
Appendix A

Cultural and Paleontological Resources Inventory Report for the San Juan Capistrano Skate Park Project

September 22, 2021

13373

Paul Meshkin, Senior Civil Engineer
City of San Juan Capistrano
Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

Subject: *Cultural and Paleontological Resources Inventory Report for the San Juan Capistrano Skate Park Project*

Dear Mr. Meshkin:

Dudek was retained by the City of San Juan Capistrano, Development Services Department (City) to conduct a cultural and paleontological resources inventory in support of the proposed San Juan Capistrano Skate Park Project (proposed Project). This study included the following components: (1) a California Historical Resources Information System (CHRIS) records search conducted at the South Central Coast Information Center (SCCIC) addressing the proposed Project site plus a 1-mile radius at the South Central Coast Information Center (SCCIC); (2) a review of historical maps and aerial photographs of the proposed Project site and vicinity; (3) a paleontological records search through the Natural History Museum of Los Angeles County (LACM); (4) map and literature review for paleontological resources; (5) geomorphological information; (6) an intensive-level pedestrian survey of the proposed Project site for cultural and paleontological resources; and (7) findings and recommendations. The purpose of this study is to identify all cultural and paleontological resources within the proposed Project site and to determine whether the proposed Project would result in a significant impact to cultural and paleontological resources under the California Environmental Quality Act (CEQA). The City is lead agency on this Project for purposes of CEQA compliance.

Dudek Lead Archaeologist Linda Kry, BA, RA, co-authored the report, provided management oversight and recommendations for regulatory compliance for cultural resources. Dudek Senior Paleontologist Michael Williams, PhD, co-authored the report and provided recommendations for regulatory compliance for paleontological resources. Dudek Associate Archaeologist Jennifer De Alba, BA and Dudek cross-trained Associate Paleontological/Archaeological Technician Kira Archipov, BS, contributed to this report. Dudek Archaeologist Javier Hernandez, BA, conducted the pedestrian survey. Dudek Senior Archaeologist, Adam Giacinto, MA, RPA reviewed this report for quality assurance/quality control.

Project Location and Present Use

The proposed Project site is located within the southwestern part of the City of San Juan Capistrano in Orange County, California. The proposed Project site is within Section 12 of Township 8 South, Range 8 West of the *Dana Point* 7.5-minute U.S. Geological Survey (USGS) quadrangle map (Appendix A: Figure 1). The approximately 0.96-acre proposed Project site is located adjacent to the City's Sports Park, within the City-owned 28-acre parcel, Assessor's Parcel Number (APN) 121-190-57, known as the Kinoshita Farm Property located at 32681 Alipaz Street, directly north of Camino Del Avion, between Via Positiva and Alipaz Street (Appendix A: Figure 2).

The proposed Project site is currently vacant, undeveloped land that has been and is currently used for orchard and crop farming as part of a larger farming operation conducted by The Ecology Center under a license agreement with the City. The Ecology Center operates an active farming operation, farm stand, educational and community programs, and administrative offices within the historic Joel Congdon Residence. The Joel Congdon residence was constructed in 1876 and represents the first wooden structure built in the City. For 125 years, the Joel Congdon residence has played an important role in the history and development of farming in San Juan Capistrano. Since its construction, the Joel Congdon residence was continuously the home for families living on the farm until 1975. The Joel Congdon Residence is located in the northeast corner of the property off Alipaz Street, which is outside the proposed Project site.

Surrounding land uses include The Farm residential development to the north, single family residential to the south, mobile home park and single family residential to the east and the City Sports park to the west. Per the City of San Juan Capistrano General Plan, the entire City-owned 28-acre parcel has a land use designation of Agri-Business and is zoned as Agricultural-Business District (A)/Specific Plan (SP) 85-01.

Project Description

The proposed Project involves the development of a new Skatepark site, which encompasses approximately 0.97 acres of the southwestern portion of the City-owned 28-acre parcel, located at 26095-26119 Camino Del Avion. The proposed Project includes an approximately 42,575 square-feet (SF) of recreational space that would consist of the new Skatepark, new playground, restroom building, raised berm seating, and landscaping. The perimeter of the 42,575 SF recreational space would be fenced. The proposed Skatepark, totaling approximately 20,000 SF, would be located in the northern portion of the proposed Project site and would include a 5,300 SF flow bowl area, a 4,200 SF pool bowl area, and a 10,500 SF street skating area. The street skating area includes numerous rails, ledges, banks and other features. The proposed playground, totaling approximately 1,123 SF, would be located in the southern portion of the proposed Project site and would include a new playground

structure, a water fountain, and a restroom building. An open grass seating space and shade structures would diagonally divide the northern and southern areas of the proposed Project site would separate the proposed Skatepark from the proposed playground.

In addition to the recreation area, the proposed Project would include a new 20-foot-wide decomposed granite (DG) multi-use public trail with 3- to 4-foot-high split rail fencing along Via Positiva and the western edge of the Kinoshita Farm property that would connect The Farm residential development, currently under construction adjacent to the proposed Project site, to the new Skatepark and Camino Del Avion. The trail would be approximately 1,700 linear feet and 33, 988 SF.

The proposed Project would include landscaping around the perimeter of the proposed Skatepark and proposed play park, with dwarf citrus trees surrounding the proposed restroom building. The proposed Project would not include parking.

Regulatory Framework

Federal

The proposed Project does not have a federal nexus and therefore is not subject to Federal regulations.

State

California Register of Historic Resources (California Public Resources Code, Section 5020 et seq.)

In California, the term “historical resource” includes, but is not limited to, “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code (PRC), Section 5020.1(j)). In 1992, the California legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 California Code of Regulations [CCR] 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

Cultural Resources

As described further below, the following CEQA statutes and CEQA Guidelines are relevant to the analysis of archaeological and historic resources:

- 1. California Public Resources Code Section 21083.2(g): Defines “unique archaeological resource.”
- 2. California Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5(a): Defines historical resources. In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource. It also defines the circumstances when a project would materially impair the significance of a historical resource.
- 3. California Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e): These statutes set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.

4. California Public Resources Code Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4: These statutes and regulations provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; identifies preservation-in-place as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(b)). An “historical resource” is any site listed or eligible for listing in the CRHR. The CRHR listing criteria are intended to examine whether the resource in question: (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 represents the work of an important creative individual, or possesses high artistic values; or (d) has yielded, or may be likely to yield, information important in pre-history or history.

The term “historical resource” also includes any site described in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code Section 5024.1(q)).

CEQA also applies to “unique archaeological resources.” California Public Resources Code Section 21083.2(g) defines a “unique archaeological resource” as any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In 2014, CEQA was amended to apply to “tribal culture resources” as well, but the amendment did not provide a definition for such resources or identify how they were to be evaluated or mitigated (California Public Resources Code Sections 21084.2 and 21084.3). Instead, California Public Resources Code Section 21083.09 required that the Office of Planning and Research develop and adopt guidelines for analyzing “tribal cultural resources” by July 1, 2016. As of the effective date of this report, however, those guidelines have not been finalized or adopted. Consequently, this report addresses only historic resources and unique archaeological resources.

