

APPENDIX C

Archaeological and Paleontological Resources Assessment

November 20, 2018

Ms. Laura Stokes, Housing Supervisor/Associate Planner
City of San Juan Capistrano
Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, California 92675

Subject: Archaeological and Paleontological Resources Assessment for the Protea Memory Care Facility Project, San Juan Capistrano, Orange County, California

Dear Ms. Stokes:

This letter documents the archaeological and paleontological resources assessment conducted by Dudek for the Protea Memory Care Center (project), located in San Juan Capistrano, California. The project proponent is the City of San Juan Capistrano (City). The City is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA).

All cultural resources fieldwork and reporting for this project has been conducted by staff meeting the Secretary of the Interior's Professional Qualifications Standards. Micah Hale, PhD, Registered Professional Archaeologist (RPA), is the Principal Investigator and provided senior review. Erica Nicolay, MA, authored the report, conducted Native American coordination, and completed the records search. Dudek archaeologist Linda Kry, BA, is the technical lead, contributed to the report, conducted the pedestrian survey, provided peer review and finalization of the report. Paleontological findings and recommendations were prepared by Michael Williams, PhD and Sarah Siren, MS. The present study documents the results of a California Historical Resources Information System (CHRIS) records search at the South Central Coast Information Center (SCCIC), a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, the results of tribal consultation, an intensive pedestrian survey, a paleontological records search of the Los Angeles County Museum of Natural History (LACM) locality database was completed by Natural History Museum of Los Angeles County staff. Dudek also conducted geological and paleontological sensitivity desktop research.

PROJECT LOCATION AND DESCRIPTION

The project includes the construction of a 59-unit (72-bed) memory care facility located at 31501 Avenida Los Cerritos. The approximately 2.06-acre, irregularly shaped project site, currently

includes three properties occupied by the South Coast Christian Church and two residences. The undeveloped portion of the church parcel and the two parcels with residences would be developed as part of the project. The project site is within Public Land Survey System (PLSS) Township 8 South, Range 7 West, Section 6 as shown on the San Juan Capistrano, CA United States Geologic Survey (USGS) 7.5-minute Quadrangle (Figure 1). The project site is generally bordered by Avenida Los Cerritos to the east, Interstate (I) 5 to the west, and existing development to the north and south. Avenida Los Cerritos is a cul-de-sac accessed from Rancho Viejo Road. Vehicular access to the project site is provided from driveways along Avenida Los Cerritos (Figure 2).

REGULATORY CONTEXT

This section includes a discussion of the applicable state laws, ordinances, regulations, and standards governing cultural resources, which must be adhered to before and during construction of the project.

State

The California Register of Historical Resources (CRHR)

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

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- (2) Is associated with the lives of persons important in our past.
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

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

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

California Environmental Quality Act

As described further, the following CEQA statutes (PRC Section 21000 et seq.) and CEQA Guidelines (14 CCR 15000 et seq.) are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC Section 21083.2(g) defines “unique archaeological resource.”
- PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a) defines “historical resources.” In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource”; it also defines the circumstances when a project would materially impair the significance of a historical resource.
- PRC Section 21074(a) defines “tribal cultural resources.”
- PRC Section 5097.98 and CEQA Guidelines Section 15064.5(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) and 21083.2(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures. Preservation in place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; CEQA Guidelines Section 15064.5(b)). If a site is listed or eligible for listing in the CRHR, or included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1(q)), it is an “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; CEQA Guidelines Section 15064.5(a)).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA 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” (CEQA Guidelines Section 15064.5(b)(1); PRC Section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project does any of the following:

- (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 PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (3) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA (CEQA Guidelines Section 15064.5(b)(2)).

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

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be

preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Sections 21083.2(a)–(c)).

Section 21083.2(g) defines a unique archaeological resource as an 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 (PRC Section 21083.2(g)).

Impacts on nonunique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2(a); CEQA Guidelines Section 15064.5(c)(4)). However, if a nonunique archaeological resource qualifies as a TCR (PRC Sections 21074(c) and 21083.2(h)), further consideration of significant impacts is required.

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

California State Assembly Bill 52

Assembly Bill (AB) 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that TCRs must be considered under CEQA and also provided for additional Native American consultation requirements for the lead agency. Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American Tribe and that is either:

- On or determined to be eligible for the California Register of Historical Resources or a local historic register; or
- 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 Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated

with the project site, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on TCRs should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

Senate Bill 18

The Local and Tribal Intergovernmental Consultation process, commonly known as SB 18 was signed into law September of 2004 and took effect March 1, 2005. SB 18 refers to PRC Section 5097.9 and 5097.995, which defines cultural places as:

- Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9).
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993).

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American tribes that have been identified by the NAHC and if that tribe requests consultation after local government outreach as stipulated in Government Code Section 65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended. Once local governments have sent notification, tribes are responsible for requesting consultation. Pursuant to Government Code Section 65352.3(a)(2), each tribe has 90 days from the date on which they receive notification to respond and request consultation.

