

September 8, 2021

Erica Roess
Senior Planner
City of Laguna Niguel
30111 Crown Valley Parkway
Laguna Niguel, CA 92677

Subject: Cultural Resources Assessment for The Cove, City of Laguna Niguel, Orange County, California

Dear Ms. Roess:

At the request of the Carlson Strategic Land Solutions (CLIENT), Duke Cultural Resources Management, LLC (DUKE CRM) has prepared a cultural resources assessment for improvements to the Cove at El Niguel Residential Project (Project), located in the City of Laguna Niguel, Orange County, California (Figures 1 & 2). The Project is approximately 4.2-acres in size. The City of Laguna Niguel is the lead agency for the California Environmental Quality Act (CEQA).

The Project is located on Crown Valley Parkway at Playa Blanca, opposite the intersection with Paseo del Niguel. The Project is located in Section 33, Township 7 South, Range 8 West, as shown on the USGS *San Juan Capistrano, Calif. 7.5'* quadrangle map (see Attachment A for Project Maps).

The construction of Cove at El Niguel Residential Project will take place on a 4.2-acre property, proposing 22 home (duplex and triplex configurations) on two acres, preserving 2.2 acres as open space. The Project site was originally graded and developed around 1979 as a 10-building townhome project with 41 condominiums. On March 19, 1998, a large landslide destroyed part of the former 41-unit condominium development on the Project site, as well as nine single-family homes located above the Project site. A Google Earth image from 1994 (Figure 3) shows the Project site in its previously developed condition, including the nine single family homes above the site.

Following the landslide, the entire 41-unit condominium project was demolished to perform grading necessary to stabilize the former landslide area. The landslide area was repaired between 1998 and 2000 and involved installation of a caisson wall with tieback anchors, removal of the 10 condominium buildings and associated structures, partial removal of the landslide mass, installation of subdrains, and construction of a compacted fill buttress. The Project site has remained vacant since the landslide mitigation.

The proposed development will avoid the 2.2 acres in the northern portion of the site, which consists of former landslide mass. This area will remain as open space. At the toe of the landslide mass a Mechanically Stabilized Earth (MSE) wall will be constructed. The 2-acre construction site will include approximately 19,960 cubic yards of cut and 19,830 cubic yards of fill to create 8 buildable pads with a maximum excavation depth of approximately 30 feet.

On May 11, 2021, DUKE CRM received the results of a records search conducted by the South Central Coastal Information Center (SCCIC). The SCCIC is part of the California Historical Resources Information System located at the California State University, Fullerton. The records search included a review of all recorded cultural resources within a ½-mile radius of the Project, as well as a review of known cultural resource reports.

Three cultural resources are located within ½-mile of the Project. Two of these resources do not have an exact location, however all three are prehistoric. Table 1 below lists the resources in the record search area and their proximity to the Project boundary.

Table 1. Cultural Resources within ½-Mile of the Project Boundary

Resource No.	Resource Type	Description	Eligibility Status	Distance (ft.) and Direction
P-30-000033	Prehistoric	Shell Midden	Unknown	Unknown
P-30-000131	Prehistoric	Bedrock mortar site	Unknown	980 northwest
P-36-000539	Prehistoric	One quartzite metate	Unknown	Unknown

The SCCIC identified a total of seven cultural resource reports within ½-mile of the Project. Table 2 summarizes the reports within the Project. Two of the reports, OR-00108 and OR-00237, cover a portion of the project; however, neither survey yielded any archaeological resources.

Table 2. Reports within ½-Mile of the Project Boundary

Report No.	Year	Report Title	Author(s)
OR-00108	1976	Archaeological Survey Report on 4.78 Acres of Land Located in the Laguna Niguel Area of the County of Orange, California	Roger J. Desautels
OR-00237	1976	Report of the Results of an Archaeological Survey for a Project Located in Laguna Niguel, California.	John L. Craib
OR-00255	1977	Archaeological Report on the Aliso Creek Corridor- Planning Units 2 & 3 Orange County, California	Anonymous
OR-00549	1976	Archaeological Survey and Resource Assessment of a Portion of Laguna Niguel, Orange County, California	Clay A. Singer
OR-00580	1977	The Aliso Creek Watershed, Orange County, California a Proposal for Creating an Archaeological District for the National Register of Historic Places and a Suggested Research and Study Design	Anonymous
OR-01183	1991	A Cultural Resources Reconnaissance of the Hon Property O Approximately 60.9 Acres Located in Laguna Niguel, Orange County, California	Juanita R. Shinn
OR-01712	1963	Archaeological Investigations at Laguna Niguel, Orange County	Alma C. Lytton

On behalf of the city, DUKE CRM coordinated AB 52 consultations with the appropriate tribes (see Attachment B). The AB 52 letters were sent out on June 19, 2021. After contacting the 10 tribes, two would like to consult on the project: the Juaneno Band of Mission Indians Acjachemen Nation – Belardes and the Juaneno Band of Mission Indians Acjachemen Nation – Romero (see Attachment C for communication log with Native American Tribes).

DUKE CRM evaluated the proposed project for impacts to cultural resources according to the mandates of CEQA (California Code of Regulations 15064.5). Survey of the Project was not undertaken as part of this study as the Project is considered to have a low potential to impact prehistoric and historic cultural resources for the following reasons: the sediments within the Project

boundaries have been severely impacted by prior development, a major landslide, and remediation of unstable sediments to allow future development on the property. Additionally, two prior surveys and the current study are negative for cultural resources within the Project boundaries. Therefore, it is not likely that cultural resources will be impacted by the Project. DUKE CRM does not recommend any additional work for cultural resources. However, if ground disturbing activities associated with this project change, these changes may have the potential to disturb sediments that are previously undisturbed.