All historical resources and unique archaeological resources – as defined by statute – are presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5(a)). A site or resource that does not meet the definition of “historical resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (California Public Resources Code Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)).

Under CEQA and significant cultural impact results from a “substantial adverse change in the significance of an historical resource [including a unique archaeological resource]” due to the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5(b)(1); California Public Resources Code Section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5(b)(2)

Pursuant to these sections, the CEQA first evaluates evaluating whether a project site contains any “historical resources,” then assesses whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

When a project significantly affects a unique archeological resource, CEQA imposes special mitigation requirements. Specifically, “[i]f it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or

all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

4. "Planning construction to avoid archeological sites."
5. "Deeding archeological sites into permanent conservation easements."
6. "Capping or covering archeological sites with a layer of soil before building on the sites."
7. "Planning parks, greenspace, or other open space to incorporate archeological sites."

California Public Resources Code Section 21083.2(b)(1)-(4)

If these "preservation in place" options are not feasible, mitigation may be accomplished through data recovery (California Public Resources Code Section 21083.2(d); CEQA Guidelines Section 15126.4(b)(3)(C)). California Public Resources Code Section 21083.2(d) states that "[e]xcavation as mitigation shall be restricted to those parts of the unique archeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report."

These same requirements are set forth in slightly greater detail in CEQA Guidelines Section 15126.4(b)(3), as follows:

8. Preservation in place is the preferred manner of mitigating impacts to archeological sites. Preservation in place maintains the relationship between artifacts and the archeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
9. Preservation in place may be accomplished by, but is not limited to, the following:
 - a. Planning construction to avoid archeological sites;
 - b. Incorporation of sites within parks, greenspace, or other open space;
 - c. Covering the archeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site [; and]
 - d. Deeding the site into a permanent conservation easement.
10. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information

from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.

Note that, when conducting data recovery, “[i]f an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.” However, “[d]ata recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archeological or historic resource, provided that determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center” (CEQA Guidelines Section 15126.4(b)(3)(D)).

Paleontological Resources

Paleontological resources are limited, nonrenewable resources of scientific, cultural, and educational value and are afforded protection under state (CEQA) laws and regulations. This study satisfies project requirements in accordance with CEQA (13 PRC, 2100 et seq.) and Public Resources Code Section 5097.5 (Stats 1965, c 1136, p. 2792). This analysis also complies with guidelines and significance criteria specified by the SVP (2010).

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the “Environmental Checklist Form,” which addresses the potential for adverse impacts to “unique paleontological resource[s] or site[s] or ... unique geological feature[s].” This provision covers fossils of signal importance – remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group – as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered “historically significant” if it has yielded or may be likely to yield information important in prehistory (PRC 15064.5 [a][3][D]). Paleontological resources would fall within this category. The PRC, Chapter 1.7, sections 5097.5 and 30244 also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

California Health and Safety Code

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in California Public Resources Code Section 5097.98.

- California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation

of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains (Section 7050.5b). California Public Resources Code Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (section 7050.5c). The NAHC will notify the Most Likely Descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

Local

Cultural Resources Goal 1: Preserve and protect historical, archaeological, and paleontological resources

- a) Policy 1.1 – balance the benefits of development with the project’s potential impacts to existing cultural resources.
- b) Policy 1.2 – Identify, designate, and protect buildings and sites of historic importance.
- c) Policy 1.3 – Identify funding programs to assist private property owners in the preservation of buildings and sites of historic importance.

Background Research

SCCIC Records Search

On July 22, 2021, staff at the SCCIC, located on the campus of California State University, Fullerton, provided the results of a CHRIS records search for the proposed Project site and a 0.5-mile radius. Due to COVID-19, the SCCIC notified researchers that they are only able to provide data for Orange County that has already been digitized. As such, not all available data known to CHRIS may be provided in the records search. The CHRIS records search results provided by the SCCIC included their digitized collections of mapped prehistoric and historic archaeological resources and historic built-environment resources; Department of Parks and Recreation site records; technical reports; archival resources; and ethnographic references. The confidential records search results are also provided in Confidential Attachment B.

Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicate that 36 previous cultural resource studies have been conducted within 0.5-mile of the proposed Project site between 1978 and 2016. Of these studies, two (OR-00536 & OR-01237) overlap the proposed Project site. The entirety of the proposed Project site has been subjected to previous cultural resource investigations in 1974 and 1992. Table 1, below, details all 36 previous cultural resources studies followed by a brief summary of the reports overlapping the proposed Project site.

Table 1. Previous Technical Studies Within a 0.5-Mile Radius of the Proposed Project Site

SCCIC Report No.	Authors	Date	Title	Proximity to Proposed Project Site
OR-00248	Breece, William H.	1978	Archaeological Survey of San Juan-GPA 78-1, City of San Juan Capistrano, Orange County, California	Outside
OR-00378	Magalousis, Nicholas M.	1979	Archaeological Survey of the San Juan Capistrano Airport Area	Outside
OR-00454	Zahniser, Jack L.	1979	Cultural Resources Reconnaissance of Tentative Tract Number 6038	Outside
OR-00535	Van Horn, David M.	1980	Archaeological Survey Report: a Ca.500 Acre Tract of Land in the Vicinity of McCracken Reservoir and Forster Canyon in the City of San Juan Capistrano	Outside
OR-00536	Drover, Christopher E.	1974	City of San Juan Capistrano, General Plan Program, Historic/Archaeological Element	Overlaps
OR-00904	Cameron, Constance	1988	Archaeological Survey for the Vermeulen Ranch, San Juan Capistrano, Orange County, California	Outside
OR-00915	Mason, Vicki L.	1988	Cultural Resources Survey of the Forester Properties the Rancho R.V. Storage Project San Juan Capistrano, California	Outside
OR-01011	Sorensen, Jerrell H.	1990	Archival Research for Interstate 5, From the Confluence with I 405 to Route 1, Capistrano	Outside
OR-01113	Brown, Joan C.	1991	Cultural Resources Literature Review for the San Juan Creek Levee Project in San Juan Capistrano, Orange County, California	Outside
OR-01204	Demcak, Carol and Stephen R. Van Wormer	1987	Archaeological Investigations at CA-ORA-27a, CA-ORA-882, CA-ORA-1042, and CA-ORA-870: Chiquita Canyon Water Reclamation Plant Project, South Orange County, California Appendix A: Historic Resources Survey for the Chiquita Land Outfall Pipeline	Outside
OR-01236	Brown, Joan C.	1992	Archaeological Literature and Records Review for the Community Presbyterian Church, San Juan Capistrano, California	Outside
OR-01237	Bissell, Ronald M. and Jeanette A. McKenna	1992	Cultural Resources Reconnaissance of Ten Areas for Possible Park Locations, City of San Juan Capistrano, Orange County, California	Overlaps

Table 1. Previous Technical Studies Within a 0.5-Mile Radius of the Proposed Project Site

