

4.4 CULTURAL RESOURCES

This section describes the existing cultural resources of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures as necessary related to implementation of the proposed Cypress Point Project (project). The following analysis is based upon the following studies:

- Cultural Resources Survey Report for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in September 2020 (included as Appendix D of this EIR)
- A Phase I and II Cultural Resources Study for the Cypress Point Project, City of Oceanside, California, prepared by Brian F. Smith and Associates, Inc. in October 2020 (included as Appendix E of this EIR)

4.4.1 Existing Conditions

The 7.3-acre project site lies within the city of Oceanside, located directly west of the terminus of Aspen Street along the southern bank of the San Luis Rey River and north of Highway 76. Vegetation consists of native grasses throughout the project area overlying Tujunga sandy deposits, 0 to 5 percent slopes. The project property has been previously graded and elevations range from 44 to 51 feet above mean sea level (AMSL).

4.4.1.1 Regional Prehistoric and Historic Context

The project is located along the southern bank of the San Luis Rey River, which would have provided a rich and varied food resource that was less subject to the debilitating effects of limited seasonal rainfall than the inland areas of San Diego County. At the time of the first European colonization (1769), and for a period of time thereafter, Native American people used resources from the bay and adjacent wetland areas. The cultures that have been identified in the general vicinity of the project consist of possible Paleo Indian manifestation of the San Dieguito Complex, the Archaic and Early Milling Stone horizons represented by the La Jolla Complex, and the Late Prehistoric Kumeyaay culture. The prehistory of the region is divided into four major periods: Early Man (Prior to 8500 B.C.), Paleo Indian Period (8500 to 6000 B.C.), Early Archaic (6000 B.C. to A.D. 0), and Late Prehistoric (0 A.D. to 1769). The area was then used for ranching and farming following the Hispanic intrusion into the region and extending into the historic period. The historic period is also divided into four major periods: Exploration Period (1530 to 1769), Spanish Colonial Period (1769 to 1821), Mexican Period (1821 to 1846), and Anglo-American Period (1846 to Present). The prehistory and historic periods of the region are described in detail in Appendix D and E of this EIR.

4.4.1.2 Methodology

The Phase I and II Cultural Resources assessment was conducted by Brian F. Smith and Associates, Inc. (BFSA) as part of the environmental clearance required for the proposed project. The evaluation program was conducted in accordance with the California Environmental Quality Act (CEQA), Section 15064.5, and the City of Oceanside’s cultural resource guidelines to determine the presence of any archaeological or historic resources that would be affected by the proposed project and whether these resources meet the eligibility requirements for the California Register of Historical Resources (CRHR).

The Phase I cultural resource survey of the project site consisted of institutional records searches, a pedestrian archaeological survey of the project, and preparation of Cultural Resources Survey Report. A records search was reviewed from the South Coastal Information Center (SCIC) at San Diego State University to identify previously discovered archaeological sites in the project area, and a Sacred Lands file (SLF) search was requested from the Native American Heritage Commission (NAHC) to list potentially sacred or ceremonial sites or landforms on or near the project site. The search encompassed the area of potential effect (APE) and a 1-mile buffer around the APE. In addition to a review of previously prepared site records and reports, the records search also involved review of historical maps of the project site and vicinity; ethnographies; the National Register of Historic Places (NRHP); the Office of Historical Preservation (OHP) Built Environmental Resources Directory (BERD); and land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office website, were also reviewed for pertinent project information. Results from the record searches are discussed below under Section 4.4.1.3.

Principal Investigator Brian F. Smith, M.A. from BFSA directed the cultural resources study for the project. The initial archaeological survey (Phase I survey) was conducted on September 14, 2020 by Senior Archaeologist Tracy A. Stropes, M.A., RPA with participation by Cami Mojado from the San Luis Rey Band of Mission Indians. During the pedestrian survey, it was noted that the topography of the project site was generally flat and previously graded. Including the previous grading of the property, disturbances include two man-made trenches and three dirt walking paths. The trenches, located at the north and south of the property, are a result of drainage pipelines between the nearby neighborhood and the San Luis Rey River channel. The southernmost trench runs east to west along the southern project boundary and the northernmost trench runs southeast and northwest across the northern third of the project. The three dirt walking paths are located along the southern project boundary and running northeast to southwest along the northern third of the property. Additionally, the majority of the property was covered in dense, low-lying grasses. In areas obscured by dense vegetation, ground visibility was considered poor, which in turn hindered the possibility of identifying cultural resources. Parallel survey transects spaced at approximately 10-meter intervals were utilized throughout the entire project and photographs were

taken to document project conditions (photographs are included as part of Appendix E to this EIR). During the archaeological field survey, an unconsolidated scatter of prehistoric shell was identified in the northern portion of the project. The marine shell was observed within previously impacted soil brought up to the surface by the development of a drainage ditch that runs northwest to southeast across the northern portion of the parcel. The presence of the prehistoric material indicated a potential for subsurface deposits to also be present.

