Appendix D:
Cultural Resources Technical Report

Cultural Resource Assessment
and Paleontological Review:
Capistrano Hillside Project (TTM16970 / SDP07-06)
City of Dana Point, California

U.S.G.S. Dana Point, California USGS 7.5-minute Topographic Quadrangle Map
2+/- Acre Study Area

Prepared for:

City of Dana Point
33828 Golden Lantern
Dana Point, CA 92629

Contact: Kurth B. Nelson III, Senior Planner

Prepared by:

Michael Brandman Associates
621 East Carnegie Drive, Suite #100
San Bernardino, CA 92408
909.884.2255

Michael H. Dice, M.A., Senior Archaeologist. Registered Orange County Archaeologist

Michael Brandman Associates

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MANAGEMENT SUMMARY

At the request of the City of Dana Point, Michael Brandman Associates (MBA) has conducted a cultural resource survey for a proposed development project in the City of Dana Point, County of Orange, California. The proposed Capistrano Hillside Project is located on a thin strip of land at the intersection of Camino Capistrano and Via Canon opposite (south from) the Camino Capistrano undercrossing below Highway 1. The Tentative Tract Map, known as TTM #16970/TTM07-01, is located on a parcel known as Assessor's Parcel Number (APN) 691-401-37, and the total project acreage is little under two (2) acres. The proponent wishes to develop a small residential subdivision with 11 planned for single-family dwellings. Proposed access to the new development would be off Via Canon as a private street. Retaining walls will be required to stabilize cuts created during project-related excavations. Although the specific details of construction are not available at this time, mass grading, recompaction, and utility trenching are anticipated during project-related construction activities.

Although no cultural resources were observed during the survey of this property, the land may be subject to environmental compliance that requires a Section 106 (federal-level) cultural resource evaluation in addition to CEQA, Coastal Commission, and/or City of Dana Point ordinances. Therefore, this report has been written to meet any guidelines associated with federal, State, and city cultural resource requirements.

MBA Senior Archaeologist Michael H. Dice M.A. conducted a cultural resource records search on February 10, 2010 at the South Central Coastal Information Center (SCCIC), which is located in the Department of Anthropology on the campus of the California State University, Fullerton. This research effort indicated that cultural resources have not been recorded previously and a professional archaeologist has not yet surveyed the project site. The project site was surveyed on February 10, 2010. The parcel is located on an extremely steep slope that rises to the historic Capistrano Beach Palisades housing tract from the ancient floodplain of San Juan Creek. It appears to have been vacant since the Palisades Tract was platted but has been graded historically about one-third up the slope to reduce erosion that once plagued the old lots placed on the north and northwestern edge of the Tract. The Palisades Tract itself was created about 1924 but not fully built out until the early 1980s.

A Sacred Lands search with the Native American Heritage Commission (NAHC) took place on February 24, 2010 as part of this study: this was associated with fact-finding only. In a response dated March 1, 2010, the NAHC noted that no sacred sites are listed within or near the project area. The NAHC named eight tribal contacts that might have additional information, and MBA staff sent letters to each on March 4, 2010 and again on March 17, 2010. Two direct responses were obtained from different subgroups of the Juaneño Band of Mission Indians, Acjachemen Nation as a result of our query. On March 24, 2010 Mr. Jim Rivera, Cultural Resource Officer representing the Juaneño

Band of Mission Indians, Acjachemen Nation, personally revealed to us that the project location is in close proximity to important and sensitive tribal use areas and known exposures of cultural artifacts. Mr. Rivera recommended that he serve as the lead Acjachemen Nation Native American monitor during any project-related ground disturbing activities. During a separate phone interview on that same date, Ms. Joyce Perry and Chairman David Belardes, who represent a separate subgroup of the Juaneño Band of Mission Indians - Acjachemen Nation, personally commented on the project. Chairman Belardes told us that the project location is in close proximity to important and sensitive tribal use areas and known exposures of cultural artifacts. Chairman Belardes and Ms. Perry recommended that a representative from their group be present, serving as a Native American monitor, during any project-related ground disturbing activities.

Although prehistoric resources are not located on the surface of the project site, such resources do occur in the area and two different representatives of the Juaneño Band find that the area is culturally significant for the tribal members they represent. It is therefore recommended that a qualified archaeologist monitor any and all rough grading that is developmentally-related to this project. Should potentially significant buried cultural resources be uncovered, such resources (excluding isolated artifacts), should be tested for historical significance prior to continued impact. In addition, California State Health and Safety Code Section 7050.5 dictates that if human remains are discovered during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section (PRC) 5097.98.

MBA staff discussed the issue of Native American monitoring with Mr. Kurdt Nelson, City of Dana Point Senior Planner on March 29, 2010. MBA understands the City of Dana Point may decide to condition the project for Native American monitors. Because MBA cannot determine the Juaneño representative best suited for Native American monitoring, we urge the City to consider rotating interested and qualified Juaneño representatives into the project area if the City decides to require Native American monitoring as part of the package of mitigation measures.

Field examination of the project area showed that the exposed slope are likely fossiliferous. An examination of certain geological maps was undertaken by MBA for the purposes of assessing the potential for impacts to sensitive paleontologic resources during construction-related grading and trenching. In addition, Samuel McLeod PhD. of the Natural History Museum of Los Angeles County (NHM) provided us with a letter summary of the project area. The paleontological reviews showed that the rock type exposed in the project parcel consists of the siltstone facies of the late Miocene Capistrano Formation (*Tcs*), which is a marine formation that is highly fossiliferous under certain lithological conditions. This Formation has potential for fossil resources at all depths of development. The unit is capped by Quaternary terrace deposits that are also sensitive for fossil resources. Therefore, we recommend that the project site be monitored for impacts to paleontological resources once project-related excavation begins. The monitoring paleontologist, at his or discretion,

may cease monitoring activities if he/she determines that the buried strata is of a type or lithology that has little to no potential for fossils. If fossils are found, they should be collected without impeding development. Any fossils recovered during the monitoring effort should be deposited in an accredited and permanent scientific institution.

SECTION 1:
INTRODUCTION

At the request of the City of Dana Point, MBA has conducted a cultural resources survey and a paleontological review for a proposed developmental project in the City of Dana Point, California. The project is known as the Capistrano Hillsides Project (TTM 16970 / TTM07-01), which will result in the creation of a subdivision of 11 single-family residential lots on a little under 2 acres of land. The project parcel consists of a thin strip of land located at the intersection of Camino Capistrano and Via Canon opposite (south from) an undercrossing running beneath the Highway 1-Interstate 5 on-ramp.

1.1 - RESOURCE ASSESSMENT GOALS

This report closely follows the California Office of Historic Preservation (OHP) procedures for cultural resource surveys and the OHP's Archaeological Resource Management Report (ARMR) reporting format. This study also fulfills sections of the City of Dana Point General Plan update (dated January 2006) associated with cultural and paleontological resources under City jurisdiction. This report is organized into sections and appendices, which are summarized as follows:

- Section 1 introduces the project, the location, and the cultural resources team.
- Section 2 summarizes the environmental and cultural setting.
- Section 3 presents cultural resource and paleontological resource compliance background and investigative methods.
- Section 4 provides the research design and fieldwork results.
- Section 5 provides the research summary and management recommendations.
- Section 6 contains the project certification.
- Section 7 presents a reference list.
- Appendix A provides personnel qualifications.
- Appendix B provides required cultural resource compliance documents.
- Appendix C provides recent photographs of the project area.

SECTION 2:
ENVIRONMENTAL AND CULTURAL SETTING

2.1 - PROJECT LOCATION

The project site is located on the edge of the Palisades section of the City of Dana Point known as Capistrano Beach, and rests on a slope overlooking the lower ancient floodplain of San Juan Creek (Exhibit 1). The property is known as APN 691-401-37 and is shown on the Dana Point, California, California United States Geological Survey (USGS) 7.5-minute topographic quadrangle map (1976, photorevised 1979), in an unsectioned portion of Township 8 South; Range 7 West (Exhibit 2). The entire project site is steeply sloped toward the north. The project site does not now exhibit any structures nor were any built upon it since at least since 1948. The property exhibits green stands of weeds, grasses and native plants (Exhibit 3), and shallow gullies with denser vegetation. A center section of the property was excavated by a bulldozer prior to 1980, forming a cut and berm, apparently built to direct any runoff more slowly toward Camino Capistrano Street to the west. This act likely prevented incising erosion and loss of soil as well as erosion of the parcels located in the higher-elevation lots to the south.

2.2 - HISTORIC AND PREHISTORIC BACKGROUND

The development of a regional chronology in southern California is an understudied but important topic of regional archaeological research. Limited by the small quantity of stratified sites and a general lack of dateable samples and artifacts, current southern California chronologies are, in our view, substandard and of little use for model building. In his recent book on California prehistory, Fagan (2003) does not utilize the archaeologists' traditional cultural sequences for his regional analysis, choosing instead to describe the stages in cultural evolution as generalized models related to recent environmental change and socio-economic models associated with the changing environment. Regardless of this new paradigm, regional archaeologists generally follow Wallace's Southern California format (Wallace 1955, Warren 1978). The ultimate purpose of cultural sequencing should be to allow for meaningful comparisons of material culture attributes on an intra- and inter-site basis, and to provide the basis for culture-model building. However, the loosely established timeframes for each period are regularly challenged, as are the meaning of the individual frames of reference.

Wallace's prehistoric format is as follows:

- Early Period (before 6000 B.C.)
- Millingstone Period (6000 to 3000 B.C.)
- Intermediate Period (3000 B.C. to A.D. 500)
- Late Prehistoric Period (A.D. 500 to A.D. 1769)

Wallace also argued (Wallace 1978) that the stages prior to 2000 B.C. in southern California could be assigned to:

- San Dieguito Period (Period I: 9000 to 6000 B.C.)
- Standard Millingstone Period (Period II: 6000 to 3000 B.C.)
- Modified Millingstone Period (Period III: 3000 to 2000 B.C.)

