

3.5 CULTURAL RESOURCES

3.5.1 Introduction

This section describes existing historical, archaeological, and paleontological resources within the Project Area, and evaluates the potential for the Proposed Project to adversely affect those resources. While no known historical resources are identified in the Project Area, there are numerous archaeological sites and possible paleontological resources throughout the Project Area.

Preparation of this section used data from various sources. These resources include a standard cultural resource records check from the California Historic Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC), completed in April 2005 (SCCIC 2005). Other sources include the City of Lake Forest General Plan Final Master EIR and the Orange County General Plan Resources Element.

The City received two comment letters concerning cultural resources in response to the Notice of Preparation circulated for the Proposed Project. The Native American Heritage Commission requested that several actions be taken to adequately assess and mitigate the project-related impacts on archaeological resources. These actions, which have been performed, include contacting the appropriate Information Study Center for a record search and contacting the Native American Heritage Commission for a Sacred Lands File Check and appropriate Native American Contacts. In addition, the California Cultural Resource Preservation Alliance (CCRPA) indicated that they would like to review the EIR. CCRPA will have the opportunity to review and submit comments on the Draft EIR during the public review period.

3.5.2 Environmental Setting

■ Regional Characteristics

Background

Orange County, in which the City of Lake Forest is located, has a history and prehistory that, despite the rapid change of the recent past, has left a rich heritage of valuable cultural resources. The ancient geological formations have yielded and still contain paleontological resources of major significance. The Los Coyotes area of North County and the Pectin Reef area of South County are among the most prolific and scientifically valuable fossil deposits in the nation. Evidence of human occupation in Orange County dates from 17,000 B.C. Over 1,000 archaeological sites are registered in Orange County. They contain artifacts and features of value in reconstructing cultural patterns of prehistoric life.

Spanish explorers arrived in southern California during the 1500s and established a system of missions. In 1542, Juan Rodriguez Cabrillo sailed along the coast of future Orange County, but apparently contact with native inhabitants by Europeans was not initiated until over two centuries later when such

prominent figures as Father Serra and Gaspar de Portola participated in the initial exploration and settlement. The native Acjachemem were displaced by local mission operations.

The Mission San Juan Capistrano, established in 1776, is a National Historic Landmark and numerous adobe buildings from the late 18th and early 19th centuries still remain. The Rancho Era of this time yielded to the American Era of the second half of the 19th century as ranching continued, but the economy and population diversified and towns were settled. Many of the cultural resources remaining today date from the first land development boom of the late 1880s when the architectural fashion was Victorian.

The twentieth century has seen further rapid growth with citrus and other agricultural crops, business, oil, the proliferation of the automobile, and expanding commerce and light industries. Remaining are the scattered rural ranch houses and associated features, commercial centers, and residential neighborhoods of varying styles dating usually from periods of prosperity such as the mid-1920s.

Lake Forest lands were encompassed by José Serrano's Rancho Cañada de Los Alisos. The rancho lifestyle was characterized by cattle grazing and traditional fiestas to break up days of hard labor. The rancho system fell after the U.S. took control of California and Dwight Whiting purchased substantial acreage in Lake Forest. Whiting introduced dry farming, fruit farming, and later citrus production and a small town called El Toro developed as a shipping, commerce, and social center. Eucalyptus groves, a prominent feature of the Lake Forest landscape, were planted by Whiting for construction wood and still exist as a reminder of past endeavors. The town did not grow substantially until imported water infrastructure was extended to the area in the 1960s. During the 1970s a number of Planned Communities were developed under County jurisdiction with several created lakes. The City of Lake Forest incorporated in 1991.

Of more than 20,000 residences in the City, six were built before 1940. None of these residences are located on Project Area sites.

Several historical structures from the rancho and agricultural eras have been preserved and are presently located in Heritage Hill Historical Park in Lake Forest. The Park includes the Serrano Adobe (circa 1863), El Toro Grammar School (1890), St. George's Episcopal Mission (1891), and the Bennet Ranch House (1908). Several other residential structures from the agricultural era exist outside of the Park but are not known to have any historical or architectural significance. No historical resources have been identified within a one-half mile radius of the project sites.

Location and Sensitivity

Physical remnants of the region's cultural heritage are present throughout Orange County. Resources significant in history or architectural history are logically concentrated in the areas where settlement and growth occurred during the historic era, roughly from the late 18th century through World War II. With the exception of San Juan Capistrano and smaller South County communities such as Laguna Beach and San Clemente, most pre-World War II development of Orange County occurred in north county towns and cities.