To investigate the potential for buried deposits across the project, BFSa archaeologists Clarence Hoff and James Shrieve conducted a testing and evaluation program and trench sampling program on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Phase II survey). Thirteen (13) test trenches were mechanically excavated and screened to determine if cultural resources were present within the subsurface portion of the property. The testing program was conducted prior to grading in order to facilitate the identification of any significant subsurface archaeological deposits and, if significant deposits or features were identified, to outline measures needed to achieve the mitigation of impacts. Of the 13 trenches excavated as part of the testing program, six trenches (trenches 2, 5, 6, 8, 9, and 10) produced only recovered 20 fragments of marine shell (21.2 grams identified as *Argopecten* sp., *Chione* sp., *Ostrea* sp., and *Donax* sp.) and one piece of prehistoric ceramic (see Table 4.4-1, Trench Excavation Data). The majority of the materials were recovered between zero and 60 centimeters in depth, which corresponds to the stratigraphic observations for the trenches across the property. It is clear that the majority of the artifacts identified were concentrated between 30- and 60-centimeter levels. No midden soils were encountered.

**Table 4.4-1
Trench Excavation Data**

Trench	Depth (cm)	Object	Material	Quantity	Weight (g)
1	0–150	No Recovery			
2	0–60	Marine Shell	Ostrea sp.	3	2.0
	60–150	No Recovery			
3	0–150	No Recovery			
4	0–150	No Recovery			
5	0–30	No Recovery			
	30–60	Marine Shell	Chione sp.	10	15.3
			Ostrea sp.		
			Donax sp.		
60–150	No Recovery				
6	0–30	No Recovery			
	30–60	Marine Shell	Indeterminate	1	0.2
	60–150	No Recovery			
7	0–150	No Recovery			

**Table 4.4-1
Trench Excavation Data**

Trench	Depth (cm)	Object	Material	Quantity	Weight (g)
8	0–30	Marine Shell	Donax sp.	2	0.5
	30–150	No Recovery			
9	0–30	No Recovery			
	30–60	Marine Shell	Chione sp.	1	1.7
		Prehistoric ceramic	–	1	4.1
	60–150	No Recovery			
10	0–60	Marine Shell	Argopecten sp.	3	1.5
	60–150	No Recovery			
11	0–150	No Recovery			
12	0–150	No Recovery			
13	0–150	No Recovery			
Total				21	25.3

Source: Appendix D

The artifacts recovered from the project site (Table 4.4-1) constitute too small of a collection for broad research questions to be applied. Furthermore, the materials observed in the trenches are interpreted as potentially being a secondary deposition that resulted from historic flooding episodes along the San Luis Rey River. This limited deposition has also been heavily modified by the historic development of the property as early as 1953. Such disturbance has removed any *in situ* provenience information from the collection and, as such, these materials represent only minimum research value and are not considered to be indicative of a significant prehistoric deposit (Appendix E).

Native American Correspondence/AB 52 Consultation

BFSA requested a search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) to list potentially sacred or ceremonial sites or landforms on or near the project. The SLF search returned positive results and the NAHC requested that the San Luis Rey Band of Mission Indians be contacted for more information. BFSA thereafter reached out to the San Luis Rey Band, and Cami Mojado, representing the San Luis Rey Band, participated in the archaeological survey of the Cypress Point Project on September 14, 2020 as described above. At that time, Ms. Mojado expressed concerns about the project due to its location along the southern bank of the San Luis Rey River, which is traditionally known to the Native peoples of the region as *Quechla*. Prehistorically, *Quechla*, which generally refers to the San Luis Rey River watershed and the people who lived there, was a valuable water source for the native inhabitants of the region and to this day, provides water to five southern Native American tribes that live on or near its banks, including the Rincon, La Jolla, Pauma, Pala, and San Pasqual bands. Due to the project's

immediate proximity to *Quechla*, Ms. Mojado noted the potential for buried cultural deposits along the floodplain and expressed interest in a trenching program to examine areas in the project for any buried cultural resources that may be present. The trenching program was subsequently conducted on October 14, 2020 with participation by Banning Taylor from the San Luis Rey Band of Mission Indians (Appendix E).