In addition to the requirements stipulated previously, SB 18 amended Government Code Section 65560 to “allow the protection of cultural places in open space element of the general plan” and amended Civil Code Section 815.3 to add “California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.”

California Health and Safety Code Section 7050.5

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 shall occur until the county coroner has examined the remains (Section 7050.5(b)). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact NAHC within 24 hours (Section 7050.5(c)). NAHC will notify the “most likely descendant.” With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the most likely descendant by NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Paleontological Resources

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

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section V(c) of CEQA Guidelines Appendix G, the “Environmental Checklist Form,” which addresses the potential for adverse impacts to “unique paleontological resource[s] or site[s] or ... unique geological feature[s].” This provision covers fossils of signal importance – remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group – as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered

“historically significant” if it has yielded or may be likely to yield information important in prehistory (PRC 15064.5 [a][3][D]). Paleontological resources would fall within this category. The PRC, Chapter 1.7, sections 5097.5 and 30244 also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

Local

City of San Juan Capistrano

Council Policy 601

Council Policy 601, which was adopted in 1997, details identification, protection, preservation and mitigation of cultural prehistoric, historic, archaeological and paleontological resource for the City of San Juan Capistrano (City of San Juan Capistrano 1997). This policy applies to an array of construction activities on properties that are classified as any one of the following:

- Listed on the Inventory of Historic and Cultural Landmarks;
- Listed as a “State Register of Historic Landmarks” or on the “National Register of Historic Places”;
- Determined by the Planning Director, the State Historic Preservation Officer, or the National Trust for Historic Preservation to be eligible for listing on the California Register of Historic Resources, the National Register of Historic Places, or the City’s Inventory of Historic Resources according to the standards for inclusion on either the State, Federal, or Local Registers;
- In cases where significant historic resources may have existed on the property as defined by the “Sensitive area survey”

The policy states that for construction activities on the aforementioned properties; it is up to the project applicant to ensure that an archaeological and paleontological report area prepared by qualified individuals and include the following information:

- Authors signature and date
- Clear map showing proposed project
- Location of specific sites, features, isolates, and structures
- DPR 523 form for any resources recorded
- Precise description of all historic and/or paleontological resources observed
- Place where any historic and/or paleontological resources are curated
- Names of all individuals who participated in field work, lab work, or in report preparation

- Dates and thorough description of all field work
- Photographs
- The name of the Principal Investigator who oversaw the study

All reports shall be reviewed by the Environmental Administrator and the Planning Commission of San Juan Capistrano. If monitoring is determined necessary the City will enforce mitigation measures and should be notified of any and all finds.

ARCHAEOLOGICAL BACKGROUND RESEARCH

SCCIC Records Search

On October 22, 2018, Dudek completed a records search at the SCCIC of the project site and a 0.5-mile surrounding buffer. This search included review of mapped prehistoric, historical, and built-environment resources; Department of Parks and Recreation (DPR) site records; technical reports; archival resources; and ethnographic references. Confidential records search results are provide in Appendix A.

Previously Conducted Cultural Resource Studies

Results of the cultural resources records search indicated that 141 previous cultural resources technical studies have been conducted within the records search area between 1978 and 2016. Of these, six intersect the project site, which are briefly summarized below. All 141 cultural resource investigations are summarized in Appendix A: Table 1.

OR-536

In 1975, Christopher Drover prepared the historic and archaeological element for the San Juan Capistrano General Plan. The study did not involve any archeological surveys but did include a general overview of the project site. There were no resources identified within the project site as a result of the 1975 study.

OR-976

OR-976 was a paleontological survey and assessment of the Cole Egg Ranch Property that was prepared by Heritage Resource Consultants in 1989. The study included a review of paleontological records in the region, a review of paleontological and geological publication for the region, and a survey of the property. The 1989 study did not identify any paleontological resources within the study area.

OR-1011

OR-1011 is an archival research study for Interstate (I-) 5 from the I-405 to Route 1 that was prepared by Jerrell H. Sorensen in 1990. The study included a CHRIS record search and general archival research of the study area, which included the right-of way of the I-5 and a 150-foot wide buffer on either side of the freeway from the junction of the I-5 and the I-405 and the junction of the I-5 and Route 1 in San Juan Capistrano. The 1990 study identified 48 archaeological sites and structures within the study area, none of which are within the current proposed Protea Memory Care Facility project site.

OR-1913

OR-1913 is an archaeological survey report of a parcel on the northeast corner of I-5 and Ortega Highway (State Route 74) that was prepared by Henry C. Koerper in 1999. The study included a records search and an intensive pedestrian survey. Koerper reported that the ground visibility in the survey area was generally poor as vegetation in the area was very thick. No archaeological resources were identified as a result of the 1999 study.

OR-3368

OR-3361 is an archaeological and paleontological monitoring report for the Ortega Ranch Project that was prepared by Roger Mason in 2006. The project involved monitoring of grading activities on the Ortega Ranch Property in the eastern part of San Juan Capistrano, which includes a portion of the current project site. The construction activities of the Ortega Ranch Project were part of plans to build office buildings on the site. Monitoring activities occurred between April 2005 and April 2006. The only significant find noted in the 2006 monitoring report were fossil mammoth molars. No archaeological resources were identified during monitoring activities for the Ortega Ranch Project.

