the local substance as *brea*, Spanish for tar or pitch.

Historic Context

The project site is along the eastern boundary of the former oil boom town known as Olinda. Following the establishment of the Santa Fe Railroad into Orange County along the Santa Ana Canyon in 1887, land companies formed to solicit buyers with aggressive land advertising campaigns. The area was originally subdivided and advertised to farmers and ranchers in the 1880s. The agricultural industry was abandoned just before the emerging oil industry took off. The southern portion of the project area on the floodplain of Carbon Canyon Creek retained its value as agricultural land and is still used for agriculture.

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In 1882, the Chandler Oil and Mining Company were the first to extract oil, drilling to depths of 100 to 300 feet in the Olinda area in Tonner Canyon. Tonner Canyon was immediately north of the project site. The members of the Chandler Oil and Mining Company formed the Union Oil Company of California in 1890, and the Union Oil Company expanded its holding, referred to as the Upper and Lower Stearns Lease (the project area includes portions of the southern Lower Stearns Lease). In 1890, approximately 510,000 barrels of crude oil were extracted, and by 1913, the Union Oil Company was the principal producer of oil in southern California.

In 1897, the Brea Cañon Oil Company acquired some of the Union Oil Company's land holding, and the Brea Cañon Oil Company, in partnership with Charles Canfield, entered into partnership with the Santa Fe Railway Company. The Santa Fe Railway established a spur immediately east of the project site that terminated just north of Carbon Canyon Road.

The project site is located on what was formally referred to as the lower Santa Fe Lease, later owned by the Shell Oil Company and the West Coast Oil Company. The northern portion of the project site has been continuously used for oil production since the 1880s, and the southernmost portion has been used for agriculture. The large oil companies owned the land and houses in the former town of Olinda, which was to the east of the project area where Carbon Canyon Regional Park is now and in the area just north of the park and Carbon Canyon Road.

The town of Olinda was removed in 1959 due to flood control measures undertaken by the County of Orange and the U.S. Army Corps of Engineers. Olinda was situated in the valley floodplain created by Carbon Creek, a perennial tributary to the Santa Ana River. The valley experienced devastating flooding during heavy rains when the Santa Ana River swelled. The flood control measure for the area was the construction of the Carbon Canyon Dam, which converted the valley into a reservoir in 1959. Although Olinda is gone, its associated oil fields at higher elevations are still in use to the west of the former town.

Archaeological and Historic Resources

Previously Recorded Resources on the Project Site

An archaeological records search at the SCCIC indicated that 29 cultural resources investigations have been conducted within a one-mile radius of the project site, and 9 of them were in the project site. The results show that five cultural resources were recorded in the project site, as described below and summarized in Table 5.5-1.

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Table 5.5-1 Previously Recorded Cultural Resources in the Project Site

Primary Number	Trinomial	Resource Type	Resource Description	Date Recorded
P-30-001665	CA-ORA-001665H	Historic Archaeological Site	Historical refuse scatter, small grove of Eucalyptus	1998
P-30-001666	--	Historic Resource	Ancillary Building, rectangular wood frame building, "generator building": Not dated	1998
P-30-001738	CA-ORA-001738H	Historic Archaeological Site	Historical foundation, remnant of historical oiled road	2013
P-30-120002	--	Historic Archaeological Site	Historical refuse scatter	1977
P-30-177012	--	Historic District	Oil Field "Stearns Lease," oil derricks, pumps, well, storage and processing facilities, oil pipelines, and associated buildings.	2000, 2006

Source: Cogstone 2019.