The City had requested a consultation list from the NAHC of tribes that are traditionally and culturally affiliated with the geographic area, to include in the AB 52 consultation process. Based on the information provided in the NAHC response letter dated May 19, 2021, outreach letters were mailed on May 20, 2021 to 25 applicable Native American group representatives to solicit additional information about known Native American resources. To date, four responses have been received from representatives of tribes. These responses are summarized below:

- Viejas Tribal Government (May 26, 2021) – Ray Teran, the Resource Management Director for the Viejas Band of Kumeyaay Indians, acknowledged review of the project and determined that the project site has a cultural significance or ties to the Kumeyaay Nation, and recommended notifying the San Pasqual Band of Mission Indians. Per the recommendation, the City reached out to the San Pasqual Band of Mission Indians on May 20, 2021, and the San Pasqual Band of Mission Indians signed for the certified mail on May 24, 2021.
- Rincon Band of Luiseño Indians (June 16, 2021) – Cheryl Madrigal, the Cultural Resource Manager for the Rincon Band of Luiseño Indians, acknowledged notification of the project and requested consultation with the City to assess potential impacts to cultural resources, as the identified project site is located within the Traditional Use Area of the Luiseño people and within the Band’s specific Area of Historic Interest. As part of this initial letter, copies of existing documents pertaining to the project including record search results, the geotechnical report, and grading plans were requested for review prior to consultation. The City provided the requested documents to Ms. Madrigal on June 17, 2021. Consultation was held between Ms. Madrigal and the City on June 30, 2021 via Zoom, and in a follow-up letter to the City from Ms. Madrigal on July 15, 2021, it was confirmed that the Rincon Band was in agreement with the proposed measures outlined in the provided documents which include archaeological and tribal monitoring, a monitoring report, and protocols for discovery of cultural material and human remains. Final requests from the Rincon Band are that the measures will accommodate for reburial on-site as preferred method for any cultural material discovered throughout the duration of the project, and that all excavated materials from the Phase I and II Cultural Resources Study be reburied on-site. To conclude this July 15, 2021 letter, Rincon Band confirmed no further comments or concerns, and that consultation is considered concluded at this time.

In response to Rincon's final request of re-burial of excavated materials from the Phase I and II Cultural Resources Survey Report, Brian Smith & Associates, Inc. confirmed with the Rincon Band in a letter dated July 29, 2021, that the small quantity of artifacts recovered during the testing process will be combined with any cultural materials recovery during the monitoring of grading and will be reburied on the property in a location that will either be in a park or in an open space area. The final location for repatriation and reburial of any cultural materials from the property will be determined with the Native American representatives present at the time of the grading of the property.

In a follow-up response to Rincon's final request, a letter prepared by Brian Smith & Associates, Inc. on August 30, 2021 stated that the small frequency of materials collected as a result of the testing program are currently stored at the offices of Brian F. Smith and Associates, Inc., and given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. However, due to the presence of a limited shell scatter, the potential exists to discover additional prehistoric deposits on the property and as a result, monitoring during ground-disturbing activities by a qualified archaeologist and Native American representative has been recommended to ensure that if buried features (i.e., human remains, hearths, or cultural deposits) are present, they will be handled in a timely and proper manner. As a result, it is standard archaeological protocol to repatriate all materials at the conclusion of the monitoring program to ensure that any additional materials recovered may be combined with the test materials for a single repatriation. As confirmed in the previous response on July 29, 2021, the final location of the repatriation will be determined in consultation with the Native American representatives present at the time of the grading of the property, the project proponent and consulting archaeologist and will include a location that will either be in a park or in an open space area.

- San Luis Rey Band of Mission Indians (June 17, 2021) – Cami Mojado, the Cultural Resources Manager for the San Luis Rey Band of Mission Indians, acknowledged notification of the project and requested tribal consultation, and review of any cultural resources assessments that have been completed for the project. The City reached out twice via email to Cami Mojado of the San Luis Rey Band of Mission Indians initiating consultation, prior to scheduling a consultation meeting. Consultation was held between Cami Mojado and the City on August 12, 2021 via Skype, and consultation is considered ongoing.
- Jamul Indian Village of California (July 22, 2021) – Lisa Cumper, Cultural Resources Manager for the Jamul Indian Village of California, acknowledged notification of the project and confirmed that the project is not within the boundaries of the recognized Jamul Indian Reservation. The letter recommends that a Kumeyaay Native American Monitor be present

for any ground disturbance, but that the tribe has no objection to the continuation of the project activities as currently planned, and defer to the San Pasqual Band of Mission Indians.