Subsurface resources such as archaeological and paleontological sites are abundant in south county, along the coast and in creek areas. Several factors contribute to this condition. Certain geologic formations, due to their nature and age, are fossil-bearing or nonfossil-bearing. Fossil-bearing formations are prevalent in South County. Prehistoric human occupation was most prevalent in areas where food, water, and shelter were available. Perhaps the most important factor in the presence or absence of cultural resources is the subsequent activity in the area that may have impacted the resource. Activities such as floods, erosion, grading, demolitions, agricultural, etc., if they occurred since the time when the cultural resource came into existence, may have destroyed or damaged the site. This is actually a perpetual sequential process and explains in part why the areas of pre–World War II development in the county contain a greater number of significant structures and fewer archaeological sites.

For archaeological resources, information regarding location of sites is considered very sensitive. "Pot hunting" and other deliberately destructive acts are a problem. Over 1,000 archaeological sites have been registered in Orange County at this time. The locations of many are commonly known, others are protected on private property, and still others have been destroyed. Therefore, specific site locations are not identified environmental documents in order to protect them.

For paleontological resources, registered sites often are simply small outcroppings visible on the surface or sites encountered during grading. While the sites are important indicators, the geological formations, of which these sites are a part, may contain more fossils. Paleontological sites are not considered as great a planning constraint as archaeology or history and are also not considered as sensitive to vandalism.

■ Project Area Characteristics

Historical Resources

Definitions of Historical Resources

CEQA Guidelines Section 15064.5 defines archeological and historical resources as:

- (a) For purposes of this section, the term "historical resources" shall include the following:
 - (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.).
 - (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - (3) Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

- (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 prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Identification of Historical Resources on the Project Area

The records search conducted by SCCIC did not return any records of historical resources within a half-mile radius of the Project Area or within the project sites. There are no historical resources listed in the California Register, a local register or the National Register on any of the project's seven sites. Sites 2, 5 and 6 are currently vacant and do not contain any buildings or structures. Site 1 contains two single-family residential units, which date from the mid-to-late 1960s. These units are less than 50 years old and have not been identified as historical resources. Site 3 contains an office building for the Irvine Ranch Water District. This building is less than 50 years old and has not been identified as an historical resource. Site 4 contains gravel washing and associated facilities. These facilities are not considered historical. Site 7 contains support structures such as a greenhouse and office area for the Nakase Nursery. These facilities are not considered historical and would not be affected by the Proposed Project.

Archaeological Resources

Prehistoric Context of the Project Area

The first known occupants of the Lake Forest Area were the Acjachemem (or Juaneño). Acorns from local oak trees were the staple of the Acjachemem diet, but wild animals were also hunted for food. Spanish explorers were sent to California during the 1500s to claim land for Spain and a system of missions was established in California during the 1700s and early 1800s. The purpose of the missions was to establish a Spanish presence in California and to convert the local natives to Christianity. Mission San Juan Capistrano, located near the Lake Forest area, exerted an influence over the Acjachemem. Some of the Acjachemem adapted to mission life but other rebelled, ran away, or died from European disease.

Subsurface archaeological evidence of the Acjachemem culture potentially occurs throughout the Project Area. Proximity to water and food sources is an important factor in determining potential resource areas. However, the Project Area does not contain any historic water bodies; the City's lakes are manmade. In addition, much of the terrain has been modified by agricultural activities and development, which could have disturbed subsurface archaeological resources.

Archaeological Resources on or Adjacent to the Project Area

Eighty-three archaeological sites have been identified within a half-mile radius of the Project Area, including twenty-seven sites listed on the Archaeological Determination of Eligibility (DOE) list and twenty-five isolates. None of the isolates are located within the Project Area. Twelve of the archeological sites are located within the Project Area; however, because of the sensitive nature of these sites they are not identified in this Draft EIR. Each of the project sites contains archeological resources or is located within a half-mile radius of an archeological site. The City's General Plan identifies most of the City as sensitive (i.e., having the potential to yield) archaeological resources.