- **P-30-001665 (CA-ORA-1665H)** is a historical archaeological site consisting of three concentrations of historical refuse scatters within an 18-acre area. The site is south of Lambert Road and west of South Valencia Avenue, and artifacts date from 1900 to 1920. The site is in the area of Flanigan Corners, a secondary area of development to the west of historical Olinda. This site was not evaluated for the NRHP or the CRHR.
- **P-30-001666** is a historical built environment resource consisting of a generator building associated with the oil field. The building is a rectangular, wood-framed building on a poured concrete foundation with a gabled roof. The walls and roof are made of corrugated metal. The building is along an access road west of South Valencia Avenue. This site was not evaluated for the NRHP or the CRHR.
- **P-30-001738 (CA-ORA-1738H)** is a historical archaeological site consisting of two linear features north of Lambert Road and west of Valencia Avenue. The first feature is a concrete road segment measuring 24 feet long and 18 inches wide. The second feature is a segment of an oiled road that runs parallel to the concrete road segment. The features are likely associated with the nearby oil wells. This site was not evaluated for the NRHP or the CRHR.
- **P-30-120002** is a historical archaeological site consisting of a historical refuse scatter in Carbon Canyon Regional Park at the eastern boundary of the project site. The site was recorded in 1977 and was noted to include artifacts dating to the late 1800s. Some of the artifacts were collected by the park and displayed at the visitor's center. This site was recommended ineligible for listing in the NRHP and CRHR.
- **P-30-177012** was originally recorded as the Stearns Lease Historic District, composed of formally active air-balanced and counterbalanced, pump-jack oil wells. The Historic District was later updated and is now referred to as the Brea-Olinda Oil Field District. A narrow strip of the originally recorded district overlaps the northwest boundary of the current project site. The formally recorded oil wells have been removed, and a housing development now exists on the property, excluding the narrow strip included in the current project site. Assembled by the Union Oil Corporation (UNOCAL) as a benefit for the employees of Union's Brea-area operators and their families, the site record was updated in 2007 to include the "Wildcatters Park" (circa 1960), which has a commemorative historical oil derrick and other

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relics and monuments to the area's oil industry. However, Wildcatters Park is not on the project site. P-30-177012 was recommended ineligible for listing in the CRHR and was not evaluated for the NRHP.

Additionally, east of the project site is the location of the historical oil boom town, Olinda, at 4442 Carbon Canyon Road, Brea (P-30-162260; HRI 089531). This resource is California State Landmark Number 918 and is listed on the California Register of Historic Places, Number 918. It is also listed on the California Historical Resources Inventory as Property Number 089531. Although the physical location of the plaque is 0.5 mile to the east of the project site, the oil wells associated with the former town of Olinda are on the project site.

Off-Site Previously Recorded Resources

In addition, 49 cultural resources are outside of the project site but within the one-mile search radius. These include 15 cultural resources within 0.25 mile, 12 cultural resources between 0.25 and 0.5 mile, and 19 cultural resources between 0.5 and 1.0 mile of the project site. (See Table 3, Previously Recorded Cultural Resources, of the Cultural Assessment Report in Appendix E.) The cultural resource types include two prehistoric archaeological sites, four prehistoric isolates, three multicomponent sites (both prehistoric and historic), 24 historic archaeological sites, 10 historic isolates, two historic districts, and six historic built environment resources (historic resources).

Survey Result

Three new cultural resources were observed and recorded as a result of the archaeological and paleontological surveys conducted by Cogstone on February 25 through 27, 2019.

The project site was divided into three areas (Areas A, B, and C), as shown in Figure 5.5-1, *Cultural Resources Survey Area*. In addition to the five previously recorded resources, three new cultural resources were observed and recorded—two in Area A and one in Area B (see Figure 5.5-2, *Cultural Resources Locations*).

Area A

Area A consists of the project site west of Valencia Avenue and north and south of Lambert Road, and includes APN 107-682-03. The area is relatively level and currently used by oil field, the Greenfield Nursery, and Future Food Farms. A grid of access road provided access throughout the area. Visibility within the access road was excellent (100 percent visibility) but visibility within the majority of Area A was poor (5 to 10 percent visibility) due to dense invasive grasses and clovers induced by recent rains and active oil extraction and aquaculture activities. Four previously recorded resources are in Area A (i.e., P-30-001665, P-30-001666, P-30-001738, and P-30-177012). These resources were revisited and updated on DPR 523 forms (see Appendix D of the Cultural Resources Assessment [DEIR Appendix E]). Two additional cultural resources (both historical structures) were newly observed and recorded.