Under CEQA, the lead agency is required to perform formal government-to-government consultation with Native American tribes under Assembly Bill 52 (AB 52). AB 52 is applicable to projects that have a notice of preparation or a notice of negative declaration on or after July 1, 2015. As outlined above, notification to tribes was completed for AB 52 and two responses have been received regarding tribal consultation. Consultation with the Rincon Band has been deemed complete as of July 15, 2021.

4.4.1.3 Existing Archaeological and Historical Resources

South Coastal Information Center Records Search Results

As described above under Section 4.4.1.2, a records search of the project APE and the surrounding 1-mile radius around the project was conducted by BFSa staff at the SCIC. The records searches indicated that 101 previous studies have been performed in the 1-mile records search area and six of these reports included portions of the subject property. The reports identified during the SCIC record search for the project site are presented in Table 4.4-2, Previous Cultural Studies on the Project Site. Refer to Appendix D of this EIR for the complete record search results.

**Table 4.4-2
Previous Cultural Studies on the Project Site**

Report I.D.	Title	Author	Year
SD-02630	Letter Report for the Whalen Lake Emergency Access Road Alternative in the North Oceanside Annexation Area	Carrico, Richard	1990
SD-08469	Cultural Resource Test Sampling Program for a Proposed Flood Control Project in the Lower San Luis Rey River Drainage, Oceanside, CA	Carrico, Richard L. and R.L. Franklin	1979
SD-00577	Map for Highway Alternatives Study (11-SD-76 0.0129 11821-159021)	Carrillo, Charles	1982
SD-01070	A Preliminary Archaeological Reconnaissance for a Proposed Flood Control Project in the Lower San Luis Rey River Drainage	Franklin, Randy and Richard L. Carrico	1978
SD-02497	Draft Environmental Impact Report for the Whelan Ranch San Removal Project, Oceanside, CA	New Horizons Planning Consultants, Inc.	1987
SD-01677	A Cultural Resource Survey of the Loma Alta Creek Improvement Plan Area.	Wade, Sue A. and Susan M. Hector	1989

Source: Appendix D

SCIC records indicate that no previously recorded cultural resources are located within the project APE. However, the records indicate that 21 cultural resources have been recorded within the 1-mile search radius. Of the previously recorded resources, nine are prehistoric, eight are historic, and four are a multicomponent. The prehistoric sites include seven lithic and shell scatters, one bedrock milling feature site, and one shell isolate. The historic resources include Mission San Luis

Rey de Francia, adobe ruins and adobe ruins with historic refuse or a cistern, a historic ranch complex, El Camino Real, a historic refuse scatter, and the San Luis Rey Wastewater Treatment Plant. The multicomponent sites include prehistoric occupation sites with historic refuse deposits and a historic ranch complex with a prehistoric shell and fire-affected rock scatter. The cultural resources identified during the SCIC records search for the current project are listed in Table 4.4-3, Previous Cultural Resources identified within 1 Mile of the Project Site.

**Table 4.4-3
Previous Cultural Resources Identified within 1 Mile of the Project Site**

P-Number	Trinomial	Era	Site Type	In/Out APE
P-37-000241	CA-SDI-000241	Historic	Mission San Luis Rey de Francia	Out
P-37-001246	CA-SDI-001246	Prehistoric	Lithic and Shell Scatter	Out
P-37-005130	CA-SDI-005130	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-005131	CA-SDI-005131	Historic	Adobe Ruins with a Refuse Scatter	Out
P-37-005132	CA-SDI-005132	Prehistoric	Lithic and Shell Scatter	Out
P-37-005133	CA-SDI-005133	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-005460	CA-SDI-005460	Prehistoric	Lithic and Shell Scatter	Out
P-37-005461	CA-SDI-005461	Prehistoric	Lithic and Shell Scatter	Out
P-37-006009	CA-SDI-006009	Prehistoric/Historic	Occupation Site/Refuse Scatter	Out
P-37-006010	CA-SDI-006010	Prehistoric	Lithic and Shell Scatter	Out
P-37-010078	CA-SDI-010078	Historic	Adobe Ruins with a Spanish Tile-Lined Cistern	Out
P-37-010079	CA-SDI-010079	Historic	Adobe Ruins	Out
P-37-010080	CA-SDI-010080	Prehistoric	Lithic and Shell Scatter	Out
P-37-011468	CA-SDI-011468	Prehistoric	Lithic and Shell Scatter	Out
P-37-011469	CA-SDI-011469	Prehistoric	Bedrock Milling Features	Out
P-37-011470	CA-SDI-011470	Historic/Prehistoric	Ranch Complex/Shell and Fire-Affected Rock Scatter	Out
P-37-014052	CA-SDI-014006	Historic	Route of El Camino Real	Out
P-37-015694	CA-SDI-014410	Historic	Ranch Complex	Out
P-37-025318	CA-SDI-016795	Historic	Refuse Scatter	Out
P-37-036355	–	Prehistoric	Shell Isolate	Out
P-37-037110	–	Historic	San Luis Rey Wastewater Treatment Plant	Out