OR-3508

OR-3508 was an Archaeological Survey Report and an Extended Phase I report for the I-5/Ortega Highway Interchange Improvement project. These studies were both prepared by Roger D. Mason in 2007. The OR-3508 technical studies included a survey, archival research, records search, and the results of trenching activities conducted as part of the Extended Phase I of the study area. The records search completed for the OR-3508 studies identified one prehistoric site (CA-ORA-600H/CA-ORA-1190) within that study's project APE; however, the subsequent survey did not relocate any portions of the previously recorded prehistoric site. Additionally, Mason's study identified one historic site containing the San Juan Capistrano Mission Orchard Wall (CA-ORA-1215H) within that project's direct APE; however, it had been destroyed by the I-5 Freeway

construction in the late 1960s and was not relocated during the survey for that study. In addition, a circular standpipe in the northwest section of the study area was identified during the 2007 survey, however, it is not located within the current project site. No other archaeological material was identified during the 2007 survey.

Previously Recorded Cultural Resources

SCCIC cultural resources records indicate that 79 previously recorded cultural resources are located within the records search area (Appendix A: Table 2). Of these, prehistoric resources include six isolates, three habitation sites, one ceramic scatter, and two bedrock milling features. Eleven are multicomponent sites and/or resources comprised of The San Juan Capistrano Mission, seven sites with historic features and associated prehistoric and/or historic artifact scatters, one historic refuse scatter with isolated prehistoric artifacts, one trail or road, and one burial site. The remaining are historic resources and consists of 28 buildings; seven historic isolates; six sites containing historic refuse scatters and other historical features, four streets, one railroad, three water conveyance systems, two buildings with associated refuse scatters, one Spanish Period oven, one cemetery, one historic district, and two sites containing structural remnants.

One resource, P-30-001649, borders the project site on the southern side. The site is a historic water line segment which parallels Avenida Los Cordova and is likely a portion of the historic Rancho Los Cerritos irrigation system. No other cultural resources have been recorded within or bordering the project site.

NAHC and Tribal Correspondence

Dudek contacted NAHC on October 23, 2018 and requested a review of the SLF. The NAHC replied via email on October 29, 2018 stating that the SLF search was completed with positive results. Because the SLF search does not include an exhaustive list of Native American cultural resources, the NAHC suggested contacting six Native American individuals and/or tribal organizations who may have direct knowledge of cultural resources in or near the project. On October 30, 2018, Dudek contacted all groups and/or individuals identified by the NAHC (Table 3; see Confidential Appendix B). This outreach was conducted for informational purposes only and did not constitute formal government-to-government consultation as specified by AB 52 or SB 18, which is discussed in the following sections.

Table 3
Native American Heritage Commission-Listed Native American Contacts

Native American Tribal Representatives	Method of Notification/Date	Response Received
Adolph 'Bud' Sepulveda, Vice Chairperson Juaeño Band of Mission Indians	Certified Mail; October 30, 2018	None to date
Anita Espinoza, Representative Juaeño Band of Mission Indians	Certified Mail; October 30, 2018	None to date
Sonia Johnston, Tribal Chairperson Juaeño Band of Mission Indians	Certified Mail; October 30, 2018	None to date
Matias Belardes, Chairperson Juaeño Band of Mission Indians Acjachemen Nation	Certified Mail; October 30, 2018	None to date
Teresa Romero, Chairwoman Juaeño Band of Mission Indians Acjachemen Nation	Certified Mail; October 30, 2018	None to date
Joyce Perry, Tribal Manager Juaeño Band of Mission Indians Acjachemen Nation	Certified Mail; October 30, 2018	None to date

Record of Assembly Bill 52 Consultation

The project is subject to compliance with AB 52 (PRC 21074), which requires consideration of impacts to TCRs as part of the CEQA process, and that the lead agency notify California Native American Tribal representatives (that have requested notification) who are traditionally or culturally affiliated with the geographic area of the project. All NAHC-listed California Native American Tribal representatives that have requested project notification pursuant to AB 52 were sent letters by the City on September 13, 2018 (Table 4). The letters contained a project description, outline of AB 52 timing, request for consultation, and contact information for the appropriate lead agency representative. Documents related to AB 52 consultation are included in Confidential Appendix B.