Paleontological Resources

Many of the geologic formations underlying the Orange County region, particularly those originating during the Miocene Epoch (25 to 4 millions years ago) contain important paleontological resources (i.e., fossil evidence of life from previous geologic periods) (Orange County Department of Education 2005). Miocene formations contribute a great thickness of marine sediments. Faulting was widespread during the Late Miocene, and these "fossil" faults are commonly observed in offset beds. The Early-Middle Miocene Topanga Formation (Tt) is present throughout the Los Angeles Basin (of which Orange County is a part) and contains abundant marine fossils ranging from sharks teeth to seashells and microfossils. It was deposited during the Early-Middle Miocene in a shallow, warm sea. Near the City of Lake Forest, a reef of pectens and other fossil mollusks is exposed in a dry wash. Remains of a whale and a rare dolphin have been found in portions of Baker Ranch. The City's General Plan identifies most of the City as sensitive for paleontological resources.

Surveys throughout Orange County have also revealed crocodile, bony fish, and shark fossils. Most fossil discoveries have occurred at the El Toro materials sand and gravel operation. Grading has most likely disturbed some of the paleontological resources that were once present.

3.5.3 Planning and Regulatory Framework

The treatment of cultural resources is governed by federal, state, and local laws and guidelines. There are specific criteria for determining whether prehistoric and historical sites or objects are significant and/or protected by law. Federal and state significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant by state criteria. The laws and regulation seek to mitigate impacts on significant prehistoric or historical resources. The federal, state, and local laws and guidelines for protecting historical resources are summarized below.

■ Federal

The Native American Graves Protection and Repatriation Act

The *Native American Graves Protection and Repatriation Act* (NAGPRA) established that human remains, associated grave goods, and items of cultural patrimony (items owned by the tribe, which individuals had no right to sell) held by federally-funded and assisted institutions are to be returned to affiliated federally recognized American Indian tribes. This law also established protection of Native American burials and associated grave goods.

The National Historic Preservation Act of 1966

The *National Historic Preservation Act of 1966* established the National Register of Historic Places (or National Register) as the official federal list of cultural resources that have been nominated by state offices for listing in the National Register. Properties listed in the NRHP, or “determined eligible” for listing, must meet certain criteria for historic significance and possess integrity of form, location, and setting. Significance is determined by four aspects of American history or prehistory recognized by the NRHP Criteria. The CEQA Guidelines Section 15064.5 criteria mirror the NRHP criteria. Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historic properties and conveys its historic character, the degree to which the original fabric has been retained, and the reversibility of changes to the property.

■ State

The California Register of Historical Resources (Public Resources Code Sections 5020 et seq.)

State law also protects cultural resources by requiring evaluations of impacts to historical resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. The State Historic Preservation Office (SHPO) maintains the California Register of Historical Resources (CRHR). Properties listed, or formally designated eligible for listing, on the NRHP are automatically listed on the CRHR, as are State Landmarks and Points of Interest.

Public Resources Code Section 5097.98

This law addresses 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 to resolve disputes regarding the disposition of such remains. It has been incorporated into Section 15064.5(e) of the state CEQA Guidelines.

California Senate Bill 18 (2004)

Senate Bill 18 was developed to assist cities and counties in their consultations with Native American Tribes. Starting on March 1, 2005, cities and counties must send their general plan and specific plan proposals to those Native American Tribes that are on the Native American Heritage Commission's (NAHC) contact list and have traditional lands located within the city or county's jurisdiction. After March 1, 2005, cities and counties must also conduct consultations with these tribes prior to adopting or amending their general plans or specific plans.

To help local officials meet these new obligations, SB 18 requires the Governor's Office of Planning and Research (OPR) to amend its General Plan Guidelines to include advice to local government on how to consult with California Native American Tribes. Developed in cooperation with the NAHC, the OPR guidelines include advice for consulting with California Native American Tribes for the following:

1. The preservation of, or the mitigation of impacts to, cultural places
2. Procedures for identifying through the NAHC the appropriate California Native American Tribes
3. Procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of cultural places
4. Procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of cultural places (GC SS 65040.2(g)).

CEQA and CEQA Guidelines

CEQA Section 21083.2 and CEQA Guidelines Section 15064.5 govern determination of significance of historical resources and the assessment of impacts to potential resources and are followed in the analysis presented below.

■ Regional

Southern California Association of Governments

The Southern California Association of Governments (SCAG), which is the designated Metropolitan Planning Organization for six Southern California counties (Ventura, Orange, San Bernardino, Riverside, Imperial, and Los Angeles), is federally mandated to develop plans for transportation, growth management, hazardous waste management, and air quality. SCAG has prepared the Regional Comprehensive Planning Guide (RCPG) in conjunction with its constituent members and other regional planning agencies. The RCPG is intended to serve as a framework to guide decision-making with respect to the growth and changes that can be anticipated through the year 2015. The Plan consists of five core chapters that contain goals, policies, implementation strategies, and technical data that support three overarching objectives for the region, including (1) improving the standard of living for all, (2) improving the quality of life for all, and (3) enhancing equity and access to government. Local governments are required to use the RCPG as the basis for their own plans and are required to discuss the consistency of projects of "regional significance" with the RCPG. Specific growth management policies of the RCPG are discussed below.