If previously unidentified cultural materials are un-earthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Thank you for contacting DUKE CRM on this interesting project. If you have any questions or comments, you can contact me at (949) 356-6660, or by e-mail at curt@dukecrm.com.

Sincerely,

DUKE CULTURAL RESOURCES MANAGEMENT, LLC

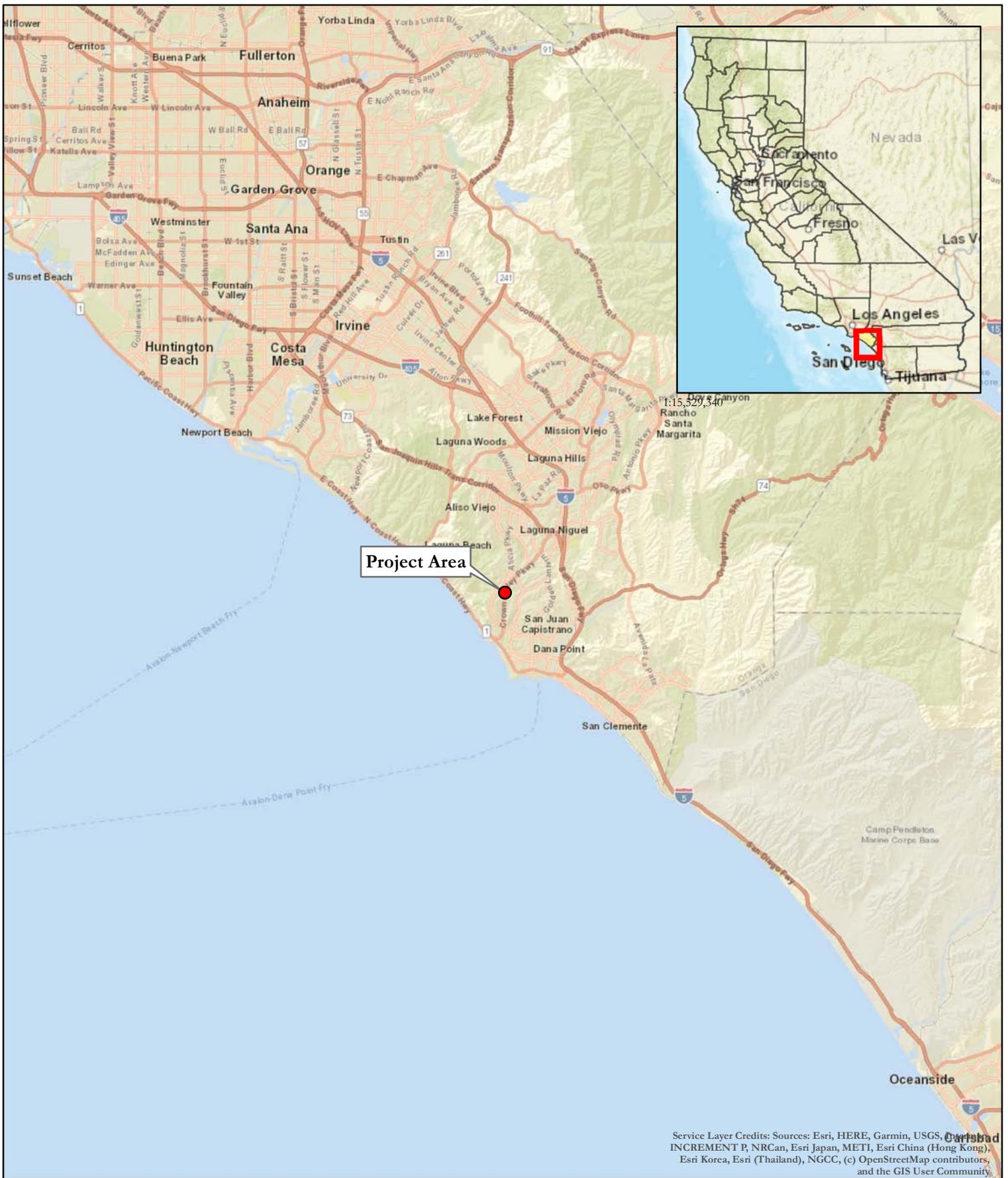
Curt Duke, M.A., RPA
Principal Archaeologist/President