Table 4
Assembly Bill 52 Native American Tribal Outreach Results

Native American Tribal Representatives	Method of Notification/Date of Delivery	Response to City Notification Letters
Joyce Standfield Perry, Tribal Manager Juaneno Band of Mission Indians	Certified Mail; September 13, 2018	None to date
Michael Mirelez, Cultural Resource Coordinator Torres Martinez Desert Cahuilla Indians	Certified Mail; September 13, 2018	None to date
Joseph Ontiveros, Cultural Resource Director	Certified Mail; September 13, 2018	None to date

**Table 4
Assembly Bill 52 Native American Tribal Outreach Results**

Native American Tribal Representatives	Method of Notification/Date of Delivery	Response to City Notification Letters
Soboba Band of Luiseno Indians		

Record of Senate Bill 18 Consultation

The project is subject to compliance with SB 18 (Government Code Section 65352.3), which requires local governments to invite California Native American Tribal representatives to participate in consultation about proposed General Plan and Specific Plan adoptions or amendments. The City is considering an amendment to the General Plan Land Use Designation for three parcels within the project site and as such, initiated SB 18 consultation. All NAHC-listed California Native American Tribal representatives were sent letters by the City on September 13, 2018 (Table 5). The letters contained a project description, request for consultation, and contact information for the appropriate lead agency representative. Documents related to SB 18 consultation are included in Confidential Appendix B.

**Table 5
Senate Bill 18 Native American Tribal Outreach Results**

Native American Tribal Representatives	Method of Notification/Date of Delivery	Response to City Notification Letters
Charles Alvarez, Chairperson Gabrieleno – Tongva Tribe	Certified Mail; September 13, 2018	None to date
Linda Candelaria, Chairperson Gabrieleno-Tongva Tribe	Certified Mail; September 13, 2018	None to date
Andrew Salas, Chairperson Gabrieleno Band of Mission Indians – Kizh Nation	Certified Mail; September 13, 2018	None to date
Teresa Romero, Chairwoman Juaneno Band of Mission Indians Acjachemen Nation	Certified Mail; September 13, 2018	None to date
Matias Belardes, Chairperson Juaneno Band of Mission Indians Acjachemen Nation	Certified Mail; September 13, 2018	None to date
Joyce Perry, Tribal Manager Juaneno Band of Mission Indians Acjachemen Nation	Certified Mail; September 13, 2018	None to date
Sandonne Goad, Chairperson Gabrieleno/Tongva Nation	Certified Mail; September 13, 2018	None to date
Robert Dorame, Chairman	Certified Mail; September 13, 2018	None to date

Table 5
Senate Bill 18 Native American Tribal Outreach Results

Native American Tribal Representatives	Method of Notification/Date of Delivery	Response to City Notification Letters
Gabrieleno – Tongva Indians of California Tribal Council		
Anthony Morales, Chairperson Gabrieleno/Tongva San Gabriel Band of Mission Indians	Certified Mail; September 13, 2018	None to date

Review of Historic Aerials and Topographic Maps

Dudek consulted historic maps and aerial photographs to understand development of the project site and surrounding properties. Topographic maps are available from 1949 to the present and aerial images are available from 1938 to the present (NETR 2018).

The first USGS topographic map showing the project site dates to 1949 and shows that the project site was undeveloped on a west facing slope. State Route (SR) 74 to the south of the project was built by this time however, the I-5 Freeway was not. The City had been laid out and there was development to the west of the project site. Mission Cemetery, to the north, had been constructed. There were no changes visible on topographic maps until 1969. The topographic map from 1969 shows that the two single-family residences on site had been developed. Additionally, by 1969, the I-5 freeway had been constructed, and there were subdivisions to the east and a few houses to the north and south.

Historic aerials from 1938 showed that at this time the project site was being used for agricultural purposes. The City was being developed to the west of the project site. There were no significant changes until 1963, when several subdivisions had been developed to the east, the two existing single-family residences appear to have been developed. A handful of similar single-family residences were also developed to the north and south of the project site by this time. By 2002, the South Coast Christian Church had been developed to the north of the project site. By 2005, the parcel to the northeast of the project site had been graded, and the existing Ortega Ranch development had been constructed. Between 2009 and 2010 the gas station to the south of the project site was built. There have been no significant developments since then.

PALEONTOLOGICAL BACKGROUND RESEARCH

Geological Setting

The project is located within the northernmost Peninsular Ranges geomorphic province (Norris and Webb 1990; California Geological Survey [CGS] 2002). This geomorphic province is characterized by northwest trending mountain ranges and valleys that extend over 900 miles from the tip of the Baja Peninsula to the Transverse Ranges (i.e. the San Bernardino and San Gabriel Mountains in southern California). Regionally, the Peninsular Ranges are bounded to the east by the Colorado Desert and the west by the continental shelf and offshore islands (Santa Catalina, Santa Barbara, San Nicholas, and San Clemente) (Norris and Webb 1990; CGS 2002). Regional mountain ranges in the Peninsular Ranges geomorphic province include the Santa Ana, San Jacinto, and Santa Rosa Mountains. Geologically, these mountains are dominated by Mesozoic, plutonic igneous and metamorphic rocks that are part of the Peninsular Ranges batholith (Southern California batholith) (Jahns 1954; Harden 2004).