Warren (1968) uses the following terms to subdivide the periods.

- San Dieguito Tradition (before 5500 B.C.)
- Encinitas Tradition (5500 B.C. to A.D. 600)
- Shoshonean Tradition (A.D. 600 to A.D. 1769)

The Late Period has been further subdivided into the San Luis Rey I (A.D.500 to A.D. 1500) and the San Luis Rey II (post 1500). The difference between the latter two is the introduction of locally made brownware pottery, the first indigenous pottery in southern California (Cameron 1999).

Wallace's cultural stages are associated with material culture patterning observed in the archaeological record, which is believed to have taken place in response to a gradual change from a primarily hunting-subsistence mode to a plant gathering and hunting mode. Archaeologists hypothesize (cf Fagan 2003) that specialization and selective exploitation of micro-environments seems to have taken place gradually beginning about 3000 B.C. Tool kits become more skillfully made and variations in tool types increase Statewide. Regional and local specializations appear to become distinct Statewide on or about this time. Although the early history of native Californians is poorly understood, ethnographic patterns derived from such analyses may in the future allow archaeologists to determine when particular sites were occupied in the absence of good radiometric or thermoluminescence dating.

Source: Census 2000 Data, The CaSIL, MBA GIS 2009.

NORTH

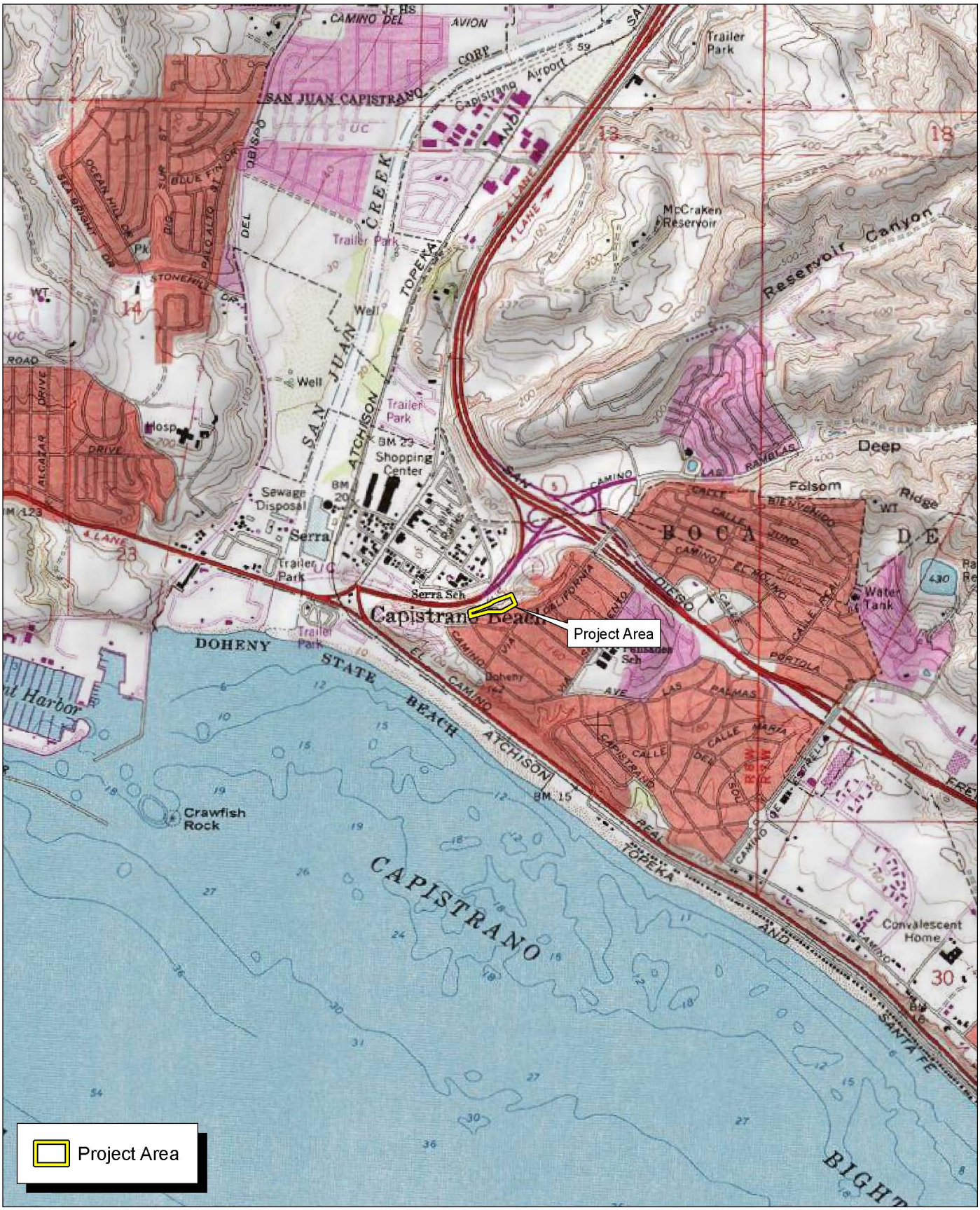
5 2.5 0 5 Miles

Michael Brandman Associates

35430001 • 03/2010 | 1_regional.mxd

Exhibit 1
Regional Location Map

CITY OF DANA POINT • CAPISTRANO HILLSIDE PROJECT
CULTURAL RESOURCE ASSESSMENT



Source: TOPO! USGS Dana Point (1975) 7.5' DRG.

2,000 1,000 0 2,000 Feet

NORTH

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Exhibit 2
Local Vicinity Map
Topographic Base

Source: Google Earth Pro (March 2007).

NORTH

120 60 0 120
Feet

Michael Brandman Associates

35430001 • 03/2010 | 3_Local_Aerial.mxd

Exhibit 3
Local Vicinity Map
Aerial Base

For the purposes of this report, we will follow Wallace's Southern California format for Coastal southern California. Koerper and Drover's (1983) chronology is accepted by local archaeologists and is similar in form.

2.2.1 - Early Period (before 6000 B.C.)

Beginning with the first human presence in California, dated to about 11,000 years ago, prehistoric artifacts and cultural activities appear to represent a big-game hunting tradition. Much has been made of the few sites that exist in contemporary studies, such as Wallace (Heizer 1978). Unfortunately, very few sites from the Early Period exist, especially in inland areas. Of the Early Period sites that have been excavated and dated, most exhibit a refuse assemblage suggesting short-term occupations. Such sites have been detected in caves and around fluvial lakes fed by streams that existed near the end of the last glaciation. Chipped stone tools at these sites are clearly ancient, are not made later in the Prehistoric period, and are surmised to reflect a specialized took kit used by hunters. Large-stemmed bifaces are common. Millingstones and dart points are not part of the Early Period toolkit.

2.2.2 - Millingstone Period (6000 to 3000 B.C.)

The onset of the Millingstone Period appears to correspond with an interval of warm and dry weather known as the Altithermal (Wallace 1978). Artifact assemblages begin to reflect an emphasis on plant foods and foraging subsistence systems because grinding tools are found at these sites. For inland locales, it has been assumed that exploitation of grass seeds formed a primary subsistence activity. Artifact assemblages include choppers and scraper planes, but there are a reduced number of large bifaces in the excavated assemblages. Sites are occupied for a much greater amount of time than Early Period sites, based on an increase in occupational debris.

Although numerous Millingstone sites have been identified in the County, few are actually dated. The best understood of these is CA-ORA-64, which has been dated radiometrically to about 6000 B.C. (Breece et al. 1988). Excavations at this site, located near Newport Bay, have been key in the formulation of local research models (Koerper 1981). Research there suggests that a settlement-subsistence system during the Millingstone Period suggested a semi-sedentary lifestyle. The regional distribution of Millingstone sites reflects the theory that aboriginal groups may have followed a modified central-based wandering settlement pattern. Under this model, large groups would have occupied a base camp for a portion of the year, with smaller bands occupying subsidiary camps in order to exploit resources not generally available near the base camp. Sedentism apparently increased in areas possessing an abundance of resources that were available for longer periods. Arid inland regions would have provided a seasonally and spatially dispersed resource base, restricting sedentary occupation, compared to the coastal areas. Overall, the Millingstone tool kit in the Los Angeles basin is typified by large and heavy deep-basin metates, wedge-shaped manos and large choppers and scrapers. Dart points used for projectiles do not yet exist. Flaked lithic tools are slightly larger and cruder than later periods. Cogstones first appear during this period.

2.2.3 - Intermediate Period (3000 B.C. to A.D. 500)

Dating between roughly 3000 B.C. and A.D. 500, the Intermediate Period represents a slow technological transition likely related to the slowly drying and warming climate. Site artifact assemblages retain many attributes of the Millingstone Period. Technologically speaking, these sites are difficult to distinguish from earlier sites in the absence of radiometric dates. Additionally, these sites generally contain a reduced number large-stemmed or notched projectile points but with an increase in portable mortars and pestles. The lack of large points combined with the mortars and pestles suggest that the aboriginal populations may have harvested, processed, and consumed acorns and other seeds over and above hunting.

Due to a general lack of data, neither the settlement and subsistence systems nor the cultural evolution of this period is well understood. It has been proposed by some researchers that group sedentarism increased with the exploitation of storable high-yield plant food resources such as acorns. The duration and intensity of occupation of base camps increased during this period, especially in the later part of the period. Overall, the Intermediate Period tool kit in the Los Angeles basin is vague, with elements of the Millingstone Period such as heavy grinding implements, and the Late Prehistoric Period seen. A higher percentage of projectile points occur and smaller chipped stone tools are used. It has been assumed for decades that mortars and pestles became commonplace during this period and that most of the bedrock mortars found in southern California were ground out during this period.