SCCIC Report No.	Authors	Date	Title	Proximity to Proposed Project Site
OR-01602	Petershagen, George F. and Judy D. Tordoff	1991	Historic Study Report for Proposed HOV Lanes Along Interstate 5 in San Juan Capistrano, Orange County, California	Outside
OR-01603	Huey, Gene	1991	Historic Property Survey Report for Interstate 5 (I-5) Improvements from State Route 1 in the City of San Juan Capistrano to Approximately 1,000 Feet North of El Toro Road in the Community of Lake Forest, Orange County, California	Outside
OR-01726	McKenna, Jeanette A.	1993	Cultural Resources Investigations Within the Proposed Realignment Right-of-way for the Existing A.T. & S.F. Railroad Alignment, San Juan Capistrano, Orange County, California	Outside
OR-01737	Brechbiel, Brant A.	1998	Cultural Resources Records Search and Literature Review Report for a Pacific Bell Mobile Services Telecommunications Facility: Cm 088-09 in the City of San Juan Capistrano, California	Outside
OR-01820	Cutrone, Daniel and McLean, Deborah	1996	Cultural Resources Monitoring Report for the North R&D Site Interim Grading Project in San Juan Capistrano, County of Orange, California	Outside
OR-01821	Schmidt, James J.	1995	Results of Archaeological Monitoring at the Sports Park Complex, City of San Juan Capistrano	Outside
OR-01869	Bonner, Wayne H. and Hocking, David	1994	Grading Monitoring Report Archaeology and History MCI Trenching Project, San Juan Capistrano, Orange County, California	Outside
OR-02011	Drover, Christopher E. and David Smith	1998	Archaeological Site Survey and Assessment Saddleback Valley Christian School, San Juan Capistrano	Outside
OR-02093	Brown, Joan C.	2000	Archaeological and Paleontological Monitoring for the Village Alipaz Project, San Juan Capistrano, Orange County, California	Outside
OR-02215	Brown, Joan C.	2001	Cultural Resources Literature and Record Review, and Reconnaissance for the Capistrano Valley Water District Domestic, Non-domestic, and Brackish Water Wells Project	Outside
OR-02454	Unknown	2002	Results of Monitoring the Alipaz Phase I and Phase II Project San Juan Capistrano, Orange County, California	Outside
OR-03295	Mason, Roger D.	2004	Results of Cultural Resources Monitoring for the San Juan Capistrano Desalination Project, Orange County, California	Outside
OR-03361	Brechbiel, Brant A.	1998	Cultural Resources Monitoring Report for the Parkside Place Project Tract 15301, City of San Juan Capistrano, Orange County, California	Outside

Table 1. Previous Technical Studies Within a 0.5-Mile Radius of the Proposed Project Site

SCCIC Report No.	Authors	Date	Title	Proximity to Proposed Project Site
OR-03362	Bonner, Wayne H	2005	Cultural Resources Records Search Results and Site Visit for Cingular Wireless Oc-0004-02 (Community Center) 25925 Camino Del Avion, San Juan Capistrano, Orange County, California	Outside
OR-03373	Arrington, Cindy and Nancy Sikes	2006	Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project State of California: Volumes I and II	Outside
OR-03390	Price, Barry A and Price, David H	2007	Cultural Resources Inventory for the Proposed Non-domestic/recycled Water Master Plan Update, City of San Juan Capistrano, Orange County, California	Outside
OR-03765	Robert J. Lichtenstein, Barry A. Price, and David H. Price	2009	Cultural Resources Inventory and Site Assessment for the Proposed San Juan Capistrano Non-Domestic/Recycled Water Master Plan Update, Orange County, California	Outside
OR-0379	Robert J. Lichtenstein, Barry A. Price, and David H. Price	2009	Cultural Resources Inventory and Site Assessment for the Proposed San Juan Capistrano Non-Domestic/Recycled Water Master Plan Update, Orange County, California	Outside
OR-03791	Bonner, Wayne and Crawford, Kathleen	2009	Cultural Resources Records Search and Site Visit Results for T-Mobile USA Candidate LA33436A (Armstrong Garden Center), 32382 Del Obispo Street, San Juan Capistrano, Orange County, California	Outside
OR-03894	Fulton, Phil	2010	Cultural Resource Assessment, Verizon Wireless Services, Marco Forster Facility, City of San Juan Capistrano, Orange County, California	Outside
OR-03969	Tibbet, Casey, Cheryl Sinopoli, and Glenn G, Moser	2010	Historic Property Survey Report for proposed widening of Interstate 5 (I-5) between Avenida Pico and San Juan Creek Road	Outside
OR-04139	Supernowicz, Dana	2009	Cultural Resources Study of the Community Center Project AT&T Site No. OC0004B, 25925 Camino Del Avion, San Juan Capistrano, Orange County, California	Outside
OR-04245	Fulton, Phil	2011	Cultural Resource Assessment Verizon Wireless Services Marco Forster Facility city of San Juan Capistrano, Orange County, California	Outside

Table 1. Previous Technical Studies Within a 0.5-Mile Radius of the Proposed Project Site

SCCIC Report No.	Authors	Date	Title	Proximity to Proposed Project Site
OR-04374	Brunzell, David	2011	Cultural Resources Assessment Sun Ranch Drainage San Juan Capistrano, Orange County, California	Outside
OR-04576	Tang, Bai "Tom", Terri Jacquemain, Daniel Ballester, Harry M. Quinn, and Nina Gallardo	2016	Identification and Evaluation of Historic Properties: San Juan Creek Bridge Replacement Project, City of San Juan Capistrano, Orange County, California	Outside

Report No. OR-00536

City of San Juan Capistrano, General Plan Program, Historic/Archaeological Element (Drover 1974), documents the results of an archaeological investigation consisting of archival record search, literature review, and pedestrian survey for the historic/archaeological element of the General Plan Program. The area of study overlaps the entirety of the current proposed Project site. In addition, the report discusses the paleontological resources that were identified through the archival research. The study identified 36 previously recorded cultural resources through the archival records search. Of these, 16 are archaeological resources and 20 are built environment resources, none of which overlap the proposed Project site. Additionally, the pedestrian survey identified 10 prehistoric era archaeological resources that were not previously identified through the CHRIS database; none of these resources overlap the current proposed Project site either. The closest resource is described as a prehistoric archaeological resource, no further detail regarding this resource is provided.

Regarding paleontological resources, Drover identifies three (3) paleontological resource sites as a result of the pedestrian survey; the three sites are designated as Area P-1, P-2, and P-3, neither of which overlap the current proposed Project site. Area P-1, also designated as LACM-3220 by the Los Angeles Natural History Museum, is described as an upper Pliocene terrestrial and marine deposit consisting of shark teeth, mammal vertebrae, and marine shell. Area P-2 is described as an upper Pliocene marine deposit consisting of five (5) or six (6) whale vertebrae. Area P-3 is also described as an upper Pliocene marine deposit (the Capistrano Formation) consisting of "several" fossil clams. Although none of these resources fall within the current proposed Project site, it is important to note the types of fossils recovered since all three sites were found within the City of San Juan Capistrano. However, the Pliocene Capistrano Formation is not anticipated to be impacted by excavation activities for the proposed Project.