More specifically, the project site is located within the southernmost portion of the central block of the Los Angeles Basin (Yerkes et al. 1965). The Los Angeles Basin (also called the coastal plain) extends from the Santa Monica Mountains in the north to the San Joaquin Hills of Orange County in the south and is a structural basin that in some areas has been subsiding and filling with sediments since the late Cretaceous (Yerkes et al. 1965). The Los Angeles Basin is characterized by alluvial coastal plains, underlain by older alluvial and marine sediments, and punctuated by uplifted highlands owing to the numerous faults underlying the Basin. These faults, which include the Newport-Inglewood fault zone in the south and the Sierra Madre fault zone in the north, are part of the greater San Andreas Fault system, characterized by numerous strike-slip faults (Biehler et al. 1964).

LACM Paleontological Records Search and Literature Review

Dudek requested a paleontological records search of the project site, including a one-half mile buffer, from the LACM on October 09, 2018. The results were received on October 24, 2018 and are provided within Confidential Appendix D. The LACM does not have any vertebrate fossil localities recorded within the project site boundaries or a one-half mile buffer; however, they do have localities nearby from the same sedimentary deposits that occur within the project site. According to the records search and surficial geological mapping by Morton and Miller (2006) at a scale of 1:100,000, the project site is underlain by deposits of Holocene (< 12,000 years ago) younger Quaternary alluvium (map unit Qya_a) in the southwestern-most corner of the project site and Pleistocene (~ 12,000 – 2.6 million years ago) older Quaternary alluvium over the remainder of the project site. These deposits (especially the younger Quaternary alluvium) are likely derived

primarily as fluvial (river-laid) sediments from Horno Creek that flows just to the west of the project site (McLeod 2018). Younger Quaternary alluvium typically does not contain significant vertebrate fossils, at least in the uppermost layers, but at relatively shallow depth in this area and on the surface of the majority of the project site, there are older Quaternary sediments that do contain significant fossil vertebrate remains. The LACM fossil vertebrate localities reported near the project site include a fossil imperial mammoth (*Mammuthus imperator*) at unknown depth from Salt Creek, due west of the project site and a fossil bison (*Bison*) from Doheny State Beach from an unspecified depth (McLeod 2018).

In his review of Quaternary vertebrates from California, Jefferson (1991) reported several fossil localities from older alluvial deposits in southern Orange County. Table 6 below lists nearby fossil localities.

Table 6
Pleistocene Paleontological Localities from Southern Orange County*

Locality	Fossil Specimens Recovered
San Juan Capistrano	Dolphin (cf. <i>Tursiops</i> sp.)
San Clemente (four localities)	Fish (Osteichthyes), lizard (<i>Gerrhonotus multicarinatus</i>), snakes (<i>Pituophis melanoleucus</i> , <i>Tantilla</i> sp., <i>Thamnophis</i> sp. cf. <i>T. couchii</i> , <i>Lampropeltis getulus</i> , <i>Salvadora</i> sp. or <i>Coluber constrictor</i>), turtle (Chelonia), birds (<i>Lophortyx californicus</i> and <i>Zonotrichia</i> sp.), shrew (<i>Sorex</i> sp.), mole (<i>Scapanus</i> sp.), rabbit (<i>Sylvilagus</i> sp.), gopher (<i>Thomomys</i> sp.) rodents, sloths (<i>Paramylodon</i> sp. and <i>Nothrotheriops</i> sp.), Mammoth (<i>Mammuthus</i> sp. and <i>Mammuthus columbi</i>), horse (<i>Equus</i> sp.), camel (<i>Camelops</i> sp.), and bison (<i>Bison</i> sp.)
Dana Point	Mammoth (<i>Mammuthus</i>) and bison (<i>Bison</i>)
Laguna Niguel (four localities)	Sloth (<i>Paramylodon</i> sp.), Mammoth (<i>Mammuthus</i> sp.), mastodon (<i>mammut</i> sp.), horse (<i>Equus</i> sp.), Tapir (<i>Tapirus</i> sp. cf. <i>T. californicus</i>), and bison (<i>Bison</i> sp.), and deer (<i>Odocoileus hemionus</i>)
Laguna Hills, Morland Tract	Horse (<i>Equus</i> sp.), camel (<i>Camelops</i> sp.), and bison (<i>Bison</i> sp.)
San Joaquin Hills	Mammoth (<i>Mammuthus</i>), edentate, and rodent

*Data from Jefferson (1991)

INTENSIVE PEDESTRIAN SURVEY

Dudek conducted a reconnaissance-level survey of the project site on October 31, 2018, using standard archaeological and paleontological procedures and techniques. All portions of the project site with exposed ground surface were inspected. Other developed portions of the project site were spot-checked. Inaccessible areas include areas comprised of dense vegetation and eroding dirt banks and/or steep terrain. The goal of the survey was to identify and record any cultural resources within the project site. The ground surface was examined for the presence of prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools), historical artifacts (e.g., metal, glass, ceramics), sediment discolorations that might indicate the presence of a cultural midden, depressions, and other features that might indicate the former presence of structures or buildings (e.g., post holes, foundations). In addition, all exposed ground surfaces were inspected for the presence of Ice Age plant and animal remains.