2.2.4 - Late Prehistoric Period (A.D. 500 to A.D. 1769)

Extending from about A.D. 500 to Spanish contact in A.D. 1769, the Late Prehistoric Period reflects an increased sophistication and diversity in technology. Village sites are common. Late assemblages characteristically contain small projectile or dart points, which imply the use of the bow and arrow. In addition, assemblages include steatite bowls, asphaltum artifacts, grave goods, and elaborate shell ornaments. Use of bedrock milling stations is purported to have been widespread during this period, as it was in the previous period. Increased hunting efficiency and widespread exploitation of acorns provided reliable and storable food resources. Pottery, previously traded into the area, is made locally during the latest stage of this Period and is of simple construction technology. Cameron (1999) names several village sites in inland Orange County that are located within Juaneño territory. These exhibited pottery, which suggests that the pre-contact Juaneños may have used pottery as a part of their lifestyle.

One of the key reasons for understanding how culture change is perceived archaeologically is from the standpoint of determining where the ancestors of living indigenous Native Americans came from. Nothing can illustrate this concept better that to examine the Shoshonean wedge concept as first proposed by Kroeber (1925). Because the root languages of the indigenous southern Californians are of two types, Hokan and Uto-Aztecan, and because southwest Uto-Aztecan presence in Nevada, Arizona, etc. is dated prehistorically late, it is assumed that Uto-Aztecan speakers entered southern California (about A.D. 700 to 1400) hundreds of years before the Spanish explored the coast.

Without an analysis of specific cultural markers derived from dated Orange County sites, it is not possible to distinguish between culture-material artifact assemblages of newly in-migrated groups and their antecedents.

2.3 - NATIVE AMERICAN BACKGROUND

2.3.1 - The Pre-contact Juaneño

The study area lies within the traditional territory of the Native American group known as the Juaneño, which were Luiseño-speaking groups traditionally associated with the Mission San Juan Capistrano (Bean and Shipek 1978). In 1800, approximately 1,300 Juaneño resided at the Mission, and Mission registers list 4,000 Native Americans interred in the mission cemetery (Englehardt 1922). The Juaneño spoke a form of the Takic language group, as did the neighboring Gabrielino and other Luiseños. Like their neighbors, the Juaneño were a hunter-gatherer society that seasonally migrated to exploit seasonal food resources. During these migrations, the Juaneño would inhabit temporary basecamps from which they would venture for resource exploitation. By 1873, only 40 Juaneño were associated with the Mission (Ames 1873). However, a number of villages further inland remained inhabited (Wheeler 1879) and were marginally tied to the Mission effort. In the 1930s, an estimated 300 Mission-descended Juaneño resided in Orange County (Yorba 1936) and lived mostly near the Mission grounds.

Millingstone, Late Prehistoric and Juaneño ancestors were known for purposefully shaping stone objects for domestic use and as sacred objects. Pestles have been found at Millingstone and Late Prehistoric sites and pestles isolated from their context could be up to 7,000 years old. Pestles were used to pound foodstuffs or minerals and are associated with bedrock mortars. Tool complexes were originally thought to represent different time periods and/or geographic ranges of prehistoric peoples, but research has shown the milled stones are not generally indicative of a specific took kit (cf. True and Beemer 1982). Researchers have argued that the mortar and pestle formed the basic domestic toolkit for post-contact peoples (Campbell 2004): use of the pestle was a common photographic depiction amongst early California cultural photographers. These pictures typically showed a woman sitting down at a mortar with a large stone pestle in her hand. Millingstone Horizon peoples used expedient milling tools with little formality (Fagan 2003). Later periods saw form formalized milling tools and objects known as discoidals (Fagan 2003). Meighan (2000) states that smaller pestles (10-15cm in length) are associated with boulder mortars and that they are common in certain late Millingstone Horizon sites.

Our review of published literature has shown that such pestles are actually uncommon in most southern California archaeological sites. Pestles were probably an extremely useful tool, were easily transported from place to place, and they were probably used until they wore out or snapped.

2.4 - HISTORIC BACKGROUND

The history of Dana Point, San Juan Creek and the Capistrano Beach areas are reviewed in Walker (2007), OCHS (2005), with additional information on the website of the Dana Point Historical Society. The history of Orange County is retold in Armor (1921), Englehardt (1922) and Hallen-Gibson (1986).

The history of the City of Dana Point, and the Juaneño people, is intimately tied to the Mission, which was consecrated on November 1 1776, which made it the seventh Franciscan Mission in southern California. The missionaries divided local coastal tribesman into two groups based on their proximity to area missions: the Juaneños and the Gabrielino. The original purpose of the Franciscans was to establish a presence (a fort and church) for the purpose of converting souls, and to gain access to local resources. The location of this Mission was chosen on the basis of reliable fresh water supplies, arable land, and a native population of converts to do the work of the church and its outposts. The success of the San Juan Mission is revealed in records of 1796 that count nearly one thousand Indian neophytes living in or near the Mission compound and working the various farming, herding, candle and soap making, iron smelting, and weaving and tanning operations. In that year, 1,649 baptisms were recorded. The slowly increasing population led to the building of numerous adobe homes for the native and intermarried families with ties to the Mission. In 1807, 34 adobes were built or remodeled. Records from 1811 reveal a prosperous year, with the Mission producing many tons of wheat, barley, corn and beans, and thousands of head of cattle, sheep and horses.

Mexican independence in 1821 eventually forced the original Spanish landgrant system to collapse and the Mission lands were divided amongst political appointees (the Secularization Act of 1833). The prosperity of the Mission San Juan Capistrano declined as did the area population. The region was divided into ranchos, including Rancho Niguel and Ranch Boca de la Playa In 1841, the Rancho Capistrano was designated a Mexican pueblo or township rather than a religious parish. It is temporarily renamed San Juan de Arguello after a former unpopular administrator, Santiago Arguello. Arguello was despised for nepotism and allowing the Argentine pirates to loot and humiliate the town. For his trouble, Don Arguello is granted Rancho Trabuco (future Mission Viejo and Rancho Santa Margarita). In 1845, Mission San Juan Capistrano and its lands were sold to John Forster, an Englishman who had married the governor's sister and who eventually would own nearly 250,000 acres across three counties. In 1846, considered rather ungovernable in the waning days of Mexican California, Emigdio Vejar is granted Rancho Boca de la Playa (future Dana Point, San Clemente and southern San Juan Capistrano) and Teodocio Yorba is granted Rancho Lomas de Santiago (future part of Irvine Ranch) by Mexican Governor Pio Pico. Later in that year, Governor Pico flees California ahead of invading American forces after taking refuge in Santiago Canyon and on Trabuco Mesa. Additional American forces under the command of Major John C. Fremont march north towards Los Angeles.

The failure of Mexico to hold onto California after the Mexican-American War (essentially concluded by 1848 but lost two years earlier) resulted in statehood in 1850. The town of San Juan initially became plagued by squatters, drifters and bandits as it was one of the few stopping and resupply points on the trail between San Diego and Los Angeles. The ranchos also brought cowboys into town on Saturday nights who caused drunken brawls in the streets. Bandits and stagecoach robbers were plentiful and it was said that until the 1920's, San Juan had "one good murder a year." American expansion into California led to rapid growth with homes, stores and a hotel being built. A number of board and batten homes were built next to Mission era adobes in the Los Rios District. Part of the Miguel Yorba adobe on Camino Capistrano became an overnight stage stop. Cattle raised on nearby ranchos were driven north and sold at great profit to feed prospectors.

Drought in the mid 1860s led to the decline of the ranchos and once the Civil War was over, land was sold by the old Californio families to settlers interested in farming. The Homestead Act and inviting travel guides caused an increase in the number of easterners. Railroads lowered fares to unheard-of levels in order to entice moneyed Eastern buyers to California in order to sell railroad-owned and syndicate-owned lands. By the 1880s acres of tree crops had been planted within the town limits. The California Central Railroad (1887) brought local access to markets in Los Angeles and helped to create a short-lived land speculator boom that would collapse at the end of the 1880's. The Southern California (Surf Line) railroad was able to link San Diego and Los Angeles in the late 1880s.

The early 20th Century saw a period of marked agricultural stability in southern Orange County, but the Mission buildings were in terrible condition. Earthquakes, division of former Mission property and lack of use caused the Mission to appear decrepit. Despite an early attempt stabilization effort by the local "Landmark Club," it was not until Father John O'Sullivan restored the structures (1910) and revitalized the local community that a preservationist movement began to take hold.

2.4.1 - A Short History of the City of Dana Point and the Community of Capistrano Beach

According to Gudde and Bright (2004) the Headlands and the cove associated with the mouth of San Juan Creek were not prominent enough during the Spanish period to be mapped. The bay was known to the Spanish chroniclers of Mission San Juan Capistrano as *Bahia San Juan Capistrano*, but it was not given an official name until a Coastal survey used the tip of the Headlands as a triangulation point on or about 1884, naming it Dana. The Capistrano topographic map (1902) cartographers applied the name *San Juan Capistrano Point* to the top of the Headlands and *Dana Cove* to the cove, so it wasn't likely to have been a commonplace name until developers began advertising lots for sale beginning in the mid 1920s.

Incorporated in 1989, the area was purportedly named after Richard Henry Dana Jr. (1815-1882), a Harvard-trained lawyer, seaman, and author of the classic 1840 sea journal, "Two Years Before the Mast," (Walker 2007). The City is composed of three communities from northwest to southeast:

Monarch Beach, Dana Point and Capistrano Beach. The area exhibited Orange County's only natural anchorage at the mount of San Juan Creek. In 1923, Los Angeles Times publisher Harry Chandler and General M.H. Sherman, Director of the Pacific Electric Railway Company created a real estate syndicate to develop the Hollywood Hills. Sidney H. Woodruff, already a prominent Los Angeles homebuilder, was hired to lead the Hills project. In 1926 Woodruff, Anna Walker and E.L. Doheny created the Dana Point Syndicate and invited a select group of rich businessmen and real estate investors to join them in purchasing 1,388 acres of land, some of which included the famous Dana Point Headlands. Tree-lined and paved streets, electricity, telephones, sidewalks, water mains, storm drains, sewers and other amenities were promised (see images in Appendix C). Woodruff built 35 homes and a number of commercial buildings in what is now the downtown core area. Many of these "Woodruff" houses are concentrated in a Dana Point *Lantern Village* area - those that exist today are considered locally significant historic buildings - and the streets are named after different colored ship signaling lanterns. His crowning structure was to be the Dana Point Inn, a Mediterranean-like resort hotel. After the groundbreaking in 1930, a three-story foundation was poured and a 135-foot elevator shaft was excavated. Unfortunately, Depression-related financial panics caused construction to halt and although Woodruff continuously sought financial support through the years, the project was abandoned in 1939. Subsequently, Woodruff sold the remaining holdings of the Dana Point Syndicate to other developers.