Source: Appendix D

Additionally, the SCIC Records indicate the presence of a total of six previously recorded historic addresses within 1-mile search radius. None of the previously recorded historic addresses are identified within the project APE or are located adjacent to the APE. Refer to Appendix D for the complete list of historic addresses.

4.4.2 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) establishes the federal policy for preservation of historical resources, including archaeological sites, and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (e.g., historic properties) prior to undertakings.

Section 106 of the NHPA requires federal agencies to take into account the effects of projects on historic properties (resources included in or eligible for the NRHP). It also gives the Advisory Council on Historic Preservation and the state historic preservation offices an opportunity to consult.

Executive Order 11593, Protection and Enhancement of the Cultural Environment

Executive Order 11593 (36 Federal Register 8921) (1) orders the protection and enhancement of the cultural environment through requiring federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; (2) initiates measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and (3) in consultation with the Advisory Council on Historic Preservation, institutes procedures to assure that federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural, or archaeological significance (16 USC 470-1).

National Register of Historic Places

The NRHP is the nation's official list of historic places. The register is overseen by the National Park Service and requires that a property or resource eligible for listing in the register meet one or more of the following four criteria at the national, state, or local level to ensure integrity and obtain official designation:

- The property is associated with events that have made a significant contribution to the broad patterns of our history.
- The property is associated with the lives of persons significant to our past. Eligible properties based on this criterion are generally those associated with the productive life of the individual in the field in which the person achieved significance.

- The property embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components lack individual distinction.
- The property has yielded, or is likely to yield, information important to prehistory or history.

In addition to meeting at least one of these four criteria, listed properties must also retain sufficient physical integrity of those features necessary to convey historic significance. The register has identified the following seven aspects of integrity: (1) location, (2) design, (3) setting, (4) materials, (5) workmanship, (6) feeling, and (7) association.

Properties are nominated to the register by the state historic preservation officer of the state in which the property is located, by the federal preservation officer for properties under federal ownership or control, or by the tribal preservation officer if on tribal lands. Listing in the NRHP provides formal recognition of a property’s historic, architectural, or archaeological significance based on national standards used by every state. Once a property is listed in the NRHP, it becomes searchable in the NRHP database of research information. Documentation of a property’s historic significance helps encourage preservation of the resource.

State

California Public Resources Code

California Public Resources Code (PRC), Sections 5097–5097.6, identify that the unauthorized disturbance or removal of archaeological or historical resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (express permission) on public lands, and it provides for criminal sanctions. This section was amended in 1987 to require consultation with the Native American Heritage Commission (NAHC) whenever Native American graves are found. Violations that involve taking or possessing remains or artifacts are felonies.

California Public Resources Code, Section 5097.5, states that “no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historic feature situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”

California Register of Historical Resources

In California, per the PRC, the term “cultural resource” includes “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is

significant in the architectural, engineering, scientific, economical, agricultural, educational, social, political, military, or cultural annals of California” (PRC Section 5020.1(j)). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s cultural 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)). A resource is eligible for listing in the CRHR if the State Cultural Resources Commission determines that it is a significant resource and that it meets any of the following criteria (PRC Section 5024.1(c)):

1. Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. 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 to 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.

Per the California Code of Regulations (CCR), resources less than 50 years old are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historic importance of the resource (see 14 CCR, Section 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 National Register of Historic Places (NRHP), and properties listed for formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local cultural resource surveys. The State Historic Preservation Office maintains the CRHR.