In order to protect archaeological, historic, and paleontological resources of San Juan Capistrano, Drover detailed several recommendations and possible mitigation measures that the City should adopt. The recommendations and mitigation measures are as follows:

- 1) All impact reports should have a comprehensive, on-site archaeological survey;
- 2) All surveys should be conducted by qualified individuals, i.e. those directly connected as consultants within the respective field of interest;
- 3) The names or specific ground performing such survey should be listed clearly in the report;
- 4) Each subject [history, archaeology, and paleontology] should be dealt with separately in the report, with separate observations, possible impact, and mitigation factors;
- 5) Mitigation measures should generally be implemented prior to any land development or land alteration (prior to the issuance of building or grading permits);
- 6) Ample time should be allowed to conduct surveys and various mitigation measures prior to land alteration. (Drover recommends 4 to 8 weeks, depending on the site of proposed development);
- 7) If any historic, archaeological, or paleontological materials are identified during grading activities, construction should be halted until a qualified archaeologist can investigate the finding(s);
- 8) Intentional or unintentional destruction of historic, archaeological, or paleontological materials, without permit or clearance by the City, should be dealt with as a breach of ordinance and subject to the penalties and fines as set forth in Section 12.01.4 of Ordinance 115;
- 9) All historic, archaeological, and paleontological sites should be recorded with the City [of San Juan Capistrano] and the proper corresponding institution; and
- 10) The failure to comply with any facet of these particular guideline requirements should constitute sufficient grounds by which to revoke any grading or building permit and to temporarily suspend any operation otherwise being carried out in compliance with such permits.

Drover also recommends a “Cultural Heritage Commission” be established by ordinance of the City Council to deal with all matters pertaining to the preservation and conservation of historic resources within the City.

Report No. OR-01237

Cultural Resources Reconnaissance of Ten Areas for Possible Park Locations, City of San Juan Capistrano, Orange County, California, (Bissell and McKenna 1992), documents the results of a cultural resources reconnaissance consisting of archival record search, literature review, and pedestrian survey in compliance with CEQA. The area of study consists of three loci, one locus [referred to as the Kinoshita Farm] overlaps the entirety of the current proposed Project site. It should be noted

that although the report was prepared under the provisions of CEQA, it includes federal language, but does not discuss the federal nexus. Bissell and McKenna state that the Kinoshita Farm has never been properly surveyed for archaeological material; however, the historic Congdon House (P-30-160129) located within the Kinoshita Farm parcel was previously recorded and has since been determined eligible for the NRHP in 2002.

The Kinoshita Farm parcel is described as consisting of the former residence of Joel Congdon along with associated farm buildings in the southeastern corner and the remainder of the parcel is agricultural fields. It should be noted that the current proposed Project site is situated within current agricultural rows and is approximately 155 meters (500 feet) west of the Congdon House/Kinoshita Farm structures. The Congdon residence and associated farm structures were constructed around 1876 and Bissell and McKenna recommend the farmhouse to be fully documented and evaluated for eligibility on the NRHP, as a California Historic Landmark or a local point of historic interest.

During the course of the survey, lithic material and marine shell remains were encountered at low densities scattered throughout the area of study. However, Bissell and McKenna state that none of the lithic material or marine shell displays evidence of cultural modification and the marine shell is not fossiliferous, suggesting it is a natural deposit of recent origin. Although there is no current observable evidence of prehistoric activity within the Kinoshita Farm parcel, Bissell and McKenna affirm that any subsurface cultural material encountered could have a significant level of preservation and possibly provide important information for time periods (both historic and prehistoric) earlier than the 1870s. Due to this possibility, Bissell and McKenna recommend monitoring for all ground disturbing activities, especially in the western half of the study area. No information regarding paleontological resources is provided within this report.

Previously Recorded Cultural Resources

The SCCIC records indicate that four cultural resources have been previously recorded within 0.5-mile of the proposed Project site. Of these, three are historic built environment resources and one is a prehistoric archaeological site. None of these resources overlap the proposed Project site. Table 2, below, summarizes all previously recorded cultural resources identified within the records search area, including the California State Office of Historic Preservation (OHP) California Historical Resource (CHR) Status Code for each resource.

Table 2. Previously Recorded Cultural Resources within a 0.5-Mile Radius of the Proposed Project Site

Primary Number (P-30-)	Trinomial (CA-ORA-)	Description	Recording Events	OHP CHR Status Codes	Proximity to Proposed Project Site
000835	000835	Prehistoric archaeological site: described as a small, temporary campsite consisting of two manos, one fragment of a milling stone, and one small grinding slab.	1979 (Mitchell); 2007 (Lichtenstein, Robert J.)	7R: Identified in Reconnaissance Level Survey: Not evaluated	720 meters (m) (2360 feet (ft.)) southeast of the Proposed Project site
001342	001342H	Historic built environment: Kinoshita Farm/Congdon Farm described as a historic farmhouse and associated buildings constructed between 1876 and 1878.	1992 (Becker); 2007 (Lichtenstein, Robert J.)	7R: Identified in Reconnaissance Level Survey: Not evaluated	155 m (500 ft.) east of the Proposed Project site
160129	-	Historic built environment: Joel R Congdon Residence described as a historic farmhouse and associated buildings constructed in 1876.	2001 (Ilse M. Byrnes)	1: Listed in the National Register	155 m (500 ft.) east of the Proposed Project site
176663	-	Historic built environment: resource includes the approximately 14.7-mile long segment of the Burlington Northern Santa Fe (formerly the Atchison, Topeka and Santa Fe) Railway (originally constructed in the 1880's) and bridges/culverts. The railroad has been utilized for more than 100 years, and much of the railroad has been replaced over its lengthy period of use.	2002 (D. Ballester); 2002 (Bai Tang and Josh Smallwood); 2003 (Richard Shepard); 2007 (S. McCormick); 2012 (MK Meiser); 2016; 2016 (B. Tang); 2018	6Z: Found ineligible for National Register (NR), California Register (CR) or Local designation through survey evaluation	510 m (1670 ft.) southeast of the proposed Project site
<p>Note: OHP CHR status codes are a database tool established by the State of California to classify historical resources (including both archaeological and historic built environment resources) in the State's inventory that have been identified through a regulatory process or local government survey and is used statewide.</p> <p>Source: OHP 2004</p>					

Historical Maps and Aerial Photographs Review

Dudek consulted historical maps and aerial photographs to understand development of the proposed Project site and surrounding properties. Topographic maps are available for the years 1941 (USGS), 1949, 1959, 1964, 1970, 1978, 2012, 2015, and 2018 (NETR 2021a). The first USGS topographic map showing the proposed Project site dates to 1941 and shows the proposed Project site as undeveloped with Camino Del Avion and Alipaz Street, serving as the proposed Project site's unpaved southern and eastern boundaries respectively 1941 (USGS). The topographic map from 1949 shows the proposed Project site with three structures in the southeastern corner with the label "Water," within the present-day footprint of the Ecology center. The following topographic maps, 1959 and 1964, show no significant changes to the proposed Project site. The 1970 topographic map only shows one

structure in the southeastern corner and no longer depicts the “Water” label (present-day Ecology Center). The topographic map from 1978 shows an additional structure in the southeastern corner along with the label “Trailer Park,” which is also within the footprint of the present-day Ecology Center. The remainder of the topographic maps do not depict all structures, only ones with community or social significance (for example Firehouses or Hospitals). The 2012 topographic map shows Via Positiva, serving as the proposed Project site’s western and northern boundary. The most recent topographic map from 2018 no longer depicts Via Positiva.