In 1928, a corporation developed by oil tycoon Edward Doheny purchased a number of lots on a bluff in what was to become the Capistrano Beach community. Son Ned Doheny formed a development company, the Capistrano Beach Company, which included his wife's twin brothers, Clark and Warren Smith and Luther Eldridge, a contractor, to build a community of Spanish style houses. Eldridge favored two dominant characteristics in his homes, a typically Spanish roofline and the use of large ceiling beams in the houses' main rooms. The roofs were covered with red ceramic tiles, incorporated a low-pitched gable roof, spreading out to one short and one long roof. Eldridge was able to complete the original Doheny family house on the Bluffs above the beach (now known as the Palisades), four houses on the beach, and 18 other homes scattered throughout the area before Ned Doheny was murdered. In 1931, as a memorial to Ned, the Petroleum Securities Company, the family-owned business, made a gift of 41.4 beach acres to the State of California, a place now known as Doheny State Park. The unimproved Capistrano Beach and Palisades properties passed back to Edward Doheny and upon his death in 1935, to his wife and heirs. By 1944, all of the properties had been sold to private parties.[1]

It must be noted that development within the Dana Point area was, in the 1920s and 1930s, difficult to achieve. Although the railroad had pushed a track through San Juan Capistrano to San Diego in the latter part of the 19th Century, little electricity and fresh water supplies were available to potential

[1] Advertisements for the sale of lots in the Capistrano Beach [Palisades] section are known on the Los Angeles Times' website as early as 1923. In 1948, many of these lots were still for sale at less than $750 each.

residents. During this period California beachfront properties, outside of those found in Santa Monica and Long Beach, did not receive the acclaim accorded today because of a lack of basic residential necessities that were available to City dwellers. Development of lots in the Palisades region would not begin in earnest until the late 1950's when homeowner co-ops' were able to link their properties to private water and sewer systems, and after swaths of Highway 101 had been converted from a two-lane blacktop road to a two-lane both-directions freeway. Interstate 5 did more to foster the population growth and land price hikes in this area than any other single cause in its entire history. The last lots in the Capistrano Beach tract were built upon in the 1980's.

2.4.2 - Historic Aerial Photograph Review

A set of archival aerial photographs located on the www.historicaerials.com website were reviewed to provide background information on the development of the project site. These photos are dated 1946, 1952 and 1980. The photographs were evaluated for:

1. The types of agricultural practices taking place on the property that might have an effect on the condition of the land through time, and;
2. Landform condition and the effects of erosion, and;
3. The existence of structures that might have been demolished after the photo was taken.

The 1946 aerial photo (Exhibit 4) shows that none of the streets surrounding the project parcel had been paved, except for Camino Capistrano. Via California and Via Catalina had been formalized, possibly covered in crushed gravel or macadam, and exhibited small plants (palms? oranges?) bordering the street right-of-way. Via Canon was a narrow dirt lane rutted by erosion. Less than 5% of the Palisades had been built upon as of this date.

The parcel can be discerned in the 1946 aerial and exhibited grassy vegetation (no trees) and parts of the hillside seem to have slumped. Numerous small cuts and rivulets incise the entire property. The 1952 aerial photo view on-line shows that all streets surrounding the project parcel had been paved, including Via Canon, Camino Capistrano, Via California, and Via Catalina, but the Highway 1 overcrossing did not yet exist and less than 10% of the Palisades Tract had been sold and built upon. The parcel exhibited grasses and low brush but not the blanket of vegetation as it is today. Numerous small cuts and rivulets incise the entire property: some of the cuts are near the northwestern edges of Via California.

The 1980 aerial photo (see www.historicaerials.com) shows that the property is essentially as it looks today. The majority of the vacant lots in the Palisades Tract had been sold and built upon. Two to three lots overlooking the project area were still vacant. The project area exhibited a thick vegetative cover and the house at 26246 Via Canon was in existence.

Source: historicaerials.com

NORTH

120 60 0 120
Feet

Michael Brandman Associates

35430001 • 03/2010 | 4_HA_1946.mxd

Exhibit 4
Historic Aerial: 1946

SECTION 3:
CULTURAL RESOURCE COMPLIANCE AND INVESTIGATIVE METHODS

3.1 - THE FEDERAL LEVEL OF HISTORIC ANALYSIS: SECTION 106.

Federal agencies are required to consider the effects of their actions on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under National Historic Preservation Act (NHPA) Section (§)106 process. Federal agencies are responsible for initiating Section 106 review and completing the steps in the process that are outlined in the regulations. Furthermore, Section 106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on historic properties listed in or eligible for the National Register of Historic Places (NR). Under Code of Federal Regulations (36 CFR) Part 800.8, all federal agencies are specifically required to coordinate compliance with Section 106 and the National Environmental Policy Act (NEPA) process. The implementing regulations "Protection of Historic Properties" are found in 36 CFR Part 800. Resource eligibility for listing on the NR is detailed in 36 CFR Part 63 and the criteria for resource evaluation are found in 36 CFR Part 60.4 [a-d].

Properties less than 50 years old may be considered for listing in the NR if they exhibit exemplary cultural characteristics. Listing on the NR requires integrity, and it is the integrity of the resource that must be addressed first in any one analysis.

The NHPA established the NR as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NR, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NR are nationally significant in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. Is associated with events that have made a significant contribution to the broad patterns of our history;

B. Is associated with the lives of persons significant in our past;

C. Embodies the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; and

D. Yields, or may be likely to yield, information important in prehistory or history.

3.2 - THE STATE LEVEL OF HISTORIC ANALYSIS

At the CEQA level of analysis, a site or structure may be considered an historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California (PRC §5020.1(j)) or if it meets the criteria for listing on the NR or the California Register of Historical Resources (CR), following 14 CFR §4850. CEQA allows for local historic resource guidelines to serve as the CR criteria, if enacted by local legislation, to act as the equivalent of the State criteria.

If the resource has integrity and any one of the criteria noted below are met at the State level of analysis, the resource would be considered significant and a direct impact to the cultural resource would be considered a significant impact on the environment. Typically, researchers in California use a 45-year age threshold following State Historic Preservation Officer (SHPO) recommendations. The time lag of five years between the State and federal criteria is explained by the fact that it takes about five years to plan for and redevelop any one property:

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

B. Is associated with the lives of persons important in our past;

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possesses high artistic values; and

D. Has yielded, or may be likely to yield, information important in prehistory or history.

3.3 - CITY OF DANA POINT HISTORICAL RESOURCE COMPLIANCE

The City of Dana Point utilizes a section of their zoning codes to preserve and maintain historic properties located within the City limits. Accordingly, the City has created an inventory of all significant historic structures in the City limits, an inventory that is maintained by the non-profit Dana Point Historical Society. Municipal Code [Title 9 Zoning] 9.07.250(b)(4) states that a *historic resource* is defined as an "….improvements, buildings, structures, signs, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the owner citizens of the City and the State of California, the Southern California region, or the nation which may be eligible for local designation for historic preservation by the City pursuant to the provisions of this Section. A historical resource is either included in the Inventory or may be added voluntarily in accordance with Section 9.07.250(f)(2).

Goal 8 asks that the City "encourage the preservation of historical or culturally significant buildings, sites or features within the community." Policy 8.1 through 8.4 mandates preservation of significant resources where possible, require reasonable mitigation measures where such resources may be

affected by future development, and maintain an inventory of cultural resources in the City limits. On March 8 2010, the City provided MBA with the current list of historic buildings known to be located in the City limits. Each has a locally-judged level of historical sensitivity.

3.4 - THRESHOLDS OF SIGNIFICANCE

If a professional is asked to determine if a site is a "unique archaeological (historic) resource" under CEQA and therefore subject to mitigation prior to development, a threshold of significance should be developed prior to testing/evaluation. This is a procedure recommended to professionals by OHP/State Historic Preservation Officer (SHPO). The threshold of significance is simply a point where the qualities of significance are defined during the analysis and the resource is believed to be a "unique archaeological (historic) resource" under CEQA. An adverse effect to a "unique resource" is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced such that it no longer meets the significance criteria. In lay terms, should an analysis show that the development will destroy the unique elements of a site, but leave non-unique elements intact, then the significance of the site will be lost and there must be mitigation for the loss of the unique elements.

If a prehistoric site is tested, it is traditionally held that buried features such as, hearths, burials, middens, etc., could hold analytical information that will pass the significance threshold and make the site eligible for listing on the CR under Criterion D. For historic archaeological sites, analysis of the condition and integrity of the architecture at the modern ground surface level may cause the site to pass the threshold under Criterion A, B and/or D. For historic buildings, the completeness and integrity of the structural architecture may cause the site to pass the threshold under Criterion A, B and/or C.

The threshold should be associated with the site context or theme. If sets of unusual artifacts, buried but unusual buildings, or human remains are detected during tests of cultural resources in Project Area, or if a historical review of the property finds that it was once associated with a person and/or event of historical significance at the State/National level, the sites will likely be considered potentially significant for CR/NRHP listing. In the event that the significance of the site will be reduced below the threshold because of development, a recommendation for data collection, a Phase III excavation, must be submitted to the Lead Agency.