- Policy 3.21** Encourage the implementation of measures aimed at the preservation and protection of the recorded and unrecorded cultural resources and archaeological sites.

County of Orange General Plan Resources Element

The Resources Element of the County of Orange General Plan includes an inventory of various County-wide resources, including cultural-historical resources. The element also includes goals, policies, and programs for development, management, preservation, and conservation of County resources. This element provides sources of regional information affecting Lake Forest. This regional information has been used to prepare this document. None of the cultural resources included in the Element's inventory are located on the project sites.

■ Local

General Plan

The City of Lake Forest General Plan contains goals, policies, and plans that are intended to guide land use and development decisions. The Recreation and Resources Element was designed to ensure the conservation of important historical, archaeological, and paleontological resources. Relevant policies are listed below.

- Goal 4.0** Conservation of important historic, archaeological, and paleontological resources.
- Policy 4.1** Protect areas of important historic, archaeological, and paleontological resources.
- Policy 4.2** Identify, designate, and protect buildings or sites of historical significance.

According to the Recreation and Resources Element, historic structures will continue to be protected to give Lake Forest residents a sense of community heritage and historic values. To maximize the preservation of important historic resources, the City will assess development proposals for potential historic resource impacts according to the CEQA requirements. If a significant historic resource occurs on the Project Area and the proposed development will impact the resource, the City will either require that the project be modified to avoid impacting the resource or require measures to reduce the significance of the impact.

Subsurface archaeological evidence of the Acjachemem culture potentially occurred throughout the City. Much of the terrain has been modified by agricultural activities and development, which could have disturbed subsurface archaeological resources. Development proposals will be assessed for potential impacts to archaeological resources according to CEQA requirements. The City will require that significant impacts will either be avoided or mitigated, which may involve archaeological investigation and resource recovery.

City of Lake Forest Municipal Code

The Municipal Code does not contain any design guidelines and provisions related to cultural resources that are applicable to the Proposed Project.

3.5.4 Methodology

Preparation of this section used data from various sources. These resources include a standard cultural resource records check from the California Historic Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC), completed in April 2005 (SCCIC 2005). Other sources include the City of Lake Forest General Plan Final Master EIR and the Orange County General Plan Resources Element.

■ Historical Resources

As described under Section 3.5.2, Environmental Setting, no historical resources have been identified on the project sites according to the SCCIC.

■ Archaeological Resources (including Human Remains)

As described under Section 3.5.2, Environmental Setting, 12 archeological sites have been identified within the Project Area by the SCCIC. This analysis is based on the probability, based on previous studies, that an archaeological resource or human burial could be affected by activities that disturb the ground surface or subsurface, including grading or excavation.

■ Paleontological Resources

The method of analyzing impacts to paleontological resources is similar to that which is applied to archaeological resources. This analysis is based on the probability, based on previous studies, and soil type information (soil is the best indicator of the potential presence of paleontological resources) that a paleontological resource could be affected by activities that disturb the ground surface or subsurface, including grading or excavation.

The geology of the Project Area is typical of the terrace and foothill environment found in Southern California and does not exhibit any unique geological features. Because the Project Area exhibits no unique geologic features, an analysis of potential impacts to unique geologic features is omitted from Section 3.5.6, below.

3.5.5 Thresholds of Significance

As the City's CEQA Significance Thresholds do not cover cultural resource issues, the following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, the Proposed Project would result in significant impacts related to cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside formal cemeteries.

CEQA Guidelines Section 15064.5 provides additional guidance on the identification of historical resource impacts, the definition of a substantial adverse change, and mitigation as follows:

- (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.
 - (1) Substantial adverse change in the significance of an historical resource means 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.
 - (2) The significance of an historical resource is materially impaired when a project:
 - (A) 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 of Historical Resources; or
 - (B) 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
 - (C) 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 of Historical Resources as determined by a lead agency for purposes of CEQA.
 - (3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.
- (c) CEQA applies to effects on archaeological sites.
 - (1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).
 - (2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
 - (3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

- (4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.
- (d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:
- (1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