Aerial photographs are available for the years 1938, 1946, 1952, 1967, 1980, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2000, 2002, 2003, 2004, 2005, 2009, 2010, 2012, 2014, 2016, and 2018 (NETR 2021b). Table 3, below, summarizes the details depicted within the aerial photographs.

Table 3. Aerial Photographs Showing the Proposed Project Site and Parcel

Year	Description
1938	The photograph depicts the majority of the Project parcel as an orchard with Camino Del Avion and Alipaz Street as unpaved roads serving as the proposed Project site’s southern and eastern boundaries. The parcel’s southeastern corner is clear of vegetation and appears to not be a part of the orchard. The proposed Project site is in use as an orchard.
1946	The photograph depicts three small structures in the southeastern corner of the Project parcel. No significant change to the proposed Project site.
1952	The photograph only shows the northernmost two structures within the southeastern corner of the Project parcel. No significant change to the proposed Project site.
1967	The photograph no longer depicts the entire Project parcel in use as an orchard; the proposed Project site is void of vegetation and appears to be graded.
1977	The photograph shows the proposed Project site in use as a series of agricultural parcels and no significant change to the Project parcel.
1980	The photograph depicts an additional three structures within the southeastern corner of the Project parcel. No significant change to the proposed Project site.
1992	The photograph shows additional structures within the Project parcel. Due to the clarity of the photo and the small size of the structures, it is difficult to discern an exact amount. The photograph also appears to show Camino Del Avion and Alipaz Street as paved. No significant change to the proposed Project site.
1993	No significant change to the proposed Project site or Project parcel.
1994	No significant change to the proposed Project site or Project parcel.
1995	The photograph depicts the western half of the Project parcel as void of vegetation and appearing to be graded. The proposed Project site remains a series of parceled out agricultural fields.
1996	The photograph shows Via Positiva, as a dirt road serving as the Project parcel’s western and northern boundaries. The western half of the Project parcel is void of vegetation and appears to be under construction. The eastern half where the proposed Project site is located, remains parceled out agricultural fields.
1997	The western half of the Project parcel is a series of landscaped fields (three baseball diamonds and two larger open fields). Via Positiva appears to be paved. No significant changes to the proposed Project site.
1998	The photograph depicts the southwestern corner of the Project parcel appearing to be under construction. No significant changes to the proposed Project site.
1999	The photograph shows a large structure and associated parking lot in the southwestern corner of the Project parcel, where the 1998 aerial showed construction. No significant changes to the proposed Project site.
2000	No significant changes to the proposed Project site or Project parcel.
2002	No significant changes to the proposed Project site or Project parcel.

Table 3. Aerial Photographs Showing the Proposed Project Site and Parcel

Year	Description
2003	No significant changes to the proposed Project site or Project parcel.
2004	No significant changes to the proposed Project site or Project parcel.
2005	No significant changes to the proposed Project site or Project parcel.
2009	No significant changes to the proposed Project site or Project parcel.
2010	No significant changes to the proposed Project site or Project parcel.
2012	No significant changes to the proposed Project site or Project parcel.
2014	No significant changes to the proposed Project site or Project parcel.
2016	No significant changes to the proposed Project site or Project parcel.
2018	No significant changes to the proposed Project site or Project parcel.

In summary, the proposed Project site has been subject to ground disturbance associated with vegetation clearing, grading, and agricultural discing in support of the agricultural use since at least 1938 and has remained undeveloped and in use for agricultural purposes, specifically as an orchard and crop farm as part of the larger farming operation operated by the Ecology Center.

Geological Map Review, Paleontological Literature Review, and Paleontological Records Search

According to surficial geological mapping at a scale of 1:100,000 (Kennedy and Tan 2007), the proposed Project site is underlain by Holocene and late Pleistocene (~126,000 – present) young alluvial flood-plain deposits (map unit Qya). While young alluvial flood-plain deposits are assigned low paleontological sensitivity per the Society of Vertebrate Paleontology (SVP) guidelines (SVP 2010) because they are generally too young to preserve fossils, these younger deposits are often underlain by Pleistocene (~ 2.58 million years ago – 11,800 years ago) older alluvial deposits that have high paleontological sensitivity. In his compilation of Quaternary vertebrate fossils from California, (Jefferson 1991) reported the following fossils from Pleistocene deposits nearby the proposed Project site: a fossil common bottlenose dolphin (*Tursiops* sp.) from the San Juan Capistrano area; a ground sloth (*Nothrotheriops shastensis*) from the Forster Ranch development in San Clemente; a variety of fossil fish, amphibians, reptiles, and small mammals from the Tsuma property in San Clemente; and ground sloth (*Nothrotheriops*), mammoth (*Mammuthus*), horse (*Equus* sp. cf. *E. occidentalis*), and Bison (*Bison* sp. cf. *B. latifrons*) from San Clemente City Hall.

Dudek Senior Paleontologist, Michael Williams, requested a paleontological records search from the LACM of the proposed Project site and a one-mile radius buffer on August 5, 2021 and the results were received on August 7, 2021 (Confidential Appendix C). While the LACM did not report any vertebrate fossil localities from within the proposed Project site or within the one-mile buffer, they do have localities nearby the proposed Project site. The closest vertebrate locality, LACM VP (Vertebrate Paleontology) 3828-3825 and invertebrate locality LACM IP (Invertebrate Paleontology) 4920-4928,

which is approximately 1.25 miles southeast of the proposed Project site, yielded invertebrate specimens (Echinodermata and Mollusca), as well as vertebrate specimens (Fishes - Chondrichthyes and Osteichthyes, extinct artiodactyl – *Protoreodon minimus*, and other unspecified mammals). These specimens were encountered at the ground surface. The next closest locality, LACM VP 5889, 5792 and LACM IP 11942, is located approximately 1.8 miles northeast of the proposed Project site at an unknown depth. This locality yielded various specimens including sharks, rays, birds, pinnipeds, cetaceans, and a turtle, as well as un-specified specimens from the elephant, antelope, and camel families. Table 4 below, summarizes all fossil localities near the proposed Project site. The Niguel and Capistrano Formations are not anticipated to be impacted by construction of the proposed Project; however, Pleistocene deposits are anticipated at depth. The LACM recommends a full paleontological assessment in compliance with Bureau of Land Management or Society of Vertebrate Paleontology standards prior to any ground disturbance.