Native American Historic Resources Protection Act

The Native American Historic Resources Protection Act (PRC Section 5097 et seq.) addressed the disposition of Native American burials in archaeological sites, and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the Native American Heritage Commission (NAHC) to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to one year to deface or destroy a Native American historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Environmental Quality Act

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

- PRC Section 21083.2(g) defines “unique archaeological resource.”
- PRC Section 21084.1 and CEQA Guidelines Section 15064.2(a) define cultural resources. In addition, CEQA Guidelines Section 15064.2(b) defines the phrase “substantial adverse change” in the significance of a cultural resource. It also defines the circumstances when a project would materially impair the significance of a cultural resource.
- PRC Section 21074 (a): defines “tribal cultural resources” and Section 21074(b) defines a “cultural landscape.”
- PRC Section 5097.98 and CEQA Guidelines Section 15064.2(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC Sections 21083.2(b)–(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures. Preservation-in-place is identified as the preferred manner of mitigating impacts to significant archaeological sites.

Under CEQA, a project may have a significant impact on the environment if it may cause “a substantial adverse change in the significance of an [sic] cultural resource” (PRC Section 21084.1; CEQA Guidelines Section 15064.2(b)). A “cultural resource” is any site listed or eligible for listing in the CRHR. The term “cultural resource” also includes any site described in a local register of historic resources, or identified as significant in a cultural resources survey (meeting the requirements of PRC Section 5024.1(q)).

CEQA also applies to “unique archaeological resources.” PRC 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 through Assembly Bill 52 to apply to “tribal culture resources” as well. Specifically, PRC Section 21074 provides guidance for defining tribal cultural resources as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) included or determined to be eligible for inclusion in the California Register of Cultural Resources or (B) included in a local register of cultural resources as defined in subdivision (k) of §5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of §5024.1. In applying the criteria set forth in subdivision (c) of §5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

All cultural resources and unique archaeological resources—as defined by statute—are presumed to be historically or culturally significant for the purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5(a)). The lead agency is not precluded from determining that a resource is a cultural resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR 15064.5(a)). A site or resource that does not meet the definition of a “cultural resource” or “unique archaeological resource” is not considered significant under CEQA and need not be analyzed further (PRC Section 21083.2(a); 14 CCR 15064.5(c)(4)).

Under CEQA, a 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” (14 CCR 15064.5(b)(1); PRC Section 5020.1(q)). In turn, the significance of a cultural resource is materially impaired when a project (14 CCR 15064.5(b)(2)):

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 cultural 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.

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

When a project significantly affects a unique archaeological resource, CEQA imposes special mitigation requirements. Specifically (PRC Sections 21083.2(b)(1)–21083.2(b)(4)):

- [i]f it can be demonstrated that a project will cause damage to a unique archaeological 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:
 1. Planning construction to avoid archaeological sites.
 2. Deeding archaeological sites into permanent conservation easements.
 3. Capping or covering archaeological sites with a layer of soil before building on the sites.
 4. Planning parks, greenspace, or other open space to incorporate archaeological sites.

If “preservation in place” options are not feasible, mitigation may be accomplished through data recovery (PRC Section 21083.2(d); 14 CCR 15126.4(b)(3)(C)). PRC Section 21083.2(d) states that:

[e]xcavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological 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 (14 CCR 15126.4(b)(3)):

- A. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between

artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

- B. Preservation in place may be accomplished by, but is not limited to, the following:
1. Planning construction to avoid archaeological sites;
 2. Incorporation of sites within parks, greenspace, or other open space;
 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site[; and]
 4. Deeding the site into a permanent conservation easement.
- C. 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 cultural 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” (14 CCR 15126.4(b)(3)). 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 archaeological 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” (14 CCR 15126.4(b)(3)(D)).

Finally, CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are set forth in PRC Section 5097.98.

California Health and Safety Code

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. California 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 can occur until the county coroner has examined the remains (California Health and Safety Code, Section 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (California Health and Safety Code 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 the

MLD being granted access to the site. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Assembly Bill 52

AB 52, in effect as of July 1, 2015, introduces the tribal cultural resource (TCR) as a class of cultural resource and additional considerations relating to Native American consultation into CEQA. As a general concept, a TCR is similar to the federally defined TCP; however, it incorporates consideration of local and state significance and required mitigation under CEQA. A TCR may be considered significant if included in a local or state register of historical resources; determined by the lead agency to be significant pursuant to criteria set forth in PRC Section 5024.1; is a geographically defined cultural landscape that meets one or more of these criteria; or is a historical resource described in PRC Section 21084.1, a unique archaeological resources described in PRC Section 21083.2, or is a non-unique archaeological resource if it conforms with the above criteria. Because an assessment of project-related impacts on TCRs involves analytical requirements different from those that apply to impacts on archaeological resources, this EIR includes a separate discussion of TCRs in Section 4.6.