Standard methods require, should cultural materials be encountered, that all data necessary to complete the appropriate State of California Department of Parks and Recreation 523 series forms be gathered. Additionally, per California Office of Historic Preservation guidelines, any cultural material more than 45 years old is to be recorded as an archaeological site, built environment resource, or isolate, as appropriate. As no cultural resources were identified, no such documentation was required. All fieldwork was documented using field notes and an Apple Generation 7 iPhone (iPhone) equipped with ESRI Collector and Avenza PDF Maps software with close-scale field maps, and aerial photographs. Location-specific photographs were taken using the iPhone's 12-megapixel camera. All field notes, photographs, and records related to the current study are on file at Dudek's Pasadena, California office. All field practices met the Secretary of Interior's standards and guidelines for a cultural resources inventory.

The project site is currently occupied by the South Coast Christian Church to the north, two residential lots on the southeastern portion and vacant and undeveloped land on the southwestern portion. The survey focused on areas of exposed ground surfaces within the vacant and undeveloped portions of the project site. The site is relatively flat where existing structures are present and gradually and intermittently slopes downwards to the west and south. Ground visibility throughout the project site is moderate (approximately 50%–75%) due to the presence of dense vegetation comprised of grasses, brush, and ornamental trees. Roadside refuse was observed in areas along the I-5. In addition, irrigation pipelines and storm water runoff components were observed along the west half of the project site. Aspects of the project site that limited the survey were areas where the slopes were steep and unstable. Soils in the project site were variable and ranged from a medium to light brown sandy-silt with gravels to a dense matrix of sand, gravel and cobbles. Subsurface exposures were opportunistically sought through inspection of erosional and previously excavated areas for indications of developed cultural deposits. Observed within the

eroding slopes comprised of the dense matrix of sand, gravel and cobbles were marine shell. The area where the shell was encountered was investigated and upon further inspection, determined to be non-cultural. No archaeological or paleontological resources were identified within the project site as a result of the pedestrian survey.

SENSITIVITY ANALYSIS

Archaeological Sensitivity

Although no prehistoric archaeological resources were identified within the project site through the SCCIC records search or a NAHC SLF search, several prehistoric sites have been recorded within a 0.5-mile radius of the project site. Moreover, historic topographic maps and aerials indicate that the project site was utilized for agricultural purposes until the early 1950s, at which point the majority of on-site development began to occur. Property records for Orange County indicate that the project site was developed with two single-family residences in 1953 (north residence) and 1954 (south residence) (Redfin.com 2018a; Redfin.com 2018b). Though the project site has been extensively disturbed over time as a result of agricultural activities and structural developments, there may still be native undisturbed soils beneath the buildings, paved parking areas, and undeveloped and/or unpaved areas within the project site. Considering these factors, the potential for the project site to support buried prehistoric archaeological deposits is considered low.

No historic archaeological resources were identified within the project site during the records search. A review of historic maps and aerials suggests that the project site was undeveloped until the early 1950s. After this period, it was developed with the extant buildings. Substantial changes have not occurred since the construction of these buildings. Because no previous structures have existed within the project site, the likelihood that historic foundations or structures will be encountered during construction is low. However, there is a possibility that historic refuse deposits deposited during or before the construction of the extant buildings are encountered during ground disturbance. Considering these factors, the potential for the project site to support buried historic-era archaeological features or deposits is considered low.

Paleontological sensitivity

No paleontological resources were identified within the project site during the paleontological records search through the LACM, the pedestrian survey, or desktop research conducted by Dudek. However, site records on file with the SCCIC do indicate mammoth molars have been recorded within a half-mile during construction of the Ortega Ranch Project. The majority of the Protea Memory Care project site is immediately underlain by paleontologically sensitive older Quaternary

alluvium. The southwestern corner is underlain by recent Quaternary alluvium that is generally too young to contain significant paleontological resources on the surface, but is likely underlain by older Quaternary alluvium at a shallow depth. In areas of the project site underlain by recent Quaternary alluvium, excavation depths greater than five feet below the original surface have a likelihood of encountering sediments that are old enough to contain significant paleontological resources. Considering these factors, the potential for paleontological resources to be impacted within the project area is considered low above a depth of five feet below the original ground surface in the southwestern corner of the project underlain by recent Quaternary alluvium, but increases to high below five feet below the ground surface. Areas mapped as having older Quaternary on the surface have a high potential to yield significant paleontological resources. Management recommendations to reduce potential impacts to unanticipated paleontological resources during construction activities are provided below.

SUMMARY AND MANAGEMENT CONSIDERATIONS

No archaeological or paleontological resources were identified within the project site or immediate vicinity as a result of the SCCIC records search, LACM paleontological records search, or the NAHC SLF search. Based on the results of the cultural study, the area within the project site has a low potential for archaeological resources and moderate to high potential to contain paleontological resources at depth. However, given that the project proposes limited earth disturbing activities within soils that would have been disturbed by past construction associated with the present project site, there is a low potential to encounter such resources, even if present. As such, no additional archaeological or paleontological efforts are recommended to be required beyond standard considerations for the management of unanticipated resources. Management recommendations to reduce potential impacts to unanticipated archaeological and paleontological resources and human remains during construction activities are provided below.