Attachments

- A: Project Maps
- B: Native American Consultation

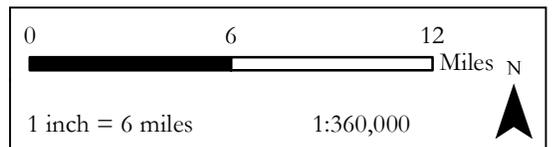
ATTACHMENT A

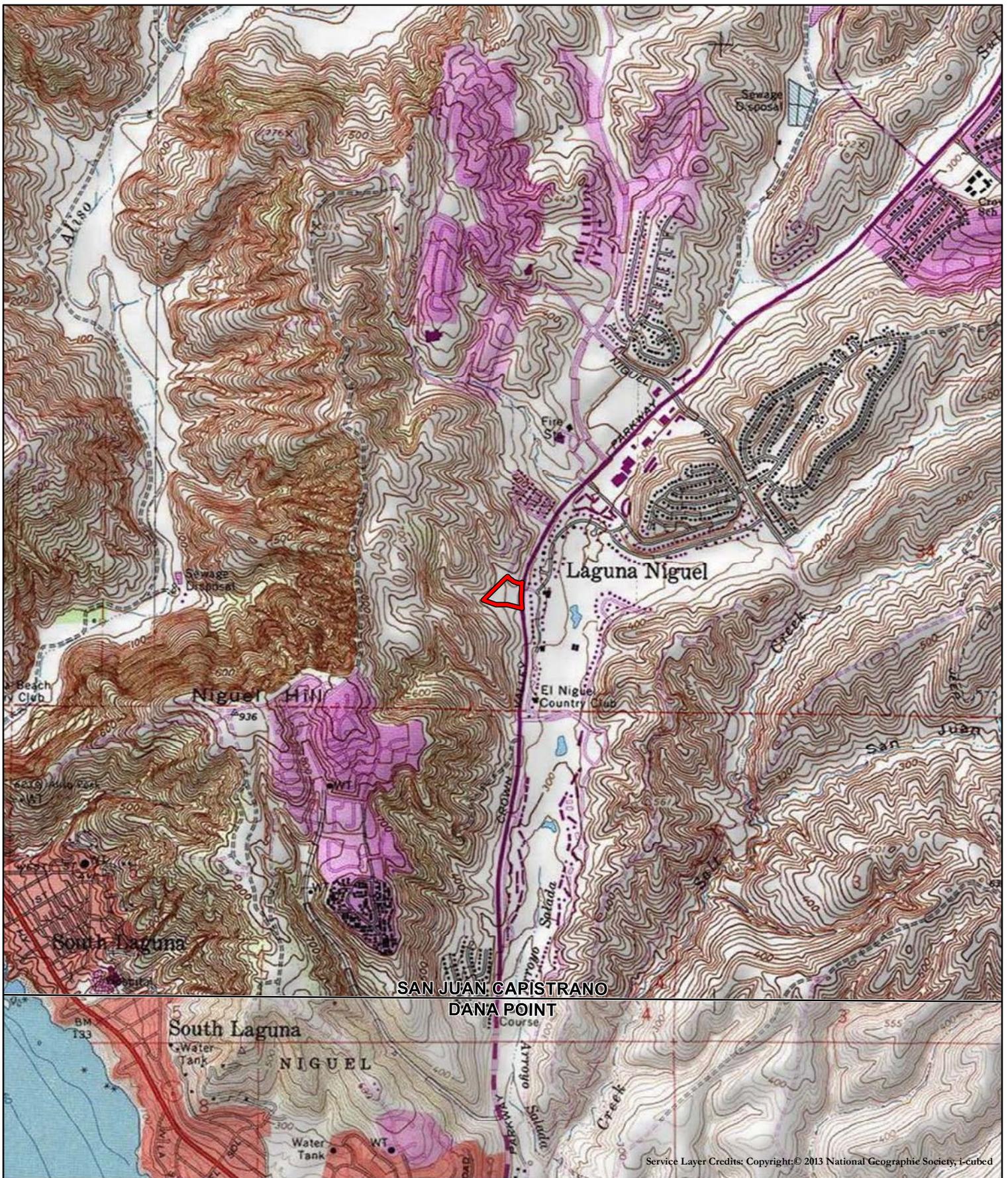
PROJECT MAPS



Map 1 - Project Vicinity
 The Cove, Laguna Niguel, C-0358

● Project Area





Service Layer Credits: Copyright: © 2013 National Geographic Society, I-cubed

Map 2 - Project Location
The Cove, Laguna Niguel, C-0353

San Juan Capistrano, Calif USGS 7.5-Minute Quadrangle
Date of Map: 1968 - Revised 1981
T7S R8W Section 33
 Project Area
 USGS 7.5' Quads

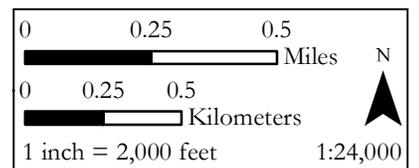
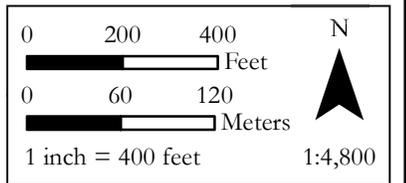




Image Credit: Google Earth

Map 3 - 1994 Historic Aerial
The Cove, Laguna Niguel, C-0353

 Project Area



ATTACHMENT B

NATIVE AMERICAN SCOPING RECORD

Native American Consultation Record

Project Name: The Cove, Laguna Niguel
 Project Number: C-0358
 NAHC Contact Initiated: 6/19/2021
 NAHC Letter Received: 6/21-24/2021

Results: The NAHC did not identify any Native American cultural resources in the Sacred Lands File (SLF). The NAHC recommended that we contact 10 Native American groups/individuals.

