

## 5. Environmental Analysis

### 5.2 CULTURAL RESOURCES

Cultural resources comprise historical, archaeological, and paleontological resources. The Initial Study (Appendix A) determined that impacts to historical and paleontological resources were less than significant and no further discussion of these cultural resources were necessary in the Draft Environmental Impact Report (DEIR). Therefore, this section of the DEIR evaluates the potential for implementation of the Multiple-Campus Modernization/Interim Housing Project to impact archaeological resources only.

#### 5.2.1 Environmental Setting

##### 5.2.1.1 REGULATORY FRAMEWORK

###### Federal and State Regulations

###### *National Historic Preservation Act*

The National Historic Preservation Act of 1966 (NHPA) coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review ensures that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

###### *Archaeological Resources Protection Act*

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands. Archaeological resources are defined by the Archaeological Resources Protection Act:

The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age. (United States Code Title 16 Section 470bb [1]).

## 5. Environmental Analysis

### CULTURAL RESOURCES

#### *Native American Graves Protection and Repatriation Act*

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

#### *California Public Resources Code*

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the PRC. In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage Commission; require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

#### **5.2.1.2 EXISTING CONDITIONS**

##### **Archaeological Resources**

The coastal tradition of southern California was established between 7,000 and 10,000 years ago, progressively adapting to the coastal environment (ARI 1973). Prehistoric sites dating from between 7,000 and 1,200 years ago have been discovered in the area. Ethnographically, the Gabrielino Indians occupied the area that later became Huntington Beach. These Native Americans were also known as the Tongva, which translates to “people of the earth.” At the time of Spanish contact in the eighteenth century, they occupied a large swath of land along the California coast that included most of present-day Los Angeles and Orange counties, plus several offshore islands. (Huntington Beach 2017). The Gabrielino lived in brush huts that were part of small villages with about 25 to 30 people. Although no structures remain from this period of the Huntington Beach’s prehistory or ethnohistory, several significant shell middens have yielded important information regarding the lifestyles of these first inhabitants (Huntington Beach 2017).

The City of Huntington Beach General Plan Update Program EIR indicates that there are three archaeological resource sites within the planning area of the city that include burials, fire affected rock, debitage,<sup>1</sup> religious

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<sup>1</sup> Waste material produced in the making of prehistoric stone implements.

## 5. Environmental Analysis

### CULTURAL RESOURCES

artifacts, and tools. The existing school sites are not part of the three archaeological resource sites (ARI 1973).

#### 5.2.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our past;
- 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
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; 14 CCR § 4852)

The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource.

CEQA Guidelines Section 21083.2(g) defines “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.

A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.

## 5. Environmental Analysis

### CULTURAL RESOURCES

- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of dedicated cemeteries.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold C-1
- Threshold C-3
- Threshold C-4

These impacts will not be addressed in the following analysis.

### 5.2.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

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**Impact 5.2-1: Development of the project could impact archaeological resources. [Threshold C-2]**

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*Impact Analysis:* The modernization and interim housing campuses are already developed and are not part of an identified archaeological site. However, considering the cultural sensitivity of the city, ground-disturbing activities may uncover presently buried and previously unknown cultural resources. Therefore, if implementation of the Proposed Project involves disturbing previously undisturbed soils, it could result in impacts to unknown archaeological resources. The Proposed Project involves modernization of existing school facilities and provision of interim housing. Modernizations would involve: student safety improvements, such as camera systems and security fencing for campus security, emergency systems, and fire-life-safety items; plumbing and other infrastructure improvements; educational technology; playground equipment; and play areas, including asphalt/concrete. Therefore, any soil excavation, trenching, and grading would be limited and confined to ground that has been previously disturbed as part of existing school development. Although modernization at College View ES and Westmont ES would include additional improvements such as new parking, access, and bus drop-off areas, these improvements would also be within existing school boundaries, and ground disturbance would not extend beyond previously disturbed soils. Therefore, the potential for discovering previously unidentified buried resources in previously disturbed artificial fill materials would be negligible, and impacts would be less than significant.