Unanticipated Archaeological

All construction crews shall be alerted to the potential to encounter archaeological resources. In the event that archaeological resources (sites, features, and artifacts) are exposed during construction activities involving ground disturbance for the project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified specialist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether additional study is warranted. This avoidance buffer may be adjusted following inspection of this area by that qualified specialist. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole shell, burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts

may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Depending upon the significance of the find under CEQA (14 CCR 15064.5(f); PRC Section 21082), the archaeologist may simply record the find and allow work to continue. Feasible options for avoidance must also be considered. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.

Unanticipated Paleontological Resources

Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist as outlined in the Society of Vertebrate Paleontology (SVP 2010) guidelines. The qualified paleontologist shall attend the preconstruction meeting and be on-site (or a designated qualified paleontological monitor) during all grading and other significant ground-disturbing activities within previously undisturbed older Quaternary alluvium. Paleontological monitoring is required below a depth of five feet in the southwestern project site, where younger Quaternary alluvium is mapped on the surface. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery shall be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor shall remove the rope and allow grading to recommence in the area of the find. Per the SVP guidelines, if approximately fifty percent of monitoring has occurred in a single geological unit with no paleontological recovery, monitoring can be reduced or terminated at the qualified paleontologist's discretion.

Following the paleontological monitoring program, a final monitoring report shall be submitted to the City of San Juan Capistrano for approval. The report shall summarize the monitoring program and include geological observations and any paleontological resources recovered during paleontological monitoring for the project.

Unanticipated Human Remains

In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the county coroner

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determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete his/her inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

Please do not hesitate to contact me if you have any questions about this report, please contact Linda Kry by email at lkry@dudek.com or phone at (626) 590-1739, or Michael Williams by email at mwilliams@dudek.com or phone at (225) 892-7622, or Erica Nicolay by email at enicolay@dudek.com or phone at (760) 936-7952.

Sincerely,



Erica Nicolay, MA
Archaeologist



Michael Williams, PhD
Paleontologist

cc: Linda Kry, Micah Hale, Sarah Siren, Dudek

Att: *Figure 1. Project Location Map*
Figure 2. Project Site Map
Appendix A (Confidential): SCCIC Records Search Information
Appendix B: (Confidential): Native American Communication
Appendix C (Confidential): LACM Paleontological Records Search Results

REFERENCES

- Biehler, S., R.L. Kovach, and C.R. Allen. 1964. Geophysical framework of northern end of Gulf California structural province. In, van Andel, T.H., and G.G. Shor, Jr., (eds.), *Marine Geology of the Gulf of California*. American Association of Petroleum Geologists Memoir 3, p.126-143.
- California Geological Survey. 2002. *California Geomorphic Provinces: Note 36*. 4 pp.
- City of San Juan Capistrano. 1997. Council Policy 601. Electronic Resource, http://sanjuancapistrano.org/Portals/0/CouncilPolicy601_1.pdf, Date accessed October 16, 2018.
- Harden, Deborah R. 2004. *California Geology*. 2nd Edition. Pearson Education, Inc. New Jersey 552p.
- Jahns, R.H., 1954 *Geology of the Peninsular Range Province, Southern California and Baja California*; California Division Mines Bull. 170: 24 pp.
- Jefferson, G.T. 1991. *A Catalog of Late Quaternary Vertebrates from California*. Natural History Museum of Los Angeles County, Technical Reports 7:1-174. Unpublished revision: 18 May 2012.
- McLeod, S.A. 2018. *Vertebrate Paleontology Records Check for Paleontological Resources for the Proposed Protea Memory Care project, Dudek project # 11455, in the City of San Juan Capistrano, Orange County, project Area*. Unpublished Records Search Results Letter from the Natural History Museum of Los Angeles County, Los Angeles, California.
- Morton, D.M., and Miller, F.K., 2006, *Geologic map of the San Bernardino and Santa Ana 30' x 60' quadrangles, California*: U.S. Geological Survey, Open-File Report OF-2006-1217, scale 1:100,000.
- NETR (Nationwide Environmental Title Research). 2018. *Historical Aerial photographs and Historic Topographic Maps*. Electronic resource, <https://www.historicaerials.com/viewer>. Accessed June, 2018.
- Norris, R. M., and R. W. Webb. 1990. *Geology of California*. John Wiley and Sons, Inc. New York. 541p.
- Redfin.com. 2018a. "31531 Avenida Los Cerritos, San Juan Capistrano, CA 92675." Updated October 16, 2018. <https://www.redfin.com/CA/San-Juan-Capistrano/31531-Avenida-Los-Cerritos-92675/home/4909135>
- Redfin.com 2018b. "31451 Avenida Los Cerritos, San Juan Capistrano, CA 92675." Updated October 16, 2018. <https://www.redfin.com/CA/San-Juan-Capistrano/31451-Avenida-Los-Cerritos-92675/home/4909134>