Matrix prepared by Morgan Bender

Name/Group	Date contact was initiated	Method of contact	Notes
Temet Aguilar, Pauma Band of Luiseno Indians	6/19/2021	U.S. Certified Mail	Received letter; Follow-up email sent 7/8; Follow-up call on 7/15 at 2:05 and he verbally said they do not wish to consult
Sonia Johnston, Juaneno Band of Mission Indians	6/19/2021	U.S. Certified Mail	Letter bounced back, sent her an email on 7/7/2021 sending her a copy; emailed again on 7/15, no number for her; no responses to me emails
Matias Belardes, Juaneno Band of Mission Indians Acjachemen Nation - Belardes	6/19/2021	U.S. Certified Mail	Received letter 6/22; Follow-up email sent 7/8; spoke to Joyce on 7/15 at 1:50 and she emailed back that evening saying they wish to consult

Name/Group	Date contact was initiated	Method of contact	Notes
Norma Contreras, La Jolla Band of Luiseno Indians	6/19/2021	U.S. Certified Mail	Received letter 6/21; Follow-up email sent 7/8; called on 7/15 at 2:00, left VM, no response from her
Shasta Gaughen, Pala Band of Mission Indians	6/19/2021	U.S. Certified Mail	Received letter 6/24; Follow-up email sent 7/8; called on 7/15 and left VM at 2:02; no response from her
Heidi Lucero, Juaneno Band of Mission Indians Acjachemen Nation - Romero	6/19/2021	U.S. Certified Mail	Received letter 6/22; Follow-up email sent 7/8, received a response on 7/8 that they would like to consult
San Luis Rey Tribal Council, San Luis Rey Band of Mission Indians	6/19/2021	U.S. Certified Mail	Received letter 6/21; Follow-up email sent 7/8; called on 7/15 at 2:09, did not talk to anyone and unable to leave a VM, called twice
Isaiah Vivanco, Soboba Band of Luiseno Indians	6/19/2021	U.S. Certified Mail	Received letter 6/24; Follow-up email sent 7/8, left VM on 7/15 at 2:13; no response from him
Teresa Romero, Juaneno Band of Mission Indians Acjachemen Nation - Romero	6/19/2021	U.S. Certified Mail	Received letter 6/22; Follow-up email sent 7/8; didn't call because Heidi already spoke on behalf of the tribe

Name/Group	Date contact was initiated	Method of contact	Notes
Lovina Redner, Santa Rosa Band of Cahuilla Indians	6/19/2021	U.S. Certified Mail	Received letter 6/21; Follow-up email sent 7/8; called on 7/15 at 2:10, they do not wish to consult

NATIVE AMERICAN HERITAGE COMMISSION

April 7, 2021

Edgar Alvarez
DUKECRM

Via Email to: edgaralvarez@dukecrm.com

Re: The Cove Laguna Niguel Project, Orange County

Dear Mr. Alvarez:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Juaneno Band of Mission Indians Acjachemen Nation - Belardes on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
Orange County
4/7/2021**

**Juaneno Band of Mission
Indians**

Sonia Johnston, Chairperson
P.O. Box 25628 Juaneno
Santa Ana, CA, 92799
sonia.johnston@sbcglobal.net

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Matias Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano, CA, 92675
Phone: (949) 293 - 8522
kaamalam@gmail.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Belardes**

Joyce Perry, Tribal Manager
4955 Paseo Segovia Juaneno
Irvine, CA, 92603
Phone: (949) 293 - 8522
kaamalam@gmail.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Romero**

Heidi Lucero, Cultural Resources
Director
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA, 92675
Phone: (949) 488 - 3484
sos@juaneno.com

**Juaneno Band of Mission
Indians Acjachemen Nation -
Romero**

Teresa Romero, Chairperson
31411-A La Matanza Street Juaneno
San Juan Capistrano, CA, 92675
Phone: (949) 488 - 3484
Fax: (949) 488-3294
tromero@juaneno.com

**La Jolla Band of Luiseno
Indians**

Norma Contreras, Chairperson
22000 Highway 76 Luiseno
Pauma Valley, CA, 92061
Phone: (760) 742 - 3771

Pala Band of Mission Indians

Shasta Gaughen, Tribal Historic
Preservation Officer
PMB 50, 35008 Pala Temecula Cupeno
Rd. Luiseno
Pala, CA, 92059
Phone: (760) 891 - 3515
Fax: (760) 742-3189
sgaughen@palatribe.com

Pauma Band of Luiseno Indians

Temet Aguilar, Chairperson
P.O. Box 369 Luiseno
Pauma Valley, CA, 92061
Phone: (760) 742 - 1289
Fax: (760) 742-3422
bennaecalac@aol.com

**San Luis Rey Band of Mission
Indians**

1889 Sunset Drive Luiseno
Vista, CA, 92081
Phone: (760) 724 - 8505
Fax: (760) 724-2172
cjmojado@slrmissionindians.org

**San Luis Rey Band of Mission
Indians**

San Luis Rey, Tribal Council
1889 Sunset Drive Luiseno
Vista, CA, 92081
Phone: (760) 724 - 8505
Fax: (760) 724-2172
cjmojado@slrmissionindians.org

**Santa Rosa Band of Cahuilla
Indians**

Lovina Redner, Tribal Chair
P.O. Box 391820 Cahuilla
Anza, CA, 92539
Phone: (951) 659 - 2700
Fax: (951) 659-2228
Isaul@santarosa-nsn.gov

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed The Cove Laguna Niguel Project, Orange County.

Native American Heritage Commission
Native American Contact List
Orange County
4/7/2021

***Soboba Band of Luiseno
Indians***

Joseph Ontiveros, Cultural
Resource Department
P.O. BOX 487
San Jacinto, CA, 92581
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov

Cahuilla
Luiseno

***Soboba Band of Luiseno
Indians***

Isaiah Vivanco, Chairperson
P. O. Box 487
San Jacinto, CA, 92581
Phone: (951) 654 - 5544
Fax: (951) 654-4198
ivivanco@soboba-nsn.gov

Cahuilla
Luiseno

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed The Cove Laguna Niguel Project, Orange County.