Figure 5.5-1 - Cultural Resources Survey Area
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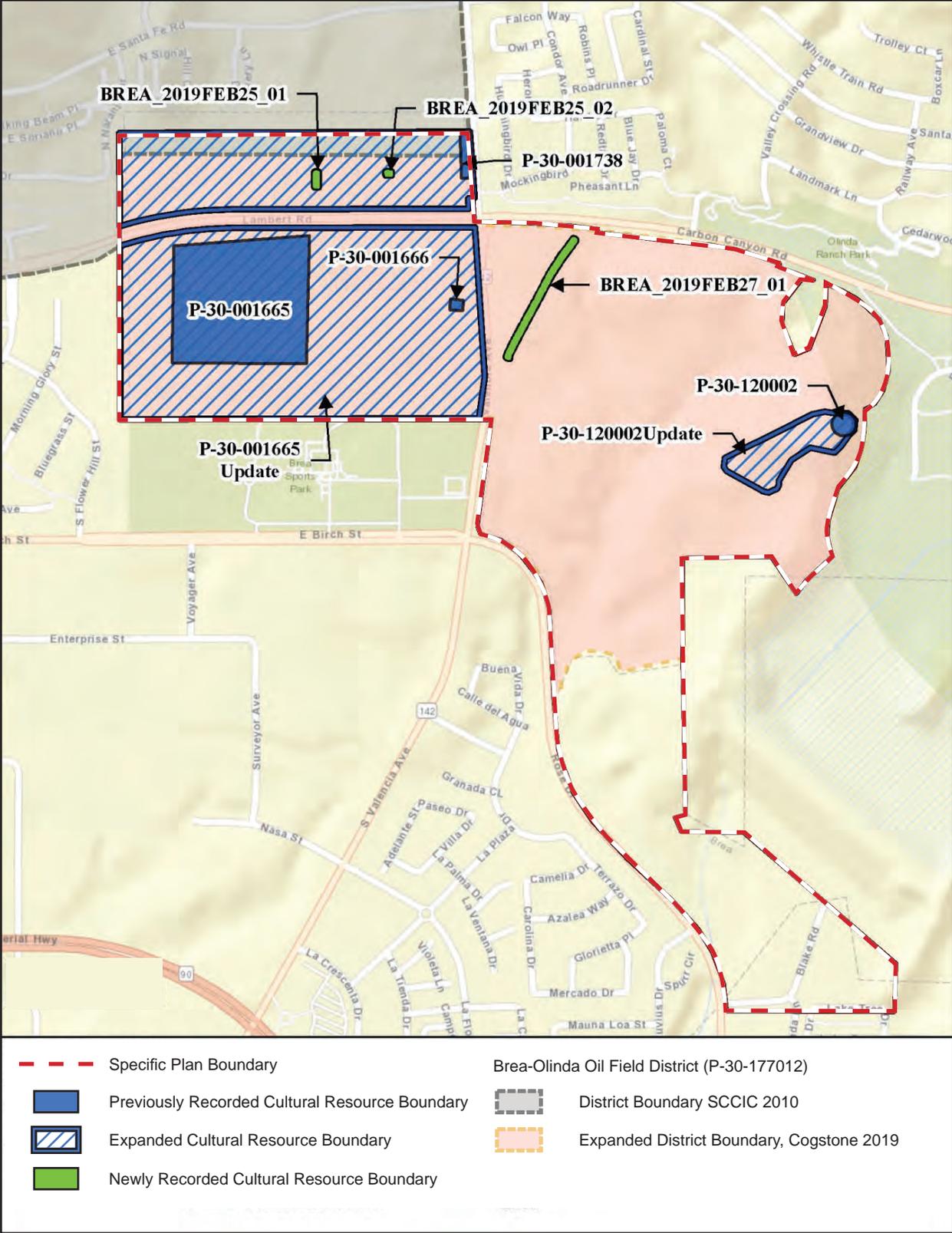
Source: Cogstone

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Figure 5.5-2 - Cultural Resources Locations
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0 1,000
Scale (Feet)