3.5 - CULTURAL RESOURCES RECORD SEARCH PROCEDURE

On February 10, 2010, the MBA's Michael Dice performed a records search of the project site at the SCCIC, which is located in the Department of Anthropology on the campus of California State University, Fullerton. Mr. Dice examined records found in an approximately one (1) mile distant search radius buffer zone surrounding the project site. To identify any nearby historic properties, Mr. Dice examined the current inventories of the NRHP, the CR, the California Historical Landmarks

(CHL) list, and the California Points of Historical Interest (CPHI) list. He also reviewed the most recent California State Historic Resources Inventory (HRI) for Orange County and the City of Dana Point to determine the existence of previously documented local historical resources. Archival maps were examined to help locate any previously plotted historic resources in the area.

3.6 - NATIVE AMERICAN HERITAGE COMMISSION AND CONSULTATION

A Sacred Lands search with the Native American Heritage Commission (NAHC) took place on February 24, 2010 as part of this study: this was associated with fact-finding only. In a response dated March 1, 2010, the NAHC noted that no sacred sites are listed within or near the project area. The NAHC named eight tribal contacts that might have additional information, and MBA staff sent letters to each on March 4, 2010 and again on March 17, 2010. The NAHC named eight tribal contacts that might have additional information, and MBA staff sent letters to each on March 4, 2010 and again on March 17, 2010.

Two direct responses were obtained as a result of our query. On March 24, 2010 Mr. Jim Rivera, Cultural Resource Officer representing the Juaneño Band of Mission Indians, Acjachemen Nation, personally revealed to us that the project location is in close proximity to important and sensitive tribal use areas and known exposures of cultural artifacts. Mr. Rivera recommended that he serve as the lead Acjachemen Nation Native American monitor during any project-related ground disturbing activities. During a separate phone interview on that same date, Ms. Joyce Perry and Chairman David Belardes, also representing the Juaneño Band of Mission Indians, Acjachemen Nation, personally commented on the project. Chairman Belardes told us that the project location is in close proximity to important and sensitive tribal use areas and known exposures of cultural artifacts. Chairman Belardes and Ms. Perry recommended that a representative from their group be present, serving as a Native American monitor, during any project-related ground disturbing activities.

SECTION 4:
RESEARCH DESIGN AND FIELDWORK RESULTS

The primary purpose of the cultural resource pedestrian survey is to locate and document previously recorded or new cultural resource sites or isolates that are more than 45 years old within the project area, and to determine whether such resources will be or could be impacted by development. If resources are indeed discovered, they must be evaluated for significance before the project can proceed through the planning stages. The project area will be examined using a 100 percent survey method because the property is so small. There are no constraints to any procedure as the property was open and the existing vegetation and topography did not force deviations in project design. The purpose of the paleontological research is to provide a backdrop for a ground surface and statements associated with potential impacts to buried yet significant fossil deposits.

4.1 - RESEARCH DESIGN

Previous research can provide a general basic understanding of cultural resources that might be found within the project area. Many archaeological survey projects have been done within a mile of the project site margins, and research on the history of the Boca de la Playa land grant and history of the City and people of the Dana Point area does exist. The history of peoples living on and near the San Juan Creek, and the land ownership history and background of persons obtaining land from the government through various public claims acts can all provide a starting point for further research.

General topic areas common to southern California prehistory include 1) prehistoric chronology, 2) subsistence strategies, 3) settlement patterning, 4) exchange, and 5) tool technology. Historic topic areas include 1) land use, 2) personal backgrounds and 3) construction timetables. These general topics are contexts of research and are difficult to address at the inventory level of analysis, but do provide a background for making statements about what is seen during an inventory. These topics allow for site type and content to be understood and evaluated within the framework of the local site area as well as in the broader context of the region.

For this reason, the goals of an archaeological survey study are to determine whether cultural resources are located within or near a defined project area, what type of resources are present or could be present, and to predict the chance for future discoveries of sites in the project area if construction-related impacts take place. Research assumptions were based upon the findings of the records search conducted at the SCCIC.

The research assumptions for the field survey consisted of the following:

1. The probability for detecting intact prehistoric archaeological sites in the project area appears to be low, based upon the fact that the property is very steep and had been heavily incised by erosion before the hillsides were stabilized.
2. The probability for detecting historic-age resources appears to be low, based on the fact that the historic aerials show that no structure scars are located in the project area.
3. The probability that paleontological resources will be encountered in the project area is high because the Capistrano Formation is sensitive for fossil resources.

4.2 - RESEARCH GOALS

The goal of this study was to determine whether cultural resources are located within the project area, determine whether or not any existing cultural resources should be considered significant resources, and develop specific mitigation measures that will address potential impacts to existing or potential resources. Thus, this study consisted of six distinct efforts:

1. Request of NAHC Sacred Lands File record search and contact with appropriate tribal groups and individuals.
2. Review of previous cultural resource sites and studies in the region.
3. Examination of archived aerial photographs, topographic maps, and road maps.
4. Evaluation of cultural and paleontological resource sensitivity.
5. Conduct a transect survey of the project area.
6. Development of recommendations associated with mitigation monitoring and/or impacts to existing cultural resources following CEQA Guidelines.

4.3 - SITES AND ISOLATES

Prehistoric and historic cultural resource sites can vary in form and function from area to area. Prehistoric and historic cultural resources are defined as three or more items, such as lithics, stone tools, glass, cans, etc., that are not from a single source or material found within a 10 square meter area. Historic sites that could qualify as significant in California are typically more than 45 years old or have the potential to be more than 45 years old at the time of construction. These definitions assume that items found in an area with a diversity of materials can represent more than a single activity at a location. Discrete components of a site, also known as loci, may be identified to represent repeated activity, such as milling stations, hearths, or isolated structures.

Recordation of each site and isolate will follow the most recent site recordation manual developed by OHP (dated March 1995). Photographs of the features or individual artifact made during the recordation phase will be depict the basic qualities and location of the resource as a whole.

4.4 - CULTURAL RESOURCES RECORDS SEARCH

The records search revealed that several areas in the search radius have been surveyed or researched in the recent past, but that no cultural resource studies have occurred within the project site itself. 43 individual studies have occurred in the search radius, but again, none on the project property. No cultural resources are recorded on the project site and in the one-mile search radius surrounding the parcel, there are seven historic sites and no prehistoric sites. The Historic Property Data File lists no structures on or near the project site: most of these are located in the downtown core area and are dated 1924-1930.

Research showed that the historic 1902 and 1904 Capistrano, CA. 30' topographic maps note that the old *Rancho Boca de la Playa* had been surveyed, platted for a railroad and developed for agriculture with numerous houses in the playa town known as San Juan at the mouth of San Juan Creek. A dirt road paralleled the railroad at the foot of the Palisades. No other developments can be observed as of that date. The 1947 Dana Point, CA. 7.5' topographic map shows that all roads in the Capistrano Beach development had been platted and a few houses were located in the Tract at that time, which is confirmed by the 1946 aerial. It is likely that municipal services were not made available to buyers of lots in Capistrano Beach until the homeowners decided to invest in private water, sewer and electric power services.[2]

Table 1 details the known recorded resources within the search radius as shown on the Dana Point, California USGS quadrangle map.

Table 1: **Previously Recorded Cultural Resource Sites, Dana Point Quadrangle**

Site Name (Date first known)	Location	Type	Distance from Project Site	Potentially Directly Affected?
CA-ORA-21 (1949)	Section 24/13	Burial grounds on the east bank of San Juan Creek.	+/- 1/2 mile west	No
CA-ORA-837 (1968?)	Unsectioned (Sect 13)	Lithic tools and scattered rocks. Tested in 1968?	1 mile north	No

[2] See various Los Angeles Times advertisements using the *Capistrano Beach* keyword published between 1930 and 1960, on the LATimes website (www.latimes.com).

Table 1 (cont.): Previously Recorded Cultural Resource Sites, Dana Point Quadrangle

Site Name (Date first known)	Location	Type	Distance from Project Site	Potentially Directly Affected?
CA-ORA-838 (1968?)	Unsectioned (Sect 13)	Lithic tools and scattered rocks. Tested in 1968?	1 mile north	No
CA-ORA-1107 (1986)	Unsectioned (Sect 13)	Extensive lithic scatter, shell midden and historic dump site	1 mile north-northwest	No
P30-100159	Unsectioned	Isolate	1 mile north	No
P30-100160	Unsectioned	Isolate	1 mile north	No

The City of Dana Point Historical Society provided MBA with a list of structures the City has reviewed for historic importance. The Historic Inventory and Local Register lists 91 buildings or which about a dozen are located in the Capistrano Beach area. The structures closest to the project area are those located on Via Lopez and are roughly 1,600 feet to the northeast. None of the locally-listed buildings in the City will be indirectly affected by construction of the project.

The SCCIC provided a Historic Property Data File (dated January 29, 2010) to MBA as part of the records search. This file showed that 28 properties are known to the State and of these the closest is located about 2,000 feet to the southeast on Camino Capistrano.

4.5 - CULTURAL RESOURCES SURVEY

The project site was examined by the author on February 10, 2010. The property is linear, highly sloped in the center section, tapering off on the western tip. Covered in thick vegetation, the property gets runoff from the lots located to the south, but the heavy erosion seen in the 1946 and 1952 aerial photos shows that the bulldozed cut in the property center effectively eliminated most of the erosion. No prehistoric cultural resources were observed on the project site.

4.6 - PALEONTOLOGICAL RESULTS

An examination of the online version[3] of the Dana Point, CA. geological map (1999) was undertaken by the author for the purposes of assessing the potential for impacts to sensitive paleontologic resources during construction-related grading and trenching. Field examination of the project area showed that the exposed bedrock on the parcel slope is likely fossiliferous. An examination of certain

[3] Division of Mines and Geology: ftp://ftp.consrv.ca.gov/pub/dmg/rgmp/Prelim_geo.../dana_point.pdf

geological maps was undertaken by MBA for the purposes of assessing the potential for impacts to sensitive paleontologic resources during construction-related grading and trenching. The paleontological review showed that the rock type exposed in the project parcel consists of the siltstone facies of the Capistrano Formation (Tcs), capped by Quaternary Alluvium.