3.5.6 Impacts

CEQA requires that the Proposed Project's potential environmental impacts be compared to on-the-ground conditions in the Project Area at the time the Notice of Preparation is issued or at the time the analysis of such impacts is commenced. Such on-the-ground conditions are considered, and often referred to as, the environmental or CEQA "baseline." Thus, the following section analyzes the Proposed Project's potential environmental impacts on baseline conditions. However, it should be noted that the land under consideration for the Proposed Project, while currently undeveloped, would not necessarily remain undeveloped. Most sites within the Project Area are subject to existing development agreements or entitlements and, in the absence of the Proposed Project, would in the future likely be developed with approximately 9.8 million square feet of industrial and commercial space under the existing General Plan. Given this, the analysis of alternatives to the Proposed Project in Chapter 4 of this EIR, under the "No Project/Reasonably Foreseeable Development" alternative, analyzes the potential environmental impacts associated with buildout of the existing General Plan. That analysis includes a comparison of the impacts of buildout of the existing General Plan with the potential environmental impacts of the Proposed Project.

Impact 3.5-1 Implementation of the Proposed Project would not result in a substantial adverse change in the significance of structures that have been designated as eligible or potentially eligible for listing on the NRHP or CRHR.

Significance Level: No impact

As described above in Section 3.5.2 (Environmental Setting) no historical resources have been identified in the Project Area. No structures in the Project Area have been identified as eligible or potentially eligible for listing on the NRHP or CRHR. Therefore, the Proposed Project would not result in any adverse change in the significance of designated structures, or structures eligible for designation.

Impact 3.5-2 **Construction activities associated with project implementation could result in damage to or the destruction of archaeological resources.**

Significance Level: **Less than significant with mitigation**

As described above in Section 3.5.2 (Environmental Setting) 12 archaeological sites have been identified in the Opportunities Study Area. Also, additional archaeological sites have been documented within a half-mile radius of the Project Area (i.e. project sites). Consequently, the potential exists for encountering intact components of these sensitive sites during ground-disturbing activities, such as trenching, grading, or excavation. For the purposes of this analysis, these sites are considered potentially significant. Further, the full area and depth of the sites are unknown, and other, previously unknown deposits could be present.

Implementation of the Proposed Project could, therefore, potentially affect these resources, because substantial ground disturbance would be required to construct the project components. This potential for damage to or destruction of these resources would be considered a potentially significant impact. However, in addition to conforming to General Plan policies, implementation of MM 3.5-1 through MM 3.5-4 would reduce potentially significant impacts on archaeological resources to a less-than-significant level by requiring assessment, avoidance or data recovery, and monitoring of construction activities by a qualified archaeologist. This would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

Impact 3.5-3 **Construction activities associated with project implementation could result in damage to or the destruction of paleontological resources.**

Significance Level: **Less than significant with mitigation**

As described above in Section 3.5.2 (Environmental Setting), the geologic formations underlying the Project Area are known to contain paleontological resources. As with archaeological resources, ground-disturbing construction activities under the Proposed Project could potentially affect these resources. However, in addition to conforming to General Plan policies, implementation of MM 3.5-5 through MM 3.5-8 would reduce impacts to paleontological resources to a less-than-significant level by minimizing the potential for damage to such resources and by ensuring that any resources would be appropriately evaluated by a qualified paleontologist.

Impact 3.5-4 **Construction activities associated with project implementation could result in the disturbance of human remains.**

Significance Level: **Less than significant with compliance with statutory requirements**

No formal cemeteries are known to have occupied the Project Area, so any human remains encountered would likely come from archaeological or historical archaeological contexts. As described above in Section 3.5.2 (Environmental Setting) archaeological resources have been identified in the Project Area. Additional materials, including human burials, may potentially occur. Because the potential exists for such resources to be present and to be disturbed by construction activities, a potentially significant impact archeological resources exists.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code (P.R.C). Disturbing human remains could violate the Health Code, as well as destroy the resource. Consequently, to ensure proper treatment of burials in the event of discovery, the law requires that in the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the developer immediately shall notify the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.

Following the applicable provisions of the P.R.C. Section 5097.98 would ensure that this impact remains less than significant by ensuring appropriate examination, treatment, and protection of human remains, as required by state law.

3.5.7 Mitigation Measures

The following mitigation measures are designed to eliminate or reduce to a level of less than significant those significant impacts to Cultural Resources that are caused by the Proposed Project and that are capable of being feasibly eliminated or reduced to a level of less than significant.