Source: Cogstone

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- **BREA_2019FEB25_01.** In the northern portion of Area A, north of Lambert Road, this historical built-environment resource consists of a utilitarian shed built in a rectangular plan on a concrete slab with a normal-pitched, front-gabled roof. A gabled monitor roof is at the center of the roof's ridge and is likely used for ventilation. The building's wood- and metal-framed exterior is clad in corrugated metal sheets, as is the roof and monitor roof. In the center of both the north and south elevations is a small, wood-framed, square window. Double doors of corrugated metal sheets are on the west elevation. DPR 523 forms have been prepared for this resource (see Appendix D of the Cultural Resources Assessment [DEIR Appendix E]).
- **BREA_2019FEB25_02.** In the northern portion of Area A, north of Lambert Road, this historical built-environment resource consists of a single-story utilitarian building set in a rectangular plan on a concrete slab with a high-pitched roof. The side-gabled roof is covered with corrugated metal sheets, with its exposed eaves overhanging on all elevations. The building's wood frame is clad in corrugated steel sheets. At the building's east elevation are six bay door openings. Doors to five of these openings are made of hinged corrugated steel and wood boards. Near the north end of the east elevation, the fifth bay opening has a swinging metal-rod gate. A wooden lean-to is attached to the north elevation and is covered by corrugated sheet metal. Also at the north elevation are two window openings; one is boarded up and the other is a two-over-two, double hung, aluminum window. Wire security mesh covers all window openings. This fenestration pattern on the south elevation is identical to the north. DPR 523 forms have been prepared (see Appendix D of the Cultural Resources Assessment [DEIR Appendix E]).

Area B

Area B consists of a hilly area east of Valencia Avenue, south of Carbon Canyon Road, west of Carbon Canyon Regional Park, and north of the Petzler Pines Christmas Tree Farms. Area B is composed of APNs 110-512-36, 110-017-14, 110-512-37, 110-512-77, and 110-221-23. The terrain in Area B is overall hilly with variable slopes throughout, although many areas exceed 45 degrees, inhibiting access; visibility is also varied. A network of access roads traverse Area B, providing access to active oil wells, maintenance, and work areas; these roads are highly disturbed due to vehicle traffic. Visibility along the access roads and in work and maintenance areas is excellent (100 percent visibility). The areas between access roads is covered in dense vegetation that consists of native coastal sage scrub species in the steeper sloped areas and combination of invasive weeds and grasses and coastal sage scrub species in the more level areas. Visibility within the areas between the access road is poor (5 to 10 percent visibility). Numerous historical-era eucalyptus and California pepper trees are located throughout Area B.

Historic-era refuse was observed throughout Area B; however, the eastern portion of Area B had the densest concentration of refuse, structural debris, and abandoned foundations and equipment related to the oil extraction industry. Historic material is concentrated along a heavily used access road that follows the path of an unimproved historic dirt road related to the oil industry that bisects Area B in the center, offsetting slightly to the east. Another access road that follows an unimproved historic road bisects Area B and is offset slightly to the west. This road is in the active oil production areas and crosses through the maintenance yard for the active oil lease; numerous decommissioned oil pumps, pipes, and pumps are cached here. New parts are intermingled with historic-era parts and are used when needed. A large concentration of concrete rubble and

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metal pipes, scraps, and rebar was noted in the northern portion of Area B among a network of active, lateral pipes.

One previously recorded resource (P-30-120002) was revisited and updated on DPR 523 forms. One newly recorded resource, a historic-era segment of the Valencia Road (BREA_2019FEB27_01), was observed and recorded.

- **BREA_2019FEB27_01.** This historic road segment consists of a former segment of Valencia Avenue. Originally, the road trended north-south, veering northeast to merge with what is now Carbon Canyon Road. The original alignment appears on the 1901 Anaheim 15' topographic map. The 1935 Blackburn Map of Orange County labels the road Valencia Boulevard and Olinda Boulevard. According to historical aerials, the road fell into disuse sometime between 1972 and 1980, when the current alignment of the roads became the primary vehicle corridor. DPR 523 forms have been prepared (see Appendix D of the Cultural Resources Assessment [DEIR Appendix E]).

Area C

Area C is east of Rose Drive and west of Carbon Canyon Dam. It is composed of APNs 110-512-53, 110-512-52, 110-512-80, 159-402-15, and 110-512-51 and is currently used by Peltzer Christmas Tree Farm and Mannaserro Strawberry Farm. Visibility on the access road is excellent (100 percent visibility); however, visibility within the majority of the area is poor (5 to 10 percent visibility) because it is actively used as agricultural fields. No significant cultural resources were observed in Area C.

5.5.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; 14 CCR § 4852)

The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource.