Samuel McLeod Ph.D. of the Natural History Museum of Los Angeles County (NHM) provided MBA with a letter summary of the project area (McLeod 2010). His paleontological review showed that the rock type exposed in the project parcel consists of the siltstone facies of the late Miocene Capistrano Formation, which is a marine formation that is highly fossiliferous under certain lithological conditions. This Formation has potential for fossil resources at all depths of development. The unit is capped by Quaternary terrace deposits that are also sensitive for fossil resources. Therefore, we recommend that the project site be monitored for impacts to paleontological resources once project-related excavation begins. The monitoring paleontologist, at his or her discretion, may cease monitoring activities if he/she determines that the buried strata is of a type or lithology that has little to no potential for fossils. If fossils are found, they should be collected without impeding development. Any fossils recovered during the monitoring effort should be deposited in an accredited and permanent scientific institution.

SECTION 5:
SUMMARY AND RECOMMENDATIONS

5.1 - CULTURAL RESOURCE RECOMMENDATIONS

The primary purpose of this cultural resources analysis is to determine whether or not significant cultural resources are located within the project site and whether such resources will be or could be impacted by project development. The records search and pedestrian survey show that there are no visible significant prehistoric or historic cultural resources within the undeveloped sections of the property. The property grounds were heavily eroded over the last 60 years but are essentially intact. Review of the historical aerials from 1946 and 1952 showed that the property has remained vacant since the Capistrano Beach tracts were subdivided in the late 1920s.

Direct contact with two of the local Juaneño Band tribal leaders showed that there is significant tribal concern that prehistoric cultural resources might be uncovered during construction-related earthmoving. Field review of the project area showed that the property is very steep and it is typically unlikely that significant buried cultural resources will be encountered during construction. We believe that the cultural resource sensitivity of the project area should be considered "Low" because extremely steep slopes lack qualities of preservation and are not usually lived upon. Nonetheless, we recommend that the project area be monitored by a qualified archaeologist under certain parameters as shown in the mitigation measures found in CR-1 and CR-2 in Table 2 below. The archaeologist supervising the monitoring phase of the project should be a registered archaeologist within the County of Orange.

5.2 - PALEONTOLOGICAL RESOURCE RECOMMENDATIONS

The primary purpose of the paleontological analysis is to determine the potential for impacts to significant paleontological resources in the project site. MBA has concluded that the project site has a high chance of containing significant paleontological resources. MBA therefore recommends a program to mitigate adverse impacts to fossil resources once project-related excavations begin as shown in PR-1, PR-2, PR-3 and PR-4 of Table 2 below. This mitigation program should be consistent with the provisions of the CEQA, as well as the proposed guidelines of the Society of Vertebrate Paleontology. This program should include, but not be limited to, careful monitoring to quickly and professionally collect any specimens, without impeding development, where any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution.

Table 2: Recommended Mitigation Measures

Mitigation No.	Mitigation Text
CR-1	Prior to the issuance of a grading permit, an archaeologist registered with and qualified to work in the County of Orange and the City of Dana Point shall be retained to initiate and supervise cultural resource mitigation monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2. The Project Archaeologist must submit a mitigation-monitoring plan to the City before any rough grading permits are issued.
CR-2	Project-related archaeological monitoring shall include the following constraints: 1. All construction-related earthmoving shall be monitored by the City-approved Project Archaeologist or his/her designated representative; 2. The Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected and a reasonable amount of soil has been inspected and with the approval of the City. 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist, and then curated in a museum facility chosen by the City. A mitigation-monitoring report must accompany the artifacts once they are donated to the museum facility.
PR-1	MBA recommends that a paleontologic mitigation monitoring program be developed by a paleontologist registered with and qualified to work in the County of Orange and the City of Dana Point. The program should be triggered when bedrock is impacted by project-related earthmoving, and any required geotechnical trenching. Paleontologic monitors should be equipped to salvage fossils as they are unearthed to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large vertebrate specimens.
PR-2	Preparation of recovered specimens must occur to a point of identification for permanent preservation at an accredited museum. Preparation includes washing of sediments to recover small vertebrates and stabilization of all recovered fossils. Stabilization is essential to fully mitigate for adverse impacts to the resources.
PR-3	The identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage is required. The paleontologist must have a written repository agreement with an accredited museum in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until curation of recovered, prepared and stabilized fossils into an established museum repository has been fully completed and documented.
PR-4	A report detailing the paleontological findings with an appended itemized inventory of specimens is required and must be sent to the accredited museum. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources.

5.2.1 - Accidental Discovery of Human Remains

There is always the possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code § 7050.5 dictates that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code (PRC) § 5097.98.

5.2.2 - Accidental Discovery of Cultural Resources

It is always possible that ground-disturbing activities during construction will uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria.

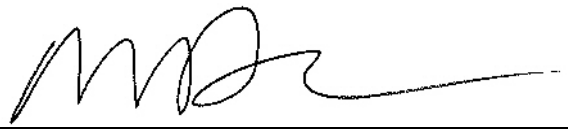
If the resources are determined to be unique historic resources as defined under § 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered because of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.

In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the State Historic Preservation Officer (SHPO) and Native American tribes with concerns about the property, as well as the Advisory Council on Historic Preservation (ACHP) will be notified within 48 hours in compliance with 36 CFR 800.13(b)(3).

SECTION 6:
CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this archaeological report, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: March 30, 2010 Signed: 

Michael H. Dice, M.A., RPA,
Certified Orange County Archaeologist
Michael Brandman Associates
San Bernardino, CA

SECTION 7:
REFERENCES

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Appendix A:
Personnel Qualifications

CORPORATE RESUME

Michael H. Dice, M.A.

Project Scientist/Senior Archaeologist

Overview

- M.A., Anthropology, Arizona State University, Tempe, Arizona
- B.A., Anthropology, Washington State University, Pullman, Washington
- Anthropology Track, University of Washington, Seattle, Washington

Michael H. Dice, M.A., RPA a certified archaeologist, has performed record searches, archaeological surveys, archaeological site testing (Phase 2), and data collection (Phase 3) on private and public lands in the Southwestern United States and Southern California since 1986. During his career, he has authored or co-authored more than 150 CEQA and/or NEPA level documents including several manuscripts for the National Park Service. Mr. Dice is a member of the California Historical Society, the Society for American Archaeology (SAA), a Registered Professional Archaeologist (RPA) and is a member of the National Trust for Historic Preservation

Project Experience, 1998-2009

Transportation

Transportation

Sunset Avenue PEAR Project, City of Banning. Caltrans-compliant Cultural Resource and Paleontological Reports for the Sunset Avenue Overcrossing Project.

Santa Ana Art Wall Project (Santa Ana, CA), OCTA Tracks/Santa Ana Depot at Santiago Street. Caltrans-compliant ASR/HRER/HPSR package for the City of Santa Ana as part of a Caltrans District 12 submission.

Community Impact Assessment and Cultural Resource Survey for the Westside Parkway Project, West Bakersfield, Kern County. Cultural survey report for planned infrastructure development in Bakersfield.

Section 106 HPSR Technical Analysis for the City of Santa Ana Art Wall Project, City of Santa Ana. Caltrans-compliant Section 106 Evaluation of Project Areas in the City of Santa Ana. Included Section 106 evaluation of specific properties.

Cultural Resource Survey for the Patricia Lane Park Project, near 6th and Patricia Lane, City of Santa Ana. Caltrans-compliant Section 106 Evaluation of Project Areas in the City of Santa Ana.

State Route 18 and Paine Road Intersection Improvement Project, City of Big Bear. Caltrans-compliant Section 106 Evaluation of Project Areas in the City of Big Bear.

Cultural Resources Assessment for the Proposed West Beltway/Westside Parkway Interchange Project, Bakersfield, Kern County. Cultural survey report for planned development in Bakersfield.

El **Centro-Dogwood Street Bridge Widening Project, El Centro, Imperial County.** Cultural survey report for planned development in the City of El Centro.

Phase I Cultural Resources Survey Report for the Pepper Street Specific Plan. City of Rialto, San Bernardino County. Cultural survey report for a planned development in the City of Rialto.

Federal, State, and Local Infrastructure

Cultural Resource Assessment, proposed Bakersfield State Vehicular Recreation Area (SVRA), Kern County. 1200 Acre cultural survey report for planned State Park north of Bakersfield, in Kern County.

Cultural Resource Assessment – CDBG-Funded City of Corona Projects. Section 106 Evaluation of Project Areas in the City of Corona. Includes Section 106 evaluation of specific properties.

Cultural Resource Assessment, Washington Addendum and Consolidated Addendum Redevelopment Areas, City Old Santa Fe Springs. Historic structure survey report for two planned Redevelopment Areas in the City of Santa Fe Springs. 200+ structures identified and mitigation measures developed.

Project Archaeologist/Database Manager for the emergency Chapin-5 Fire Rehabilitation Project, Mesa Verde National Park, Colorado (1996-1999). Began as Field Crew Chief (GS-7) and finished with the Park as a GS-9 Database Manager. Created an ACCESS 6.0 database for the recordation or re-recordation of more than 500 archaeological sites within the rehabilitation area.

Telecommunication

NEPA Compliance/Telecommunication Facilities. Serving as Project Scientist for a variety of telecommunication providers throughout California in complying with the National Environmental Policy Act (NEPA) for the implementation of cellular communication facilities.

Water Infrastructure

Corona Recycled Water Project. CEQA+ (project-level) Section 106/CEQA analysis for the Corona Recycled Water Project through Bauer Environmental.

Victor Valley Recycled Water Project. CEQA+ (program-level) Section 106/CEQA analysis for the Victor Valley Recycled Water Project through Bauer Environmental.

Realignment of the Friant-Kern Canal, In the City of Bakersfield. Proposed Mitigated Negative Declaration, and finding of no significant impact, With the Draft Initial Study and Environmental Assessment. Cultural evaluation for Initial study.