CITY of LAGUNA NIGUEL

Community Development Department
30111 Crown Valley Parkway / Laguna Niguel, California, 92677
Phone / 949-362-4300 Fax / 949-362-4369

CITY COUNCIL

Mayor Fred Minagar
Mayor Pro Tem Elaine Gennawey
Council Member Kelly Jennings
Council Member Sandy Rains
Council Member Risch Paul Sharma

June 18, 2021

Heidi Lucero
Juaneno Band of Mission Indians Acjachemen Nation - Romero
Cultural Resources Director
31411-A La Matanza Street
San Juan Capistrano, CA, 92675

RE: AB-52 Consultation Request for the Cove at El Niguel Residential Project, City of Laguna Niguel, Orange County, California.

Dear Ms. Lucero:

The City of Laguna Niguel will be considering a 22-unit residential subdivision on 4.2 acres referred to as The Cove at El Niguel, located on Crown Valley Parkway at Playa Blanca, opposite the intersection with Paseo Del Niguel (see Map 1). The Project is located within the southwestern portion of the San Juan Capistrano 7.5-Minute Topographic Quadrangle Map (USGS, 1968, photo revised 1981) (see Map 2). This Project will be reviewed pursuant to CEQA and the CEQA Guidelines.

PROJECT DESCRIPTION

The Applicant proposes 22 homes (duplex and triplex configurations) on 2 acres, preserving approximately 2.2 acres as open space. The proposal is consistent with the existing General Plan and Zoning requirements. A conceptual site plan is presented as Map 3.

The Project site was originally graded and developed around 1979 as a 10-building townhome project with 41 condominiums. On March 19, 1998, a large landslide destroyed part of the former 41-unit condominium development on the Project site, as well as nine (9) single-family homes located above the Project site. A Google Earth image from 1994 (Map 4) shows the Project site in its previously developed condition, including the nine single family homes above the site.

Following the landslide, the entire 41-unit condominium project was demolished to perform grading necessary to stabilize the former landslide. The landslide was repaired between 1998 and 2000 and involved installation of a caisson wall with tieback anchors, removal of the 10 condominium buildings and associated structures, partial removal of the landslide mass, installation of subdrains, and construction of a compacted fill buttress. The Project site has remained vacant since the landslide repair.

The proposed development will avoid the 2.2 acres in the northern portion of the site, which consists of former landslide mass. This area will remain as open space. At the toe of the landslide mass a Mechanically Stabilized Earth (MSE) wall will be constructed. The 2-acre project site will include approximately 19,960 cubic yards of cut and 19,830 cubic yards of fill to create 8 buildable pads. The grading will balance on the Project site taking into consideration soil shrinkage.

The City is contacting the Band of Mission Indians Acjachemen Nation because the Native American Heritage Commission identified your tribe as traditionally and culturally affiliated with the geographic area of the proposed Project. Under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)), also known as AB 52, the Lead Agency, City of Laguna Niguel, is offering consultation with the Band of Mission Indians Acjachemen Nation because the Project is located within your traditionally and culturally affiliated territory. Please consider this letter and preliminary Project information as the formal notification of the proposed Project.

A records search was conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) located at California State University, Fullerton on May 5, 2021. The records search did not identify any cultural resources within the Project. The records search identified three cultural resources within ½ mile of the Project. The three resources are prehistoric sites, one is an extensive shell midden, one was an isolated quartz schist slab metate, and the third a mortar site that destroyed in 1976. Additionally, the records search identified five cultural reports that covered the Project area. No cultural resources have been recorded on the Project site.

The NAHC indicated on April 7, 2021 that the Sacred Lands File (SLF) search was positive.

RESPONSES AND COMMENTS

The City would appreciate receiving any comments, issues and/or concerns relating to cultural resources, sacred lands, and tribal cultural resources that you may have within the Project area. All information provided will be kept confidential.

Please respond within 30 days, pursuant to PRC 21080.3.1(d) if you would like to consult on this Project. If you have any questions or concerns with the Project, please do not hesitate to contact me, my full contact information is provided below:

AGENCY CONTACT INFORMATION

Erica Roess
Senior Planner
City of Laguna Niguel
30111 Crown Valley Parkway
Laguna Niguel, CA 92677
eroess@cityoflagunaniguel.org
Tel: 949-362-4067

Thank you for your attention to this matter.