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According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

5.5.3 Plans, Programs, and Policies

Regulatory Requirements

- PPP CUL-1 Pursuant to Public Resources Code Section 21083.2(c), to the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in PRC Section 21083.2. The project applicant shall provide a guarantee to the lead agency (City of Brea) to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the City of Brea shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the City of Brea shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. To allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.
- PPP CUL-2 All construction activities will be conducted in accordance with Section 7050.5 of the California Health and Safety Code regarding the potential discovery of human remains. 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 County Coroner has been contacted. If applicable, the Native American Heritage Commission will be responsible for designating the most likely descendant (MLD), as required by Section 5097.98 of the California Public Resources Code. If the landowner rejects the recommendations of the MLD, the burial location would be determined in compliance with California Public Resources Code, Section 5097.98.

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5.5.4 Environmental Impacts

5.5.4.1 IMPACT ANALYSIS

The following impact analysis addresses the thresholds of significance; the applicable thresholds are identified in brackets after the impact statement.

Impact 5.5-1: Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. [Threshold C-1]

The project site has been continuously used for oil production and, to a lesser degree, for agriculture since the 1880s. Review of existing historical documents, maps, and literature in tandem with the results of the intensive pedestrian survey indicate that Areas A and B of the current project site represent an extension of the previously recorded historic district Brea-Olinda Oil Field District (P-30-177012).

In 2000, Shahira Ashkar evaluated an area of the Brea-Olinda Oil Field District to the northwest of the current project site, surveying and evaluating archaeological resources and historic resources separately. The original 2000 evaluation found that individual historical resources lack the context necessary to convey their cultural significance. A representative array of resources sufficient to convey what the oil field settlement was like between 1894 and 1920s would need to be present for the resources to qualify for CRHR listing as a historic district. Historic photographs and archival research indicate that between 1894 and the 1920s this oil field consisted of derricks, pumps, oil storage and processing facilities, and a camp that was composed of boarding houses, homes, warehouses, and administrative buildings. Because all that remains of the field today are pumps, the Stearns Lease lacks integrity as a district and is not recommended eligible for listing in the CRHR.

As discussed under 5.5.1.3, *Existing Conditions*, five previously recorded historic and historic archaeological sites (i.e., P-30-001665, P-30- 001666, P-30-001738, P-30-120002, and P-30- 177012) and three newly identified historic resources (i.e., BREA_2019FEB25_01, BREA_2019FEB25_02, and BREA_2019FEB27_01) were observed during a survey of the project site (see Figure 5.5-2). As part of the Cultural Resources Assessment, the identified historic and historic archaeological resources sites were evaluated as part of the Brea-Olinda Oil Field District, based on the CEQA Guidelines Section 15064.5, and the Brea-Olinda Oil Field District is not recommended eligible for CRHR listing under any of the significance criteria that follow.

Criterion 1: Although this portion of the Brea-Olinda Oil Field District was one of the earliest areas in Southern California that was used for large-scale oil production, it was not the first, nor is it a unique example of the industry. Therefore, it is not recommended eligible for CRHR listing under Criterion 1.

Criterion 2: This portion of the Brea-Olinda Oil Field District is associated with Edward L. Doheny, who was instrumental in bringing the oil industry to Orange County and connecting the Santa Fe Railroad spur to the area. His association to the district is limited to its founding and early development. Doheny is considered an important player in local and California history; however, his legacy has been preserved farther to the east near the old town site of Olinda (P-30-162260; CRHP; CHL No.918; HRI No. 089531), where his original

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Olinda Oil Well Number 1 is still in use near the Olinda Museum. The Brea-Olinda Oil Field District is not recommended eligible for CRHR listing under Criterion 2.

Criterion 3: Oil has been extracted on this portion of the Brea-Olinda Oil Field District since the late 1800s. Standing oil pumps and existing pipes, machines, and storage facilities have been in continuous use since the original wells were drilled; therefore, all the standing pumps have been updated as time progressed. Technological upgrades and mechanical maintenance of the wells stripped these resources of their original historic context and integrity. They are not recommended as eligible for CRHR listing under Criterion 3.