Mining Infrastructure

Cultural Resources Survey Report for the Palm Desert Rock Project, Riverside County. Cultural survey report for planned mining development in the County of Riverside.

Cultural Resources Survey Report for the Coachella Aggregates Expansion Project, Riverside County. Cultural survey report for planned mining development in the County of Riverside.

Cultural Resources Survey Report for the California Lightweight Pumice Makalya Mine Expansion Project, Inyo County. Section 106 cultural survey report, Ridgecrest-BLM jurisdiction.

Survey and testing reports for the Williams Field Services Trunk S Natural Gas Project, Rio Arriba County, New Mexico. Section 106 cultural survey and excavation reports, Farmington-BLM jurisdiction.

Utilities

Cultural Resource Records Search Results and Sensitivity Evaluation for the Palm Springs and Desert Hot Springs Master Drainage Plan Project. Cultural evaluation report for planned utility construction in the Coachella Valley.

Cultural Resource Survey, City of Huntington Beach Planning Department Environmental Assessment, Warner Sewer Lift Station. Cultural survey report for new sewer outflow line in the City of Huntington Beach.

Cultural Resource Survey, O'Neill Park Sewer Conversion Project, Community of Trabuco Canyon, Orange County. Cultural survey report for new City Park sewer line in the County of Orange

Phase 1 Survey Report for the Navajo Sewer Pipeline Project located in the Town of Apple Valley. Cultural survey report and Phase 2 testing for new sewer line in the Town of Apple Valley.

Archaeological Resources Assessment of the City of Corona Recycled Water Project, located in the City of Corona, County of Riverside. Cultural survey report for new recycled water project in the City of Corona, Section 106/CEQA project.

NEPA-Level Cultural Assessment and Paleontological Records Check Associated With The Victor Valley Subregional Facilities Project, County of San Bernardino. Cultural survey report for new recycled water project in the Cities of Victorville, Hesperia, Section 106/CEQA project.

Mark Technologies Corporation Alta Mesa Pumped Storage Hydroelectric Project. A Class III Intensive Field Survey On Federal And Private Properties Located Within Sections 3,4,5,9, and 10, T3S - R3E, Cabazon-White Water Area, County of Riverside, California." L&L Environmental, JBG-01-172. On file, L&L.

Cultural Monitoring Services at the Navajo Road Sewer Project, Town of Apple Valley. Cultural resource monitoring for new sewer line in the Town of Apple Valley.

Archaeological and paleontological resources assessment of the San Clemente storm drain project, West Avenida Palazada, San Clemente. Cultural survey report for planned development in the City of Orange.

Airports

Cultural Resource Records Search and Site Visit Results for the Proposed Ontario Airport TIS Transmitter Site. Cultural survey for a planned transmitter within the Ontario International Airport, Section 106 Study.

Cultural Resource Surveys for Private Developers, Partial List by Lead Agency and Project Name

City of Rancho Cucamonga. TTM 16072, SP 04-001 Annexation and TTM 32023.

City of Rialto. Rancho El Rivino Specific Plan.

City of Murrieta. TTM 30953, 42310 "B" Street property.

City of Chino. The Englesma Property project.

County of Riverside. The Burns Ranch project, TTM 31386, TTM 31330, TTM 29962.

City of Loma Linda. Loma Linda Golf Range project.

City of Desert Hot Springs. Mission Lakes project, The Mission Glen Project.

City of Loma Linda. The Trails at Mission Park project.

City of Simi Valley. Runkle Canyon Specific Plan.

City of Fullerton. 2226 Euclid Avenue (Sunrise Senior Living) project.

City of Upland. The College Park project.

City of Chino. Distinguished Homes Project footprint APN# #1055-511-01 and 1055-511-01, McBride RV Storage Property at Kimball and Euclid Avenues.

City of Riverside. The KUO Development Project, TTM 32787, TTM 33028 and 33029 (The Kunny Ranch Property).

County of San Bernardino. Lytle Creek North Tentative Tract Map (Map #15900), The Martin Ranch Project.

Commercial and residential projects include cultural resource surveys, historic surveys, architectural surveys, Phase 2 testing and Phase 3 data collection at the CEQA and NEPA levels.

Professional Affiliations

- Member, California Historical Society
- Member, National Trust for Historic Preservation
- Registered Professional Archaeologist (RPA)
- Registered Archaeologist, Orange County

Appendix B:
Cultural and Paleontological Compliance Documents

Michael Brandman Associates

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

February 24, 2010

Native American Heritage Commission
915 Capitol Mall, Suite 364
Sacramento, CA 95814-4801

VIA FACSIMILE: 916.657.5390

Subject: **Request for a Sacred Lands Records Search for the Dana Point Via Canon Project located in the City of Dana Point, California. (USGS Dana Point, CA. quad)**

County of Orange, California.

To Whom It May Concern:

Michael Brandman Associates (MBA) would like to determine whether any listed sacred sites are located within or near a future development project on private land in the City of Dana Point, CA. The project will involve modification of about 2 acres of land that once exhibited an orchard and farmland decades ago. The project will result in the construction of 11 homes on a steep hillside. Excavation during construction is likely.

As seen in the attached topographic map, the project area is located in an unsectioned portion of Township 8 South and Range 7 West as found on the USGS Fontana, CA. 7.5' topographic quadrangle.

Please notify us of any sacred Native American sites that may be affected by the undertaking. A full description of this project can be found in our archaeological survey report, which is forthcoming. A response can be sent to our FAX, 909-884-2113. If you have any more questions or need to speak with me, please feel free to call me at 714.742.0468. Thank you for your time and effort!

Sincerely,

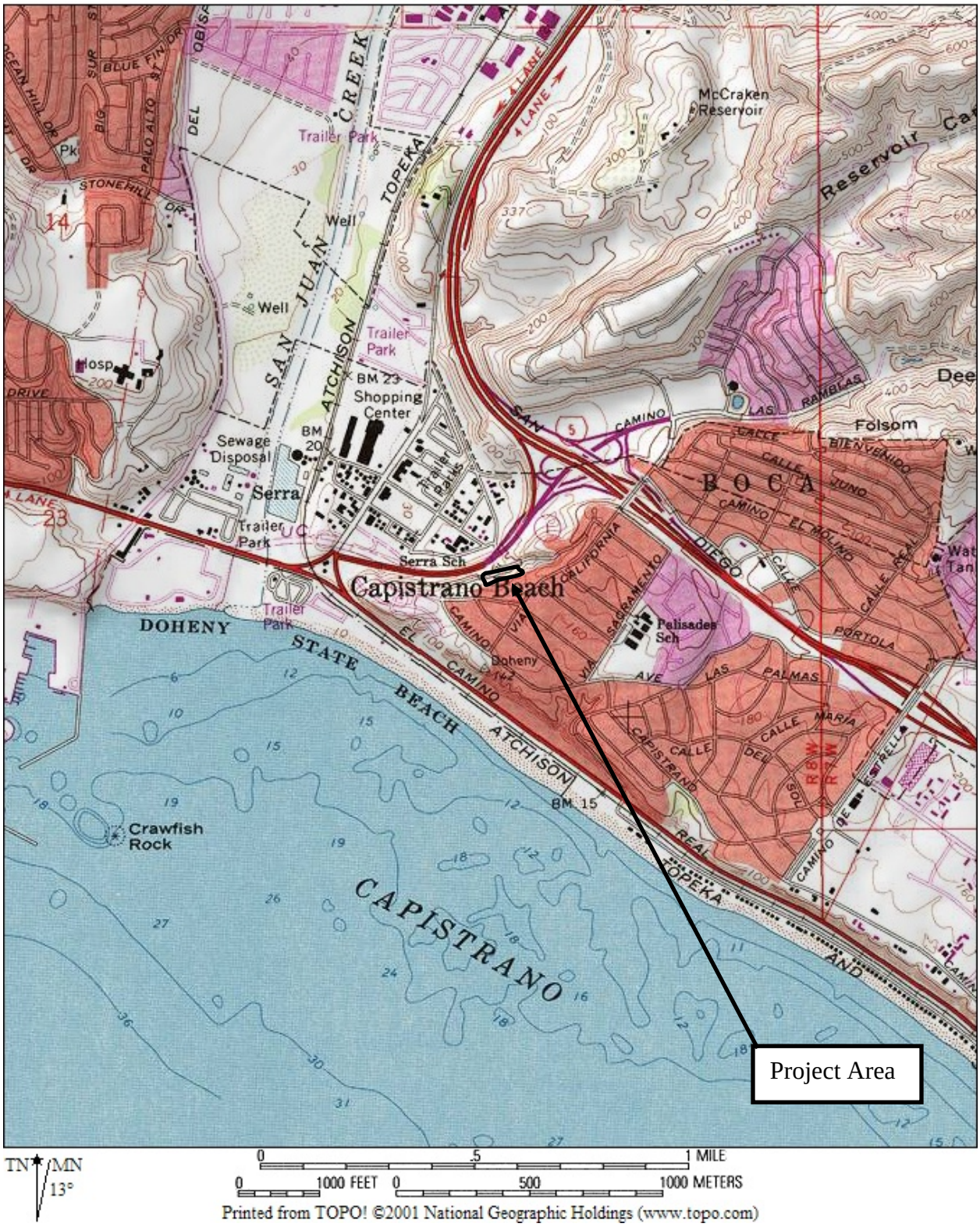
Michael H. Dice, M.A., R.P.A., Senior Archaeologist
Michael Brandman Associates
621 E Carnegie Drive Suite 100
San Bernardino, CA. 92408

Enclosures: Exhibit 1: Topographic Map

H:\Client (PN-JN)\3543\35430001\NA Documentation\NAHC Request Letter\35430001 NAHC Letter.doc

MD:KJL:c

3543.0001.0: Dana Point, CA. topographic map



Source: Topo! @National Geographic Holdings.