Table 4. LACM Fossil Localities Near the Proposed Project Site

LACM Locality Number	Location	Taxa	Geology	Depth Below Ground Surface
LACM IP 1144	San Juan Capistrano (more precise locality not available)	Invertebrates (bivalves)	Niguel Formation	Unknown
LACM VP 3828-3835; LACM IP 4920-4928	East part of the City of San Juan Capistrano; south of McCracken Reservoir	Invertebrates (Echinodermata, Mollusca); Fish (chondrichthyes, osteichthyes); Extinct artiodactyl (<i>Protoreodon minimus</i>) and other unspecified mammals	Niguel Formation (gravel and sand lenses)	Surface

Table 4. LACM Fossil Localities Near the Proposed Project Site

LACM Locality Number	Location	Taxa	Geology	Depth Below Ground Surface
LACM VP 5889, 5792; LACM IP 11942	Marbella Golf and Country Club, San Juan Capistrano	White shark (<i>Carcharodon carcharias</i>), megalodon shark (<i>C. megalodon</i>), requiem shark (<i>Carcharhinus</i>), mako sharks (<i>Isurus planus</i> , <i>I. oxyrinchus</i>), weasel shark (<i>Hemipristis serra</i>), sixgill sharks (<i>Hexanchus</i>), eagle ray (<i>Myliobatis</i>), sheephead (<i>Semicossyphus pukcher</i>); flightless alcid (<i>Mancalla diegensis</i>), grebe (<i>Podiceps parvus</i>), pelicans (Pelecaniformes), cormorant (Phalacrocoracidae); sea lion (Otarinae), eared seal (Otariidae), walrus family (Odobeninae), dugong (Dugongidae), dolphins (<i>Parapontoporia</i> , <i>Stenella</i>), sperm whale (<i>Scaldicetus</i>), toothed whale (Odontoceti), baleen whale (Mysticeti); western pond turtle (<i>Clemmys marmorata</i>), elephant family (Proboscidea), antelope family (Antelocapridae), camel family (Camelidae)	Capistrano Formation (Blancan Sand facies)	Unknown
LACM VP 5502-5505	Hillslope west of Oso Creek and southeast of Golden Lantern and Camino los Padres Intersection	Whales (Cetacea), Seals (Pinnipedia)	Capistrano Formation	Unknown
LACM VP 1115	near Salt Creek Trail in Salt Creek Corridor Regional Park; San Joaquin Hills	Mammoth (<i>Mammuthus</i>)	Pleistocene terrace deposit	Unknown
LACM VP 4979-4983; LACM IP 6304-6320	Shea Homes, housing development along Golden Lantern	Unidentified vertebrates and invertebrates	Capistrano Formation	Unknown

Table 4. LACM Fossil Localities Near the Proposed Project Site

LACM Locality Number	Location	Taxa	Geology	Depth Below Ground Surface
LACM VP 7296	West of Calle Bollero, southwest of San Juan Hills Golf Club	White shark (<i>Carcharodon</i>)	Capistrano Formation	Unknown
LACM VP 4543	On a hillside west of Sulphur Creek Reservoir in Laguna Hills area	Bison (<i>Bison</i>)	Unknown formation (Pleistocene, clay with fine sand laminae)	30 feet below ground surface (bgs)

Geomorphological Information

Potential for yet identified cultural and paleontological resources in the vicinity was reviewed against geologic and topographic GIS data for the area and information from other near-by projects. The “archaeological sensitivity,” or potential to support the presence of a buried prehistoric archaeological deposits, is generally interpreted based on geologic landform, environmental parameters (i.e., distance to water and landform slope), and an area’s history of use whereas the “paleontological sensitivity,” or potential to support the presence of paleontological deposits, is reliant on the a review of the geologic data such as the geologic landform within and in the vicinity of the proposed Project site.

The proposed Project site is relatively flat with an approximate elevation of 58’ average mean sea level (amsl). It is located less than 500 meters west of the San Juan Creek and approximately 1.8 miles north of the Pacific Ocean. The nearest mountain range is the Santa Ana Mountains, located approximately 7.5 miles to the east of the proposed Project site. Soils in this area are classified as Sorrento clay loam (map unit symbol 208) within the proposed Project site (USDA 2021). Sorrento clay loam is characterized by zero to two percent slope angles and is composed of alluvium derived from sedimentary rock. The parent material likely weathered and eroded from the Santa Ana Mountains. Sediment formation in this location would likely have occurred primarily since the Holocene, given the young age of the deposits on the surface.

Based on review of this information, the proposed Project site is indicated to have a low-moderate potential to support the presence of buried prehistoric and historical archaeological resources, and low potential for paleontological deposits on or near the surface that increases with depth.

Field Survey

Methods

Dudek cross-trained Archaeologist/Paleontologist, Javier Hernandez, conducted an intensive-level pedestrian survey of the proposed Project site on August 18, 2021. The intensive-level survey methods consisted of a pedestrian survey conducted in parallel transects, spaced no more than 10 meters apart (approximately 32 feet). Within each transect, the ground surface was examined for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations), historical artifacts (e.g., metal, glass, ceramics, building materials), and any exposed surficial fossils. Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials. Sedimentological and taphonomical characteristics were noted on exposed rock outcrops, if present. No cultural or paleontological material was collected during the survey.

All fieldwork was documented using field notes and an Apple Generation 7 iPhone (iPhone) equipped with ESRI Collector and Avenza PDF Maps software with close-scale georeferenced field maps of the proposed Project site, and aerial photographs. Location-specific photographs were taken using the iPad's 12-mega-pixel resolution camera. All field notes, photographs, and records related to the current study are on file at Dudek's Pasadena, California office. All field practices met the Secretary of Interior's standards and guidelines for a cultural resources inventory.

Results

The 0.96-acre proposed Project site is located within the southwestern portion of the City-owned Kinoshita Farm property within APN 121-190-57 and consists of five agricultural fields and a path that runs along the western and northern boundaries. Ground surface visibility within the proposed Project site was variable and as such, in areas of dense ground coverage, surface scrapes were occasionally implemented, when necessary, to enhance detection of archaeological and paleontological materials that may have been obscured on the surface. Careful attention was given to barren ground including at the base of trees and bushes, within paths/trails and any subsurface soils exposed by burrowing animals. Generally, ground surface visibility within the proposed Project site, including the previously mentioned path was poor (20 to 30 percent). No exposed rock outcrops were observed. Disturbances observed include modern debris, underground irrigation, and agricultural land use, as well as evidence of grading and/or plowing. During the survey, four historic in age tractors were observed in the northwest corner of the multi-use trail. The tractors were photographed and noted, but not formally documented as they appear to be ornamental, and their origin is unknown. Furthermore,

none of the available SCCIC records reviewed indicate that any previously recorded cultural resources exist within the proposed Project site. As such, no cultural materials or any paleontological resources were observed within the proposed Project site as a result of the survey.

All soils appear to be consistent with the United States Department of Agriculture's characterization of Sorrento clay loam (USDA 2021).