Criterion 4: The subject portion of the Brea-Olinda Oil Field has numerous historical archaeological artifacts and features visible on the surface that have been observed and recorded as part of the cultural resources study conducted for the proposed project. Surface manifestations of archaeological material are a reliable indication of subsurface deposits. Additionally, the numerous subsurface deposits observed from construction activities on the Stearns Property to the northwest during construction of the Tonner Hills Project (Backes et al. 2010) are an excellent indicator that similar archaeological deposits could be uncovered during ground-disturbing activities on the project site. The Brea-Olinda Oil Field District may be eligible for CRHR listing under Criterion 4.

In summary, although part of the project site is part of the Brea-Olinda Oil Field District, which is associated with the earliest development of the oil industry in Orange County and is connected to Edward L. Doheny, who was instrumental in bringing the oil industry to Orange County, the area has been in continuous use since the late 1800s, and updates in technology and equipment necessary to maintain an active oil field have stripped the area of historical context; the project site does not convey what the oil field or settlement was like during its historically significant period. The project site only possesses integrity of location and does not maintain the feel of a bustling oil field that once supported an oil boom town. There is always the potential that the subsurface may yield important information to the prehistory as well as the history of the area. However, this is a general caveat often applied to areas with known archaeological sensitivity, but it does not qualify the area as significant. The Cultural Resources Assessment (Appendix E to the DEIR) determined the Brea-Olinda Oil Field as ineligible for listing on the CRHR. For this reason, the proposed project would result in no adverse change in the significance of these historical resources pursuant to CCR Section 15064.5.

Level of Significance Before Mitigation: Less than significant impact.

Impact 5.5-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. [Threshold C-2]

There are three historical archaeological sites in the project site (i.e., P-30-120002, P-30-001738 [CA-ORA-1738H] and P-30-001665 [CA-ORA-1665H]). Implementation of the proposed project would affect these identified archaeological resources. In addition, the Cultural Resources Assessment determined that the sensitivity for subsurface archaeological resources in Areas A and B is high due to its use since the 1880s by the oil industry and the presence of numerous historical artifacts and features observed throughout the areas. The multiple archaeological deposits uncovered to the northwest of the project site on the Stearns Property during construction activities in 2010 are a good indication of the kinds of resources that would likely be

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found in the project site because the two areas share a nearly identical history and land use pattern. The sensitivity for subsurface archaeological resources in Area C is considered low due to the high degree of previous ground disturbance from agricultural activities. Therefore, development of the proposed project has the potential to affect buried unidentified archaeological resources from Areas A and B. Potential archaeological deposits include historic-era buried materials (e.g., privies, trash pits, or structural remains) and other undocumented surface archaeological materials. There is also a potential for subsurface prehistoric archaeological resources based on the local ethnographic settlement and subsistence patterns, the prehistory and history of the area, the proximity of Carbon Canyon Wash, and the natural tar seeps that were a valuable resource in prehistory. Previously recorded prehistoric sites are also numerous in the surrounding area. Therefore, pursuant to PRC Section 21083.2(c) the project applicant is required to comply with PPP CUL-1 and provide payment for one-half the estimated cost of mitigating the significant effects of the project on archaeological resources.

Pursuant to CCR 15064.5(c)(1), when a project will impact an archaeological site, a lead agency shall first determine whether the site is a historical resource, as defined in subsection (a). As discussed in Impact 5.5-1, the identified historic and historic archaeological sites are not considered historical resources, and they are not considered unique archaeological resources that 1) contain information needed to answer important scientific research questions; 2) have a special and particular quality such as being the oldest of their type; and 3) are directly associated with a prehistoric or historic event or person.

Considering the high sensitivity for subsurface archaeological resources, impacts to archaeological resources would be potentially significant, and mitigation is required.

Level of Significance Before Mitigation: Potentially significant impact.