- MM 3.5-1 Prior to issuance of a grading permit for any site within the Project Area, a qualified archaeologist shall be retained by the applicant for that grading permit to provide professional archaeological services. The archaeologist shall be present at the pre-grading conference to establish procedures for archaeological resource surveillance. Those procedures shall include provisions for temporarily halting or redirecting work to permit sampling, identification, and evaluation of resources deemed by the archaeologist to potentially be historical resources or unique archaeological resources under CEQA. If, before grading, any portions of the property subject to the grading permit have been identified as sites, which may have such resources present and may be impacted by development, the archaeologist shall conduct a site survey and records search and such further examination as may be needed to assess the significance of the resources. If the archaeological resource is determined to be a unique archaeological resource, options for avoidance or preservation in place shall be evaluated and implemented if feasible. In the event that avoidance or preservation in place is infeasible and the archaeologist determines that the potential for significant impacts to such resources exists, a data recovery program shall be expeditiously conducted. The archaeologist also shall conduct on-site archaeological monitoring for the grading operation. Should historical resources or unique archaeological resources be discovered during the grading operation, grading activities shall be modified to allow expeditious and proper analysis and/or salvage of the resources. Disposition of the resources shall be within the discretion of the City of Lake Forest.*
- MM 3.5-2 The qualified archaeologist retained shall prepare monthly progress reports to be filed with the site developer(s) and the City of Lake Forest.*
- MM 3.5-3 Artifacts recovered shall be prepared, identified, and cataloged before donation to the accredited repository designated by the City of Lake Forest. State of California Guidelines for the Curation of Archeological Collections shall be consulted regarding the treatment of recovered*

artifacts. Any artifacts determined to be insignificant shall be offered to local schools for use in educational programs.

MM 3.5-4 *The qualified archaeologist retained shall prepare a final report to be filed with the site developer(s) and the City of Lake Forest. The qualified archaeologist retained shall prepare a final report to be filed with the site developer(s), the City of Lake Forest and the South Central Coastal Information Center. The report shall include a list of specimens recovered, documentation of each locality, interpretation of artifacts recovered and shall include all specialists' reports as appendices.*

MM 3.5-5 *Prior to issuance of a grading permit, a qualified paleontologist shall be retained by the site developer(s) to provide professional paleontological services. Specifically, during grading activities, the qualified paleontologist shall conduct on-site paleontological monitoring for the project site. Monitoring shall include inspection of exposed surfaces and microscopic examination of matrix to determine if fossils are present. The monitor shall have authority to divert grading away from exposed fossils temporarily in order to recover the fossil specimens. Cooperation and assistance from on-site personnel will greatly assist timely resumption of work in the area of the fossil discovery.*

MM 3.5-6 *The qualified paleontologist retained shall prepare monthly progress reports to be filed with the site developer(s) and the City of Lake Forest.*

MM 3.5-7 *Fossils recovered shall be prepared, identified, and cataloged before donation to the accredited repository designated by the City of Lake Forest.*

MM 3.5-8 *The qualified paleontologist retained shall prepare a final report to be filed with the site developer(s) and the City of Lake Forest. The report shall include a list of specimens recovered, documentation of each locality, interpretation of fossils recovered and shall include all specialists' reports as appendices.*

3.5.8 Summary of Impacts

Table 3.5-1 summarizes the potential long-term adverse impacts of the Proposed Project related to cultural resources in the Project Area, and identifies the significance of those impacts after any applicable mitigation measures.

| Table 3.5-1 Summary of Impacts | | |
|--------------------------------|--|---|
| Impact | Threshold | Significance |
| 3.5-1 | Implementation of the Proposed Project would not result in a substantial adverse change in the significance of structures that have been designated as eligible or potentially eligible for listing on the NRHP or CRHR. | No impact |
| 3.5-2 | Construction activities associated with project implementation could result in damage to or the destruction of archaeological resources. | Less than significant with mitigation |
| 3.5-3 | Construction activities associated with project implementation could result in damage to or the destruction of paleontological resources. | Less than significant with mitigation |
| 3.5-4 | Construction activities associated with project implementation could result in the disturbance of human remains. | Less than significant with compliance with statutory requirements |

3.5.9 References

Lake Forest, City of. 1994. *General Plan Final Master EIR*.

———. 2001. *General Plan*, July.

———. 2003. *Opportunities Study, Land Use Component*, 13 December.

Orange County Department of Education. 2005. Geological History of Orange County.
<http://www.ivc.edu/geology/ocgeo.aspx>. Accessed April 20, 2005.

SCCIC. 2005. *Cultural Resources Records Search Report*, 24 March.