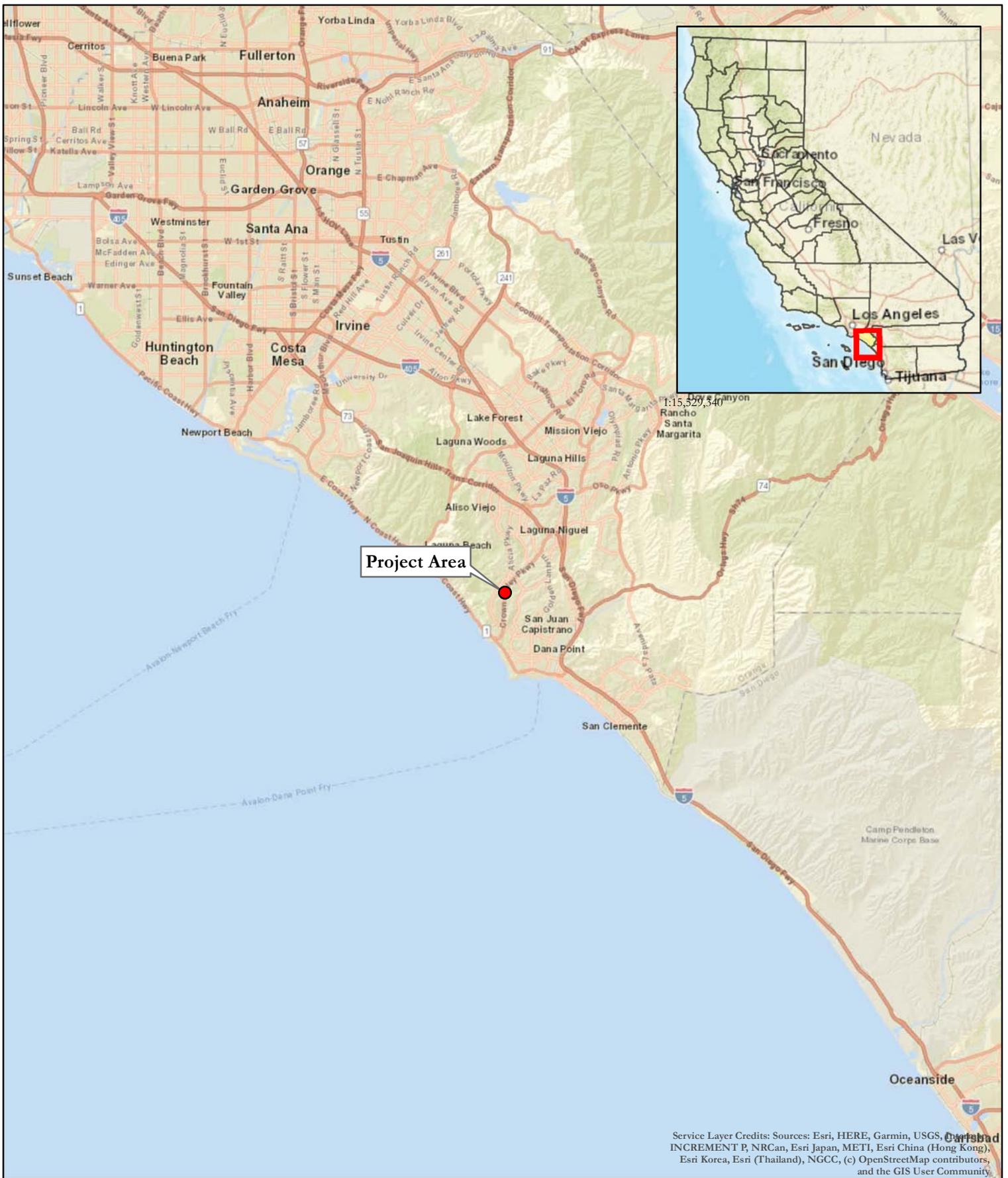
Sincerely,



Erica Roess
Senior Planner

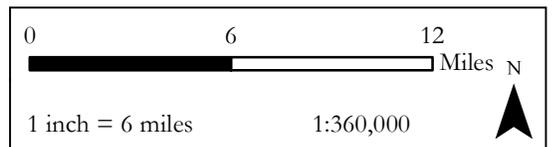
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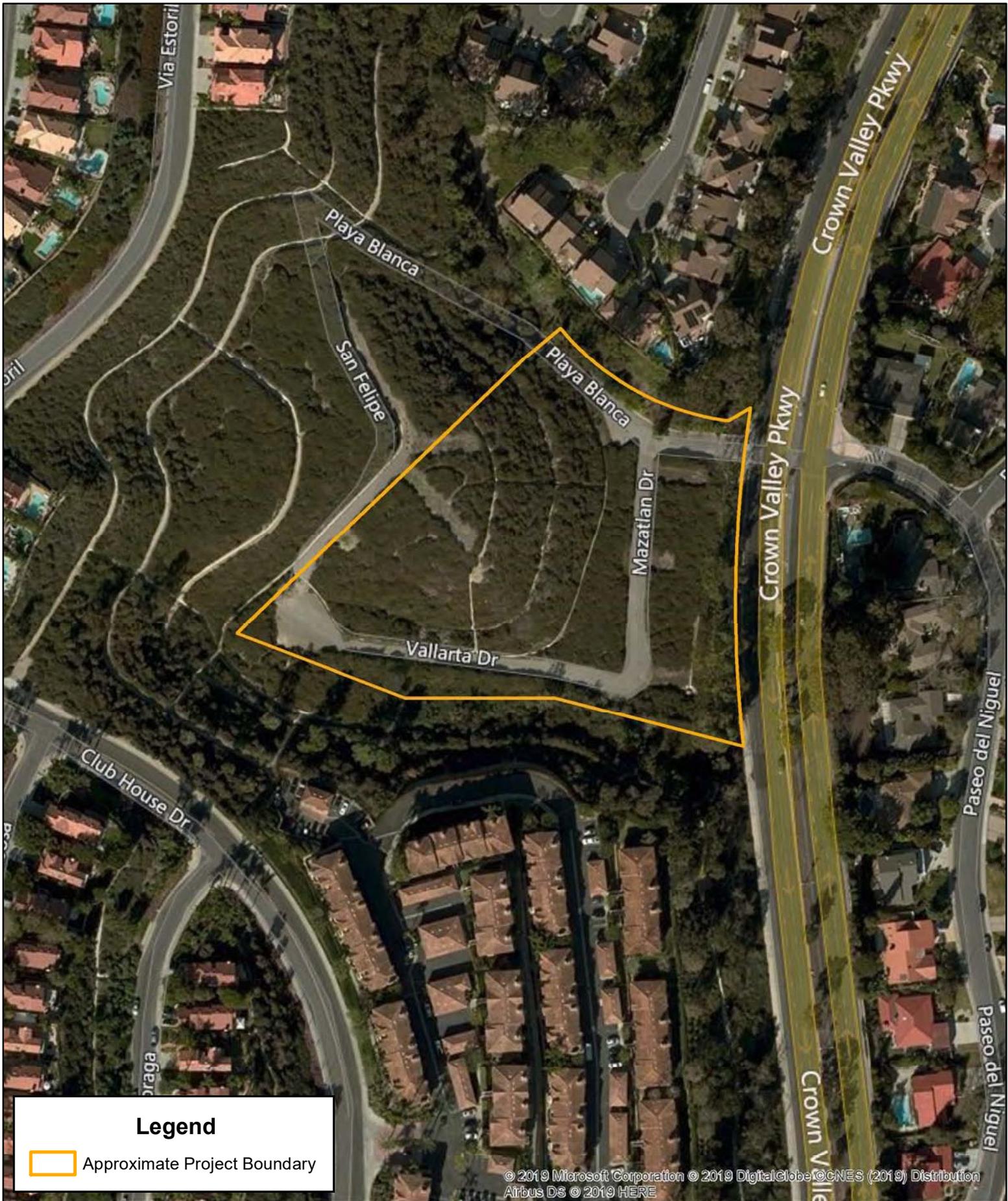
- Map 1 - Vicinity map
- Map 2 - Location map
- Map 3 - Conceptual Site Plan
- Map 4 - Google Earth Aerial Image –1994