Summary of Findings

Archaeological Sensitivity

The entirety of the proposed Project site has been subjected to previous cultural resource investigations. Of these two previous studies, one study (OR-01237), identified lithic material and marine shell remains during a reconnaissance pedestrian survey within the Kinoshita Farm Property, which is the 28-acre City-owned parcel and includes the current proposed Project site. The report notes that none of the lithic material identified exhibited any evidence of cultural modification and the marine shell that was observed appeared to be recent in origin. The report goes on to state that although the resources identified on the surface during the survey of the Kinoshita Farm Property does not exhibit evidence of prehistoric activity, subsurface cultural material if encountered would be preserved and would provide information for prehistoric and historic periods (prior to the 1870s) and as such, it was recommended that all ground disturbing activities within the Kinoshita Farm Property be monitored. Additionally, the CHRIS records search indicates that one previously recorded prehistoric archaeological site, P-30-000835/CA-ORA-000835, was identified within 720m (approximately 2360 feet) to the southeast and outside of the proposed Project site. This prehistoric archaeological site was originally recorded in 1979 and was identified during a pedestrian survey. The record notes that the nearest water source as the San Juan Creek. The site is described in the 1979 record as a prehistoric temporary campsite and was noted to be disturbed by an irrigation system and the construction of the San Diego Freeway (Interstate 5). The site was revisited in 2007 as part of a cultural resources inventory and site assessment and the record was updated to state that the prehistoric archaeological site as documented in 1979, no longer exists and was destroyed during the construction of the southbound lanes for Interstate 5 and it was concluded that there is no potential for buried deposits to exist anywhere near the former footprint of site P-30-000835/CA-ORA-000835 as mapped in 1979. The current proposed Project site is less than 500 meters west of the San Juan Creek and has remained in use for agricultural purposes since the early twentieth century to present. Although the proposed Project site has remained undeveloped to present-day and operates as an orchard and crop farm, the vast majority of tree roots disturb roughly the top 22 to 36 inches of the soil. An intensive-level pedestrian survey of the proposed Project site did not identify any cultural materials. It should be noted that based on current site conditions, the native soils upon and within which cultural deposits would exist in context was not observed during the survey. Given this information and

geoarchaeological suitability for supporting the presence of buried archaeological resources, there is a moderate potential for the discovery of unanticipated cultural resources during initial Project-related ground disturbance within native soil, beneath the extant root system of the orchard. In the event that unanticipated archaeological resources are encountered during Project implementation, impacts to these resources would be significant. As such, management recommendations to reduce potential impacts to unanticipated archaeological resources and human remains during construction activities to a less than significant impact are provided below.

Paleontological Sensitivity

No paleontological resources were identified within the proposed Project site during the paleontological records search through the LACM, the paleontological survey, or desktop research conducted by Dudek. Recent young alluvial flood-plain deposits, which are generally too young to contain significant paleontological resources on or very near the surface, immediately underlie the proposed Project site. However, at depths greater than five feet below the original surface, there is a greater likelihood of encountering sediments that are old enough to contain significant paleontological resources. Pleistocene age sedimentary deposits have produced significant paleontological resources throughout Orange County. As a result, the Orange County Curation Guidelines for paleontology (Eisentraut and Cooper 2002; Rivin and Sutton 2010), assigns Pleistocene age older alluvial deposits as having high potential to yield paleontological resources (i.e., high resource importance). Younger, surficial deposits, such as young alluvial fan deposits and artificial fill, both have low potential to yield paleontological resources (Eisentraut and Cooper 2002; Rivin and Sutton 2010).

Given these factors, the likelihood of impacting paleontological resources within the proposed Project site is considered low above a depth of five feet below the original ground surface, increasing with depth.

Management Recommendations

Although the proposed Project site has been subject to ground disturbance associated with vegetation clearing, grading, and agricultural discing in support of the agricultural use since at least 1938, SCCIC records search did indicate there are potentially sensitive archaeological resources within and in the vicinity of the proposed Project site, including prehistoric and historic period resources, that could be encountered subsurface during ground disturbing activities within native soils and at depths greater than five feet below the original surface for paleontological resources. Therefore, in addition to the recommendations provided below, Dudek recommends that an inadvertent discovery clause, written by an archaeologist and paleontologist, be added to all construction plans associated with ground disturbing activities. With the implementation of these measures, the Project will have a less than significant impact on archaeological and paleontological resources and human remains.

Should any Native American tribal consultation or other coordination result in the identification of Native American cultural resources within the proposed Project site, the City will work in cooperation with Native American tribal representatives to determine if Native American monitoring or other treatment measures are required.

Workers Environmental Awareness Program Training

All construction personnel and monitors who are not trained archaeologists/paleontologists shall be briefed regarding inadvertent discoveries prior to the start of construction-related excavation activities. A basic presentation and handout or pamphlet shall be prepared in order to ensure proper identification and treatment of inadvertent discoveries. The purpose of the Workers Environmental Awareness Program (WEAP) training is to provide specific details on the kinds of archaeological materials and the types of fossils that may be identified during construction of the Project and explain the importance of and legal basis for the protection of both archaeological and paleontological resources. Each worker shall also learn the proper procedures to follow in the event that archaeological and paleontological resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the site supervisor and archaeological/paleontological monitor.

Cultural Resources Monitoring and Inadvertent Discovery of Archaeological Resources

It is recommended that an archaeological monitor be present during all initial ground-disturbing activities with the potential to encounter cultural resources. The requirement to include a Native American Monitor should be determined by the City through consultation and review of the present report findings. A monitoring plan should be prepared by the archaeologist and implemented upon approval by the City. Archaeological monitors shall be present on the Project site during initial ground-disturbing activities to monitor rough and finish grading, excavation, and other ground-disturbing activities in the native soils.

If cultural materials are discovered during initial disturbances associated with site preparation, grading, or excavation, the construction contractor shall divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. The area of avoidance shall be determined by the qualified archaeologist in coordination with the construction team. If determined necessary by the qualified archaeologist for the protection of this area, it shall be delineated by a temporary physical exclusionary boundary using staking and survey tape or other similar materials. Non-cultural project personnel shall not handle, collect or move any archaeological materials or human remains and associated materials. To the extent feasible, Project activities shall avoid these deposits. Where avoidance is not feasible, the archaeological deposits shall be evaluated for their eligibility for listing on the California Register of

Historical Resources. If the deposits are not eligible, regulations provide that avoidance is not necessary. If the deposits are eligible, adverse effects to the identified resource must be avoided, or such effects must be mitigated. Mitigation can include, but is not necessarily limited to: preservation in place, excavation of the deposit in accordance with a data recovery plan (see California Code of Regulations [CCR] Title 4(3) Section 5126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; an interpretive display of recovered archaeological materials at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City Development Services Director, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of the findings and recommendations.

Daily monitoring logs should be completed by onsite archaeological (and Native American monitors if present). Within 60 days following completion of restoration, the qualified archaeological principal investigator should provide an archaeological monitoring report to the lead agency for review. The intent of this report should be to document compliance with approved mitigation. This report should include the results of the cultural resources monitoring program (even if negative), including a summary of any findings or evaluation/data recovery efforts, and supporting documentation that demonstrates all mitigation measures defined in the environmental document were appropriately met. Appendices should include monitoring logs and documentation relating to any newly identified or updated cultural resources.