The interim housing campuses are also developed with school facilities, and previously disturbed soils are anticipated during limited grading and trenching activities. The geotechnical exploration report for the interim housing sites indicated that artificial fill soils are encountered approximately 3 feet below the campuses during the explorations and thicker accumulation of artificial fill materials are anticipated in other localized areas. The proposed interim housing improvements are not anticipated to excavate beyond 3 feet to reach

## 5. Environmental Analysis

### CULTURAL RESOURCES

previously undisturbed soils. However, if it is determined that any part of the modernizations or interim housing improvements involve earth-disturbing activities (e.g., excavation, grading, trenching) that go beyond 3 feet and could encounter undisturbed soils, a qualified archaeologist should be retained to avoid any potential impacts to archaeological resources. It should be noted that not all archaeological resources are considered unique archaeological resources pursuant to CEQA Guidelines Section 21083.2(g), and a nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects. Therefore, provided that appropriate monitoring is provided during excavation beyond artificial fill materials, impacts to archaeological resources would be reduced to a less than significant level.

#### 5.2.4 Cumulative Impacts

The area considered for cumulative impacts to cultural resources is the OVSD service boundaries. A list of cumulative projects is in Table 4-1, *Cumulative Projects*. These projects could involve actions that damage archaeological and/or paleontological resources specific to those project sites. However, they would also be subject to CEQA review and regulatory requirements, including archaeological, paleontological, and tribal resources assessments. Where significant or potentially significant impacts are identified, implementation of feasible mitigation measures as with the proposed project would reduce impacts to a less than significant level. Pursuant to the California Code of Regulations, Title 14, Chapter 3 15126.4(b), various feasible mitigation measures would be considered, including but not limited to the “preserve in place” measure. The Proposed Project would occur within campuses already developed with elementary and middle school facilities, and other cumulative projects in the list have also been previously developed. However, because ground disturbance could potentially unearth previously unidentified cultural resources, site-specific impacts would require mitigation measures to minimize impacts to a less than significant level. Provided that site-specific impacts are reduced to a less than significant level, no cumulatively significant impacts are anticipated. No additional mitigation would be necessary.

#### 5.2.5 Regulatory Requirements

- California Code of Regulations, Title 14, Chapter 3, Section 15126.4(b)(3): Consideration and discussion of mitigation measures proposed to minimize significant effects.

#### 5.2.6 Level of Significance Before Mitigation

Without mitigation, these impacts would be **potentially significant**:

- Impact 5.2-1 Development of the project could impact archaeological resources.

## 5. Environmental Analysis

### CULTURAL RESOURCES

#### 5.2.7 Mitigation Measures

##### Impact 5.2-1

CUL-1 Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that exceed 3 feet below ground surface, the construction contractor shall demonstrate that the disturbance would occur within the limits of the previously disturbed soils, such as artificial fill materials.

In the event that the activities could encounter undisturbed soils, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards of Archaeology shall be retained to determine if the construction activities could result in a substantial, adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the California Environmental Quality Act Guidelines. If the archaeologist determines that monitoring during grading activities is necessary, a Native American monitor(s) from the applicable tribe (e.g., the Gabrielino Tongva Nation and/or the Native American Heritage Commission) shall also be invited to be present at the pregrading conference; shall establish procedures for archaeological and/or tribal resource surveillance; and shall establish, in coordination with the construction contractor, procedures for temporary halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate.

Should archaeological resources, including tribal resources, be found during ground-disturbing activities, the qualified monitor shall first determine whether the resource is a "unique archaeological resource" pursuant to Section 21083.2(g) of the California Public Resources Code (PRC) or a "historical resource" pursuant to Section 15064.5(a) of the State CEQA Guidelines (14 California Code of Regulations [CCR]), or "tribal cultural resources" pursuant to PRC Section 21074. Once the determination is made pursuant to CEQA Guidelines Section 21083.2, the appropriate actions shall be taken in appropriate sections of the regulations (e.g., 14 CCR §15126.4) to ensure that impacts are reduced to a less than significant level.

If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity, that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities, all earth-disturbing activity within 100 feet of the find shall be halted and the District shall be notified. Impacts to any significant resources shall be mitigated to a less than significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 form and filed with the appropriate Information Center.

## 5. Environmental Analysis CULTURAL RESOURCES

### 5.2.8 Level of Significance After Mitigation

Implementation of CUL-1 would reduce potential impacts to archaeological resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to cultural resources have been identified.

### 5.2.9 References

Archaeological Research, Inc. (ARI) 1973, January. Report of a Scientific Resources Survey and Inventory: Conducted for the City of Huntington Beach, California. Prepared by Michael Ahlering.  
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## 5. Environmental Analysis

### CULTURAL RESOURCES

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