Map 1 - Project Vicinity
 The Cove, Laguna Niguel, C-0358

● Project Area





Legend

 Approximate Project Boundary

© 2019 Microsoft Corporation © 2019 DigitalGlobe © CNES (2019) Distribution Airbus DS © 2019 HERE

GIS Prepared By:
Carlson SLS

Created: July 17, 2019



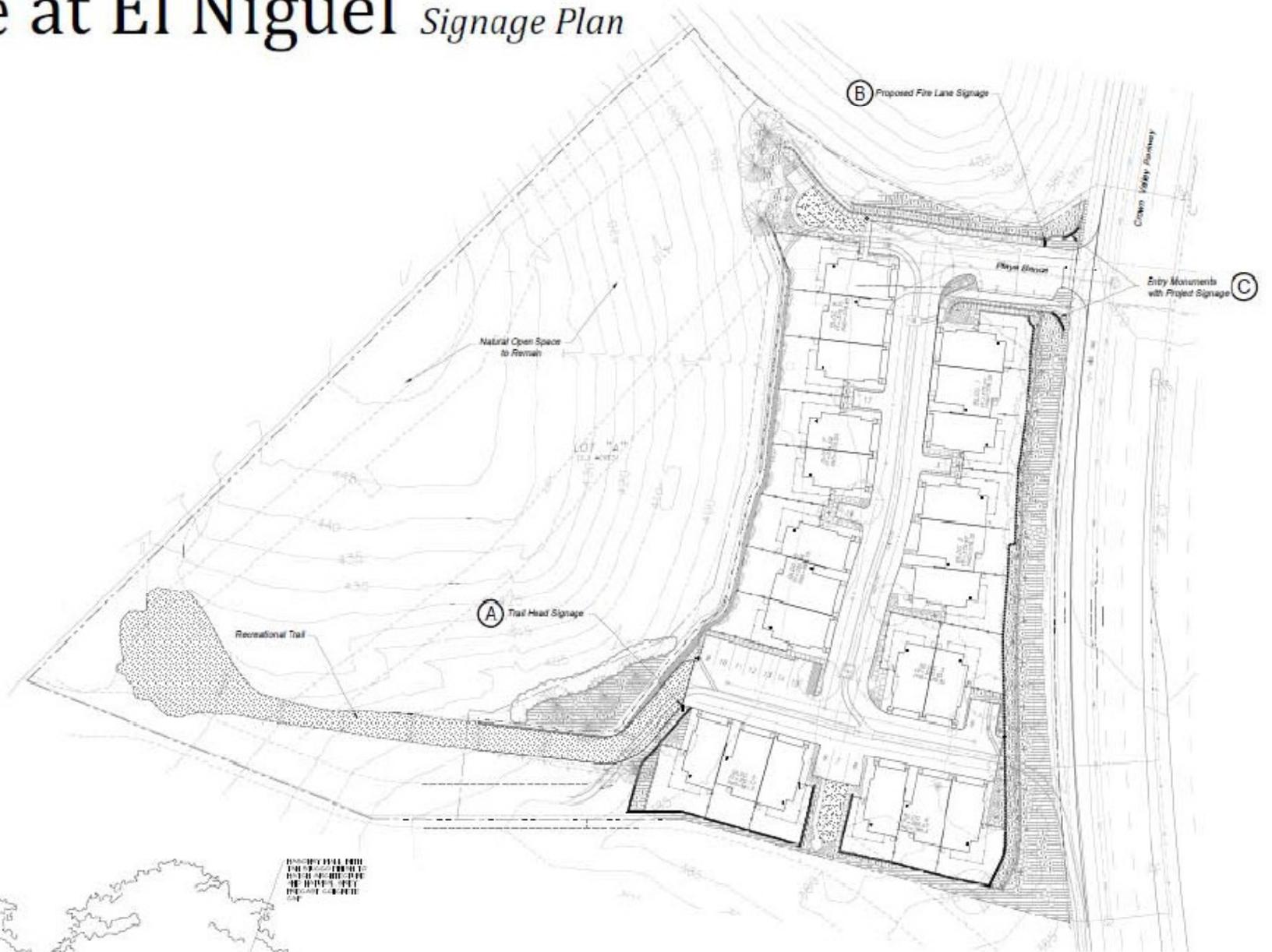
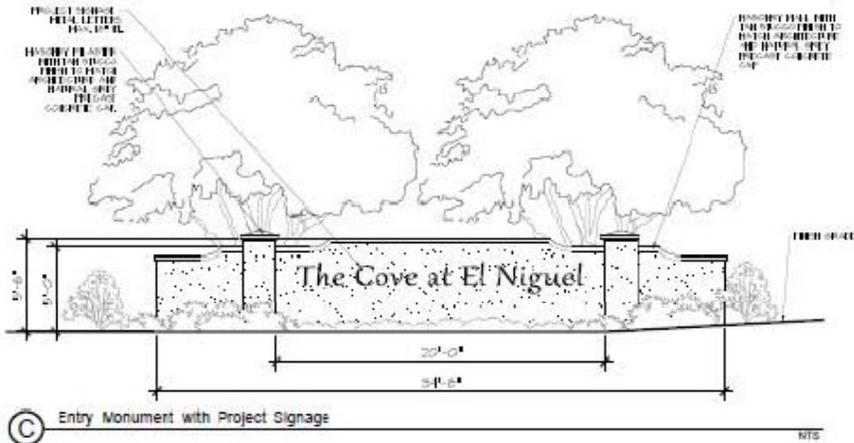
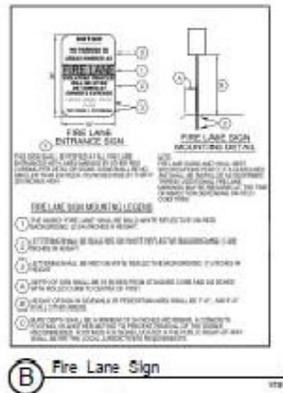
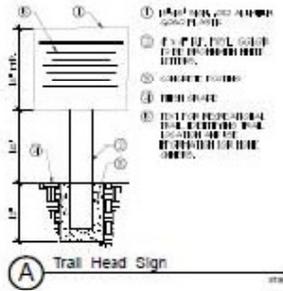