Local

City of Oceanside General Plan

Cultural resources are addressed in the Environmental Resources Management Element and the Land Use Element. The Environmental Resources Management Element identifies several important cultural sites, including the nearby Mission San Luis Rey, and encourages preservation of such sites when planning development. Specifically, the Environmental Resource Management Element has the following objective for cultural sites:

- Encourage the conservation and protection of significant cultural resources for future scientific, historic, and educational purposes.

In order to achieve this objective, the City of Oceanside (City) will:

1. Encourage the use of “O” zoning and open space easements for the preservation of cultural sites.
2. Encourage private organizations to acquire, restore, and maintain significant historical sites.
3. Encourage investigation by the appropriate groups (i.e., museums, university students, etc.) to explore and record the significant archaeological sites in the areas and to forward this information to appropriate County agencies for inclusion in the San Diego County Natural Resources Inventory.

The Land Use Element provides designations for historic areas in order to preserve cultural resources. The Land Use Element states the following policy relevant to historic sites:

- **1.33 Historic Areas and Sites, Policy A:** The City shall utilize adopted criteria, such as the “Mission San Luis Rey Historic Area Development Program and Design Guidelines,” to preserve and further enhance designated historic or cultural resources.

The Land Use Element further contains the following policies regarding cultural resources:

- **3.2A:** The City shall encourage open space land use designations and open space land use designations and open space zoning or open space easements for the preservation of cultural resources.
- **3.2B:** The City shall encourage the acquisition, restoration, and/or maintenance of significant cultural resources by private organizations.
- **3.2C:** Cultural resources that must remain in-situ to preserve their significance shall be preserved intact and interpretive signage and protection shall be provided by project developers.
- **3.2D:** An archaeological survey report shall be prepared by a Society of Professional Archaeologists certified archaeologist for a project proposed for grading or development if any of the following conditions are met:
 1. The site is completely or largely in a natural state;
 2. There are recorded sites on nearby properties;
 3. The project site is near or overlooks a water body (creek, stream, lake, freshwater lagoon);
 4. The project site includes large boulders and/or oak trees; or
 5. The project site is located within a half-mile of Mission San Luis Rey.

City of Oceanside Historic Preservation Ordinance

Chapter 14A of the City’s Municipal Code, referred to as the Historic Preservation Ordinance, identifies evaluation criteria under which a historical site or area may be designated in Section 14A.6, as follows (City of Oceanside 2018):

- a) It exemplifies or reflects special elements of the city’s cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b) It is identified with persons or events significant in local, state, or national history; or
- c) It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

- d) It is representative of the notable work of a builder, designer, or architect; or
- e) It is found by the council to have significant characteristics which should come under the protection of this chapter.

4.4.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural resources would occur if the proposed project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to in CEQA Guidelines Section 15064.2.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2.
3. Disturb any human remains, including those interred outside of formal cemeteries.

The CEQA Guidelines state that a project that demolishes or alters those physical characteristics of a historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource’s significance. To best mitigate the effects of a project on cultural resources, a lead agency must make a reasonable, good faith effort to determine their historical or archaeological character and eligibility for listing in the CRHR. Of the four primary CRHR criteria for making such recommendations listed in Section 4.4.2, Regulatory Setting, Criterion 4 is most applicable for directing Phase I archaeological investigations. To be eligible for listing in the CRHR, a site must have “yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation” (PRC Section 5024.1; 14 CCR 4852).

4.4.4 Impacts Analysis

Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2?

Based upon archival research and aerial photographs, the project site was heavily modified between 1953 and 2004 for agricultural use and surrounding housing developments. However, since that time, little additional development has taken place. No evidence of structures or other features is present within the available historical documentation for the parcel. There are no historical-era (greater than 45 years old) structures present on the project site, as described in Section 4.4.1.3. The SCIC records search as discussed in Section 4.4.1.3 identified 6 previous recorded historic addresses within the 1-mile search radius, however none were within the project’s APE, are adjacent to the site or would otherwise be affected by the project. For these reasons, it has been

determined that the project would not result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.2, and potential impacts to historic resources as a result of project implementation would be **less than significant**.