Paleontological Resources Monitoring

If excavations below a depth of five feet below the original ground surface are planned for the proposed Project, a qualified Orange County certified paleontologist meeting the SVP (2010) standards should be retained to determine when and where paleontological monitoring is warranted. The qualified paleontologist or a qualified paleontological monitor meeting the SVP (2010) standards under the direction of the qualified paleontologist should conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist can reduce or terminate monitoring per the SVP (2010) guidelines and based on the excavations remaining for the proposed Project. The paleontological monitor should complete daily monitoring logs documenting construction activities and geological and paleontological observations. The qualified paleontologist should produce a final paleontological monitoring report that discusses the paleontological monitoring program, any paleontological discoveries, and the preparation, curation, and accessioning of the fossils into a suitable paleontological repository with retrievable storage.

Inadvertent Discovery of Human Remains

Consistent with the requirements of CCR Section 15064.5(e), if human remains are encountered during site disturbance, grading, or other construction activities on the Project site, the construction contractor shall halt work within 25 feet of the discovery; all work within 25 feet of the discovery shall be redirected and the Orange County (County) Coroner notified immediately. This exclusionary buffer may be adjusted based on Project needs, while also ensuring the protection of this area and regulatory compliance, at the recommendation of a qualified archaeologist. If determined necessary by the qualified archaeologist for the protection of this area, it shall be delineated by a temporary physical exclusionary boundary using staking and survey tape or other similar materials. No further disturbance shall occur in areas likely to contain human remains until the County Coroner has made a determination with regard to if the find is human in origin pursuant to Public Resources Code Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify the Most Likely Descendant (MLD). With the permission of the City, the MLD may inspect the site of the discovery. The MLD shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Public Resources Code Section 5097.98 includes reasonable options for treatment that may be requested by the MLD. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City, in coordination with the landowner, shall consult with the MLD identified by the NAHC to develop an agreement for the treatment and disposition of the remains.

Upon completion of the assessment, the consulting archaeologist shall prepare a report documenting the methods and results and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the MLD. The report shall be submitted to the City Development Services Director, or designee, and the South Central Coastal Information Center. The City Development Services Director, or designee, shall be responsible for reviewing any reports produced by the archaeologist to determine the appropriateness and adequacy of the findings and recommendations.

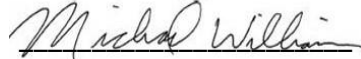
Subject: Cultural Resources Inventory for the San Juan Capistrano Skate Park Project

Should you have any questions relating to this report and its findings, please do not hesitate to contact me directly at lkry@dudek.com or Michael Williams at mwilliams@dudek.com.

Sincerely,



Linda Kry, BA, RA
Lead Archaeologist



Michael Williams, PhD
Senior Paleontologist

cc: Adam Giacinto, Dudek

Att: Appendix A: Figures

Appendix B: Confidential SCCIC Records Search Results

Appendix C: Confidential LACM Paleontological Records Search Results

References

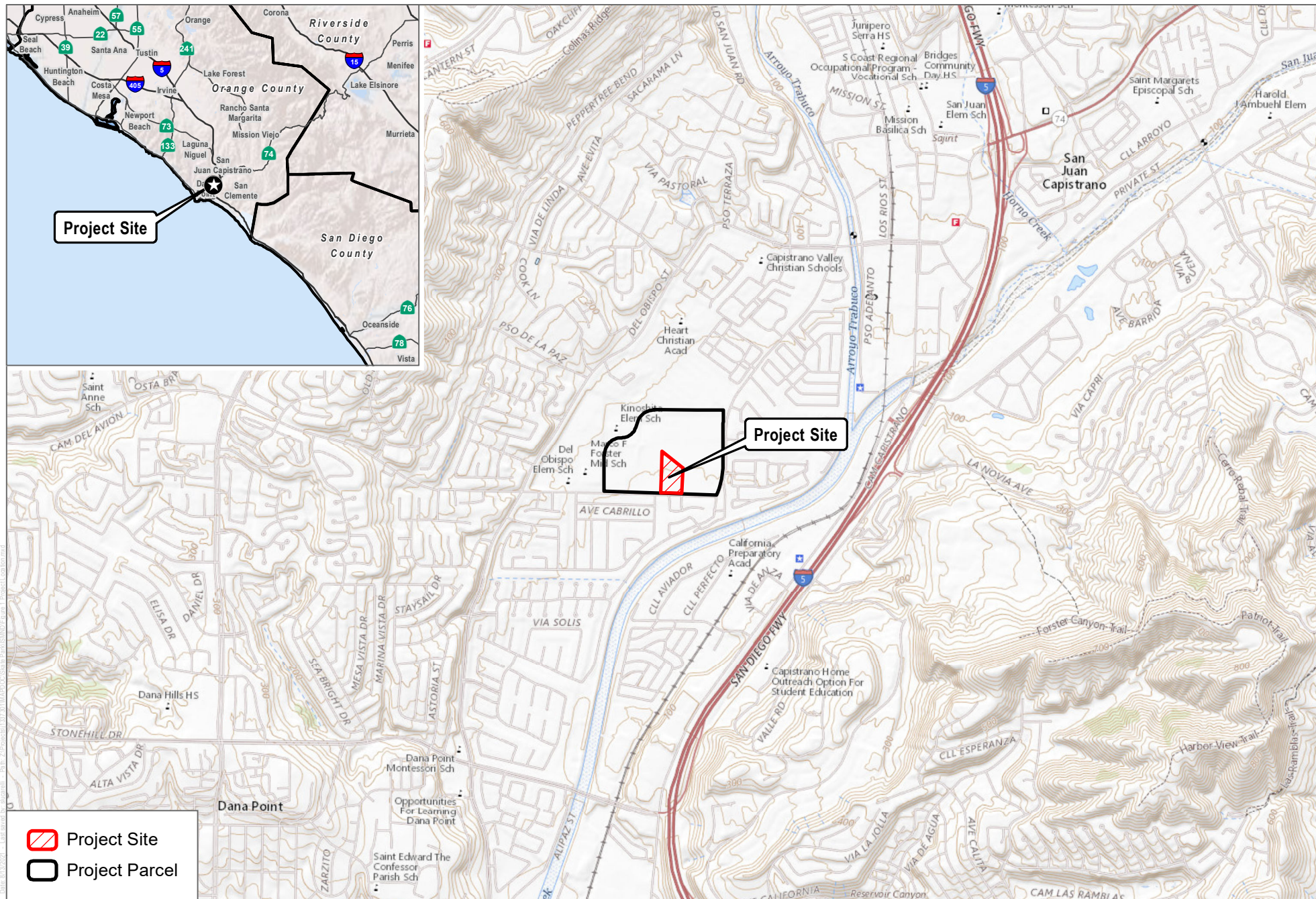
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Appendix A

Figures



SOURCE: USGS National Map 2021; Dana Point Quadrangle



SOURCE: Maxar 2019

FIGURE 2

Project Site

Appendix B

Confidential SCCIC Records Search Results

Appendix C

Confidential LACM Paleontological Records Search
Results