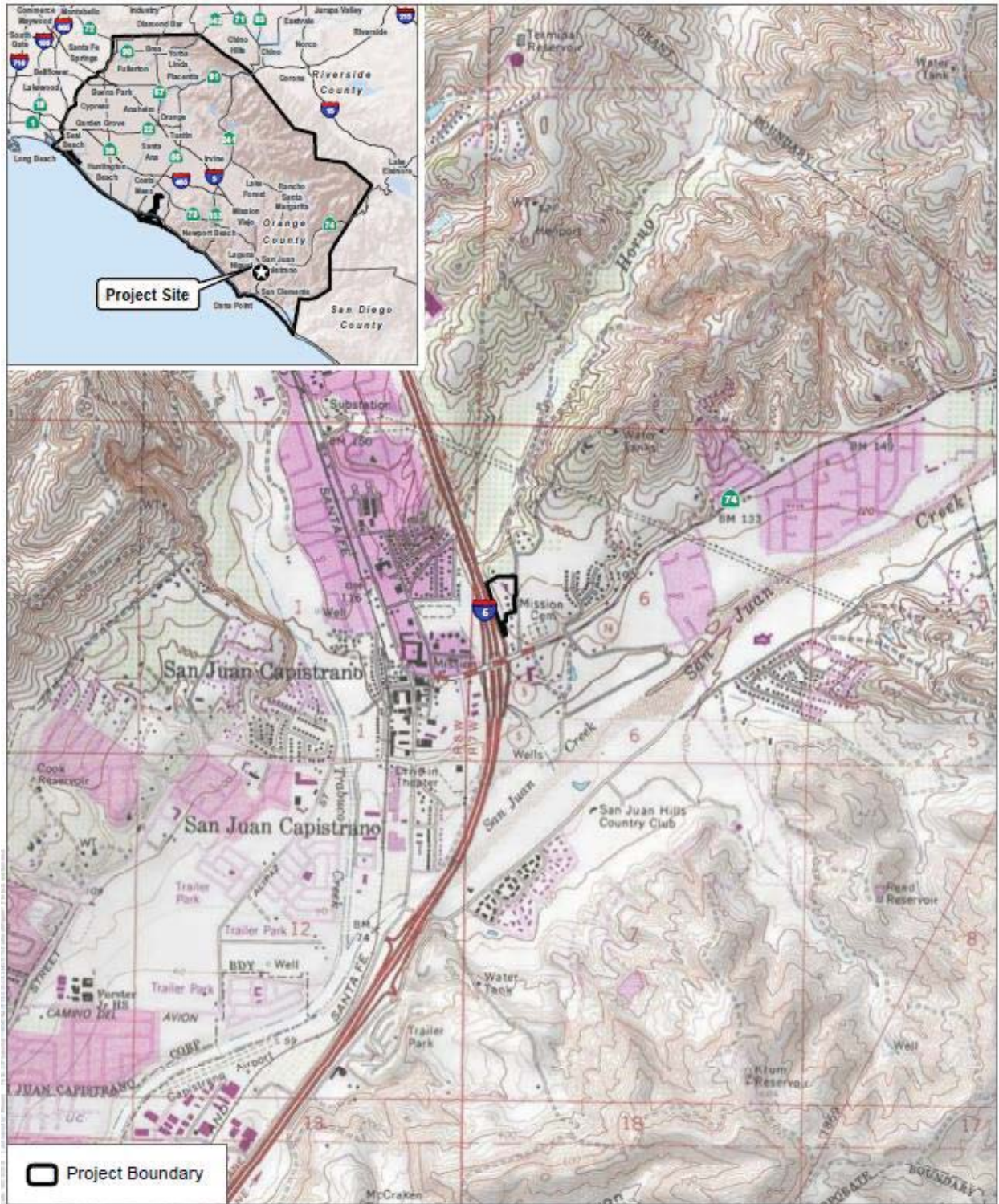
Subject: Archaeological and Paleontological Resources Assessment for the Protea Memory Care Facility Project, City of San Juan Capistrano, Los Angeles County, California

Society of Vertebrate Paleontology (SVP). 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. 11 p. Available; <http://vertpaleo.org/PDFS/68/68c554bb-86f1-442f-a0dc-25299762d36c.pdf>.

Yerkes, R.F., T.H. McCulloh, J.E. Schoellhamer, and J.G. Vedder, 1965. ·Geology of the Los Angeles Basin California-an Introduction. Geological Survey Professional Paper 420-A. 57 pp.

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SOURCE: USGS Topo 7.5 Minute Series San Juan Capistrano Quadrangle



FIGURE 1

Project Location

Protea Memory Care Facility Project

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SOURCE: USDA 2016



FIGURE 2
Project Site

Protea Memory Care Facility Project

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APPENDIX A (CONFIDENTIAL)

SCCIC Records Search Results

APPENDIX B (CONFIDENTIAL)

Native American Communication

APPENDIX C (CONFIDENTIAL)
LACM Paleontological Records Search