Exhibit 1
Topographic Map

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

March 1, 2010

Mr. Michael H. Dice, M.A., R.P.A., Senior Archaeologist
MICHAEL BRANDMAN ASSOCIATES
621 E. Carnegie Drive, Suite 100
San Bernardino, CA 92408

Sent by FAX to: 909-884-2113
No. of Pages: 4 3

Re: Request for a Sacred Lands File Search and Native American Contacts List **for a Proposed "Dana Point Via Canon Project"** located in: Dana Point; Orange County, California County, California

Dear Mr. Dice:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources (c.f. CA Public Resources Code §21070; also c.f. *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604*), was able to perform a record search of its Sacred Lands File (SLF) for the affected project area (APE) requested. The California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177)) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." The NAHC SLF search **did not indicate** the presence of Native American cultural resources within one-half - mile radius of the proposed project site (APE).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation Coordinator's office (at (916) 653-7278, for referral to the nearest Information Center of which there are 10.

Consultation with tribes and interested Native American consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f]*et seq),* 36 CFR Part 800.3 (f) (2), the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. . The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes.*

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Contacts List (NOTE: we further recommend that other forms of 'proof of mailing or proof of contact be utilized instead of 'Return Receipt Requested' Certified or Registered Mail.) Further, we suggest a follow-up telephone call to the contacts if the replies are not received or need clarification.

Native American Contacts
Orange County
March 1, 2010

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
DavidBelardes@hotmail.com
(949) 293-8522
(949) 493-4933 - Home

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
(714) 323-8312

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484

(530) 354-5876 - cell

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
(714) 779-8832

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
(949) 573-3138

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry; Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

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 Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106, and federal NAGPRA.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed dana Point Via Canon Project; located in Dana Point; Orange County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Michael Brandman Associates

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

March 17, 2010

Recipient Name, Recipient Title
Recipient Tribe Name
Recipient Address
Recipient City, State, Zip

Subject: **Native American Consultation Letter associated with one Cultural Resource Survey: The Via Canon Development Project located in the City of Dana Point, Orange County, California. (USGS Dana Point, CA. quad)**

To Whom It May Concern:

Michael Brandman Associates completed an archaeological and historical resource survey for a project on approximately 2 acres in the City of Dana Point. The proposed project is the construction of 11 new residential lots on a steep slope overlooking Via Canon and the Highway 1 eastbound ramp. Each lot will likely have 2-3 story homes placed upon it, private access roads, gates and undergrounded utilities. This consultation letter is **not associated with the SB18 process**, but is an information request that will be included in our cultural resource survey document.

CEQA and Section 106 of the National Historic Preservation Act of 1966 (NHPA) consider the effects a project may have on historic properties. The definition of "historic properties" can include properties of traditional religious and cultural significance to Native American groups. To determine whether the proposed project may impact any historic properties, including traditional cultural properties, MBA has reviewed background information and consulted with entities such as the NAHC. The Native American Heritage Commission does not indicate that any sacred sites are located in or near this project area, but have listed you as a tribal contact.

We have attached a map showing the location of the project area with reference to the Dana Point, CA. topographic map. Specifically, the project area is located south if Highway 1 and Via Canon road and is a short distance northeast of Camino Capistrano. Research has shown that there are no cultural resources on the property nor has it been surveyed previously.

We wish to ask if you have any information or concerns about this project area, and/or if the proposed project may have an impact on cultural resources that are important to you. Please feel free to contact me at 909.884.2255 ext 1212 if you have any questions or information, or you may address and mail a response to my attention at the address below.

Sincerely,

Michael Dice, M.A., Senior Archaeologist
Michael Brandman Associates
621 E Carnegie Drive, Suite 100
San Bernardino, CA 92408

Enc: USGS *Mortmar, CA* Topo Map

H:\Client (PN-JN)\3543\35430001\NA Documentation\NA Tribal Letter\35430001_NA Tribal Letter_Sample.doc

Natural History Museum of Los Angeles County

900 Exposition Boulevard • Los Angeles, CA 90007

Vertebrate Paleontology Section
Telephone: (213) 763-3325
FAX: (213) 746-7431
e-mail: smcleod@usc.edu or smcleod@nhm.org

23 March 2010

Michael Brandman Associates
621 East Carnegie Drive, #100
San Bernardino, CA 92408

Attn: Michael H. Dice, Senior Archaeologist

re: Paleontological Resources for the proposed Capistrano Hillside Project, in the City of Dana Point, Orange County, project area

Dear Michael:

I have conducted a thorough search of our vertebrate paleontology records for the locality and specimen data for the proposed Capistrano Hillside Project, in the City of Dana Point, Orange County, project area as outlined on the portion of the Dana Point USGS topographic quadrangle map that you sent to me via e-mail on 2 March 2010. We have one vertebrate fossil locality that includes a portion of the proposed project area, and other fossil vertebrate localities nearby from the same sedimentary deposits that occur in the proposed project area.

In the cliffs of the proposed project area the rocks are composed of the marine Late Miocene Capistrano Formation, capped by marine and terrestrial Quaternary Terrace deposits on the bluffs above the cliffs. Our closest vertebrate fossil locality from the Quaternary Terrace deposits is LACM 5507, just to the southeast of the proposed project area northeast of Calle del Sol, that produced a fossil specimen of the white croaker fish, *Genyonemus*. Our closest vertebrate fossil locality from the Capistrano Formation is LACM 1875, directly south of the proposed project area between Camino Capistrano and the Pacific Coast Highway (Highway 1) , that produced a fossil specimen of shearwater, *Puffinus diatomicus*. We have several other vertebrate fossil localities nearby from the Capistrano Formation, including a general locality, LACM 6595, for the cliffs above Pacific Coast Highway (Highway 1) to the south of the proposed project area. Fossil fish were recovered from locality LACM 6595, including rockfish, Scorpaenidae, bristlemouth, *Cyclothone*, cod, *Eclipes*, and snake mackerel, *Thyrsocles*. Another nearby Capistrano Formation locality, LACM 4012, just south-southeast of the proposed project area near the intersection of Doheny Place and Palisades Drive, produced fossil specimens of whale, Cetacea, and a very rare specimen of a fossil crocodilian, Crocodilia, from the Pacific Coast.

Excavations in the Quaternary terrace deposits found on top of the bluffs and the underlying Capistrano Formation that is also exposed in the cliffs, have a good chance of encountering significant vertebrate fossils. Any substantial excavations in the proposed project area, therefore, should be monitored closely to quickly and professionally recover any fossil remains discovered while not impeding development. Many of the fossil specimens from the Capistrano Formation may be quite small and would be missed during typical paleontological monitoring. Thus it is recommended that samples be collected and processed to determine the small fossil potential in the proposed project area. Any fossils collected should be placed in an accredited scientific institution for the benefit of current and future generations.

This records search covers only the vertebrate paleontology records of the Natural History Museum of Los Angeles County. It is not intended to be a thorough paleontological survey of the proposed project area covering other institutional records, a literature survey, or any potential on-site survey.

Sincerely,

Samuel A. McLeod

Samuel A. McLeod, Ph.D.
Vertebrate Paleontology

enclosure: draft invoice

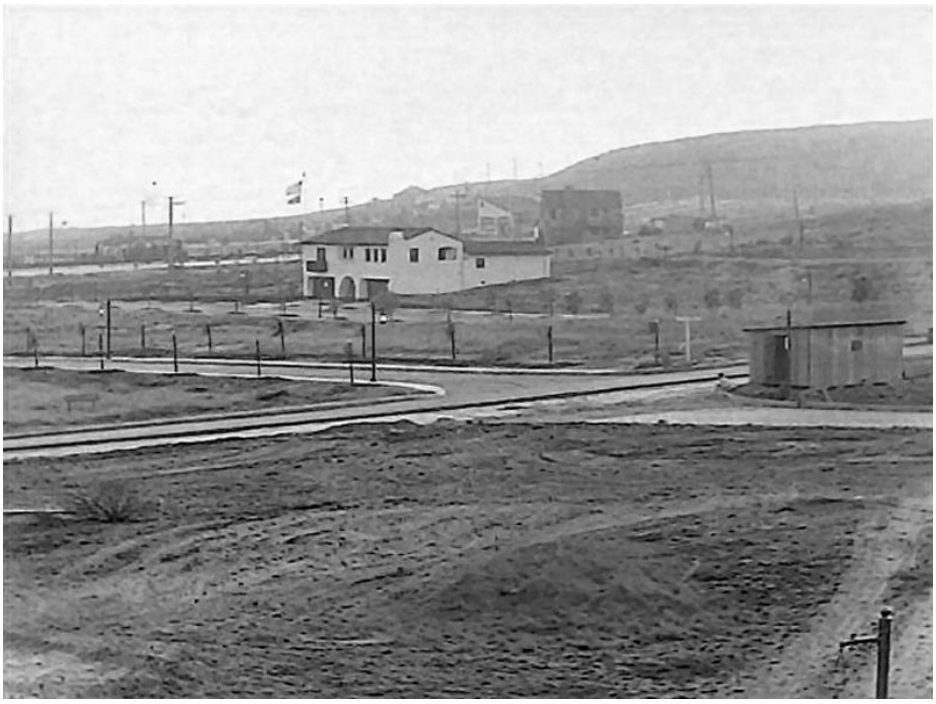
Appendix C:
Site Photographs

View of property slope running toward lots edging the project in the southeast section.

View of property slope running toward lots edging the project in the center section.

View of lots overlooking property near the west end. Notes piles of soil in the center of the slope associated with old erosion protection work.

View of the west end of the property (right edge) showing native vegetation that has been able to grow back in the last 50 years.



Circa 1930 view of the Palisades area after development had been undertaken. Note that certain streets had been paved while others were not. The new white house in the center is designed in the Spanish Revival style. Downloaded from Dana Point Historical Society Facebook website (http://www.facebook.com/pages/Dana-Point-Historical-Society/132587787714). The plants bordering the drive are probably palms, which can be seen in Exhibit 4 of this report.