0 25 50 100 150 200 Feet
1 inch = 150 feet

Data Source: Bing Maps
Field Visit (7/18/19)

The Cove at El Niguel
Project Site Location Map

The Cove at El Niguel Signage Plan





Re: SB 18 Consultation Follow-Up: The Cove
Heidi Lucero Heidi.Lucero@csulb.edu
To: Morgan Bender Morganbender@dukecrm.com

Yes we do can we make an appointment for Monday afternoon?

Get [Outlook for iOS](#)

From: Morgan Bender <Morganbender@dukecrm.com>
Sent: Thursday, July 8, 2021 4:23:08 PM
To: Heidi Lucero <Heidi.Lucero@csulb.edu>
Subject: SB 18 Consultation Follow-Up: The Cove

You don't often get email from morganbender@dukecrm.com. [Learn why this is important](#)

CAUTION: This email was sent from an external source.

Good afternoon,

This is a follow-up email for an SB 18 consultation request you received on June 22. The proposed project is called The Cove in Laguna Niguel. Please let me know if you would like to consult on this project.

Thank you,

Morgan Bender

Archeologist

DUKE CULTURAL RESOURCES MANAGEMENT



18 Technology Dr., Ste. 103

Irvine, CA 92618

949-356-6660

sommergray@dukecrm.com

***** DUKE CRM is open for business and we can support the on-going operations of our clients. We are observing all local, state, and federal mandates regarding COVID-19, so that we do not jeopardize the health of our employees. Please contact us if we can be of assistance. *****

Re: The Cove at Laguna Niguel AB 52
Joyce Perry kaamalam@gmail.com
To: Morgan Bender Morganbender@dukecrm.com

Good Afternoon,

I am writing on behalf of the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes in response to your letter regarding "The Cove at El Niguel" project. We wish to consult on this project as it moves forward. Laguna Niguel is located in the core of our traditional and cultural territory. Due to this fact and due to the three prehistoric resources located within 1/2 mile of the project site, we request that a representative from the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes is retained to provide monitoring services during all ground disturbing activities. Thank you and we look forward to hearing from you.

Húu'uni 'óomaqati yáamaqati.
Teach peace
Joyce Stanfield Perry
Payomkawichum Kaamalam - President
Juaneño Band of Mission Indians, Acjachemen Nation
Tribal Manager, Cultural Resource Director

On Thu, Jul 15, 2021 at 2:00 PM Morgan Bender <Morganbender@dukecrm.com> wrote:

Hi Joyce,

Here is the AB 52 letter sent out 6/19 regarding the Cove project. Let me know if you have any questions.

Morgan Bender

Archeologist

DUKE CULTURAL RESOURCES MANAGEMENT



18 Technology Dr., Ste. 103

Irvine, CA 92618

949-356-6660