Impact 5.5-3: Grading activities could potentially disturb human remains. [Threshold C-3]

The majority of the project site has been used for oil production continuously since the early 1900s, with the exception of the southern agricultural area, which still operates as an agricultural use. The proposed project would require ground clearing, excavation, grading, and other construction activities to accommodate the Brea 265 Specific Plan. Because of the ground disturbance associated with construction, it is possible, though unlikely, that natural landform beneath the site could harbor human remains. In the unlikely event that human remains are encountered during project development, all work is required to cease near the find immediately, and the County Coroner must be notified if potentially human bone is discovered, in accordance with California Health and Safety Code Section 7050.5, described in PPP CUL-2. The coroner will determine, within two working days of being notified, if the remains are subject to his or her authority. If the coroner has reason to believe the remains are Native American, he or she will contact the NAHC by phone within 24 hours, in accordance with Public Resources Code Section 5097.98. The NAHC will designate a most likely descendant (MLD) with respect to the human remains. The MLD has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods. Work may not resume in the vicinity of the find until all requirements of the Health and Safety Code have been met. Implementation of PPP CUL-2 would ensure that grading activities do not result in adverse impacts to human remains.

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Level of Significance Before Mitigation: Less than significant impact with implementation of PPP CUL-2.

5.5.5 Cumulative Impacts

The area considered for cumulative impacts to historic and archaeological resources is within a one-mile radius of the project site, the same area as the records search. There were 49 cultural resources identified within one mile of the project site besides the 5 previously recorded and 3 newly identified resources in the project site. Other development projects in the project vicinity could demolish or otherwise alter historical and archaeological resources. However, as with the proposed project, these other projects would be required to comply with CEQA Guidelines Section 15064.5, which requires the lead agency to determine if discovered resources are unique or historically significant, and if so, to avoid or mitigate impacts to such resources in accordance with the provisions of PRC Section 21083.2. Although portions of the project site and its one-mile vicinity are part of the Brea-Olinda Oil Field District, it was determined that resources identified do not meet the significance criteria to list them as historically significant or unique. Compliance with the existing regulations would ensure that potential impacts to subsurface cultural resources are handled and treated so that no historically significant or unique resources are adversely impacted, and impacts would not be cumulatively significant.

5.5.6 Level of Significance Before Mitigation

Upon implementation of the plans, programs, and policies, the following impacts would be less than significant: 5.5-1 and 5.5-3.

Without mitigation, this impact would be **potentially significant**:

- **Impact 5.5-2** Implementation of the proposed project could unearth previously unidentified archaeological resources during ground-disturbing activities.

5.5.7 Mitigation Measures

Impact 5.5-2

CUL-1 Prior to ground disturbance, a cultural resources mitigation and monitoring plan (CRMMP) shall be prepared and implemented. The CRMMP shall require:

- Monitoring during grading and other earth-moving activities in undisturbed sediments.
- Treatment plan for potential resources that includes:
 - Data to be collected.
 - Requirements for professional identification and/or other special studies as appropriate.

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- Requirements for curation at an accredited museum for artifacts meeting significance criteria.
- A comprehensive final mitigation compliance report that includes:
 - A catalog of specimens with museum numbers.
 - An appendix with a letter from the museum stating that it is in possession of the materials.

In the event of an unanticipated discovery, all work must be suspended within 50 feet of the find until a qualified archaeologist evaluates it.

5.5.8 Level of Significance After Mitigation

Impact 5.5-2

Implementation of Mitigation Measures CUL-1 and PPP CUL-1 would reduce potential impacts to archaeological resources to a level that is less than significant. A CRMMP will be prepared and implemented as required under Mitigation Measure CUL-1, and discovery of previously unidentified archaeological resource will be treated in accordance with PPP CUL-1 and as recommended by the treatment plan under Mitigation Measure CUL-1. Therefore, impacts would be reduced to a less than significant level, and no significant and unavoidable impact would remain.

5.5.9 References

- Backes, Clarus, John Dietler, Laura Hoffman, Joan Brown, and Virginia Austerman. 2010. Archaeological Monitoring for the Tonner Hills Project Located in Brea, Orange County, California.
- Cogstone. 2019, March. Paleontological and Cultural Resources Assessment for the Brea 265 Specific Plan, City of Brea, Orange County, California. DEIR Appendix E.
- Wallace, William J. 1955. "A Suggested Chronology for Southern California Coastal Archaeology." *Southwestern Journal of Anthropology* 11(3): 214–230.
- Warren, Claude N. 1968. "Cultural Tradition and Ecological Adaptation on the Southern California Coast." In *Archaic Prehistory in the Western United States*, edited by C. Irwin-Williams, pp. 1–14. *Eastern New Mexico University Contributions in Anthropology* 1(3).