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2?

As discussed under Section 4.4.1, a records search was conducted for the APE and surrounding 1-mile radius at the SCIC on January 23, 2019. These records indicate that there are no previously recorded cultural resources located within the project APE, however there are 21 cultural resources identified within the 1-mile search radius (see Table 4.4-2). The Phase I and II cultural resources study for the Cypress Point Project was conducted in conformance with Section 21083.2 of the California Public Resources Code and CEQA. The survey and archaeological testing program for the Cypress Point Project resulted in the identification of a diffuse and disturbed prehistoric shell scatter. All of the materials are likely related to the general prehistoric occupation of the San Luis Rey River region known to the San Luis Rey Band of Mission Indians as Quechla. Given the small quantity of artifacts dispersed across the project and the information generated by the testing program, the evaluation was reached that the project does not appear to contain any potentially significant cultural features or deposits. Based upon the documentation of only a sparse prehistoric shell deposit across the property, the proposed development would not result in adverse impacts to significant cultural resources, as defined in the California Code of Regulations, Section 15064.5.

However, due to the presence of shell scatter on-site, the potential exists to discover additional prehistoric deposits on the property during project construction. Although the trench results revealed that the property has been highly disturbed and it is unlikely that the any intact deposits remain, the potential exists that during grading and construction of the project site historic and/or prehistoric artifacts and deposits not encountered during testing could be discovered. Therefore, monitoring during ground-disturbing activities, such as grading or trenching, by a qualified archaeologist and Native American representative is recommended to ensure that if buried features are present, they will be handled in a timely and proper manner.

For these reasons, it has been determined that the project could have a **potentially significant impact** on archaeological resources pursuant to CEQA Guidelines Section 15064.2 and would require mitigation (refer to **MM-CUL-1** through **MM-CUL-9** below).

Would the project disturb any human remains, including those interred outside of formal cemeteries?

The project site is not used as a cemetery and is not otherwise known to contain human remains. Additionally, no evidence of human remains was discovered during the field surveys. However, this does not preclude finding human remains during project excavation and grading activities.

Disturbance of any unknown human remains would be a potentially significant impact. However, as standard construction practice, should any human remains be encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the immediate area until the County Coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code Section 5097.98. In addition, in accordance with CEQA Guidelines Section 15064.5(e), if the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours for identification of the most likely descended from the deceased Native American. Consequently, the project's adherence to the State Health and Safety Codes and CEQA Guidelines would ensure that any potential impacts remain below a level of significance. Furthermore, implementation of **MM-CUL-9** outlined below, would further ensure potential impacts related to the unexpected discovery of human remains would remain at a **less than significant** level.

4.4.5 Mitigation Measures

The following mitigation measures would reduce potentially significant impacts to archaeological resources to a level below significance.

MM-CUL-1 Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the “Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe” for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. At the discretion of the Luiseño Native American Monitor, artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79.

MM-CUL-2 Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American monitor have been retained at the Applicant/Owner or Grading

Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.

- MM-CUL-3** The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.
- MM-CUL-4** The Qualified Archaeologist and Luiseño Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.
- MM-CUL-5** In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written "Controlled Grade Procedure" shall be prepared by a Qualified Archaeologist, in consultation with the Luiseño Native American monitor, other TCA Luiseño Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.
- MM-CUL-6** The Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities

located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luiseño Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected.

- MM-CUL-7** The landowner shall relinquish ownership of all tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate TCA Luiseño Tribe, as determined through the appropriate process for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriate to the Most Likely Descendant as determined by the Native American Heritage Commission (NAHC) per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.

MM-CUL-8 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.

MM-CUL-9 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identified the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.

4.4.6 Level of Significance After Mitigation

There are no historic-era structures eligible for listing under NRHP/CRHR or locally on the project site. Therefore, no significant impacts related to historic resources would occur and no mitigation is required.

With implementation of **MM-CUL-1** through **MM-CUL-9**, potentially significant impacts to cultural and archaeological resources would be reduced to a less than significant level.

No known human remains are located on the site. However, implementation of **MM-CUL-9**, and compliance with Section 7050.5 of the California Health and Safety Code and California Public Resources Code, Section 5097.98, would ensure potential impacts related to the unexpected discovery of human remains would be less than significant.

Therefore, with implementation of **MM-CUL-1** through **MM-CUL-9**, all impacts related to cultural resources would be reduced to a level of **less than significant**.

INTENTIONALLY LEFT BLANK