



4.11 CULTURAL RESOURCES

The purpose of the Cultural Resources section is to identify historic and cultural resources existing in the Project area and to assess the significance of such resources. The analysis in this section has been prepared in accordance with Section 15064.5 of the *State CEQA Guidelines*, which considers potential impacts on prehistoric, historic, and paleontological resources. Mitigation is recommended to preserve and/or to protect resources, should they be present within the Project site.

This section is based upon information contained in the *Cultural Resources Records Search and Reconnaissance Survey Report and Paleontological Literature and Records Review Results for the Dana Point Harbor Revitalization Project*, prepared by the Chambers Group (dated March 2003, revised January 2004), included in Appendix K (Cultural Resources Assessment). Because of the sensitivity of archaeological resources, in accordance with *CEQA Guidelines* Section 15120 (d), no information about the location of archaeological sites is included in this EIR.

4.11.1 EXISTING CONDITIONS

4.11.1.1 CULTURAL SETTING — ETHNOGRAPHY

The Project area formed part of the territory occupied by the Juaneño Native American group when the Spanish arrived in A.D. 1769. Ethnographic descriptions of the Juaneño are often given in terms of their neighbors to the south, the Luiseño, but also point to a separate ethnic identity.

Juaneño settlement and subsistence systems may extend back in time to the beginning of the Late Prehistoric Period, about A.D. 650. The Juaneño were semisedentary hunters and gatherers. The Juaneño lived in villages of up to 250 people located near permanent water and a variety of food sources. Each village was typically located at the center of an established territory from which resources for the group were gathered. Small groups left the village for short periods of time to hunt, fish, and gather plant foods. While away from the village, they established temporary camps and created locations where food and other materials were processed.

Several Juaneño villages were located in the general vicinity of the Project site. The San Juan Basin was densely populated and villages were closely spaced because of the year-round availability of fresh water in San Juan Creek and its tributaries. The village of Acjacheme was located just east of the present location of Mission San Juan Capistrano. The village of Putuidem was located at the confluence of Oso and Trabuco Creeks, and is represented by archaeological site CA-ORA-855 and possibly also by CA-ORA-1338, CA-ORA-1040, and other adjacent sites. Tobna was located on the east bank of San Juan Creek near its mouth and may be represented by archaeological site CA-ORA-21. The village of Sajavit was located at the original mission site, which was halfway between the mouth of Cañada Gobernadora and the present mission location. Records place the original mission site at LaCoague Ranch, the location of archaeological site CA-ORA-243.



4.11.1.2 CULTURAL SETTING — HISTORY

Although Spanish explorers visited the California coast much earlier, Spanish occupation of Alta California did not begin until Mission San Diego was founded with the arrival of the Portolá land expedition from New Spain (Mexico) in 1769. The founding site of Mission San Juan Capistrano was dedicated in 1775, but because of the Native American attack on Mission San Diego later that year, the settlement was not established until late in 1776. The founding site was located at or near the Juaneño village of Sajavit on San Juan Creek, roughly two miles upstream from the present mission buildings, but this initial settlement was soon abandoned because of insufficient water.

Mission San Juan Capistrano was an economic enterprise, as well as a religious institution. The mission had large herds of cattle on land as far north as Newport Bay. Hides and tallow from the cattle were traded for imported goods. Ships trading with the mission anchored in Dana Cove, originally known as El Embarcadero. In 1818 the French pirate Hipolito Bouchard anchored in Dana Cove and raided the mission during a war between France and Spain.

Mexico became independent from Spain in 1822. As a result of Mexico's policy of mission secularization beginning in 1834, former mission lands were granted to retired Mexican soldiers and other Mexican citizens to use as cattle ranches. Niguel, a grant of 13,316 acres northwest of Dana Point, was awarded to Juan Avila in 1842. The area east of San Juan Capistrano, the 46,433-acre Mission Viejo (or La Paz) grant, was conferred on Agustin Olvera in 1845. Also in 1845, Boca de la Playa, a smaller grant of 6,607 acres southeast of Dana Point, was given to Emigdio Vejar.

Although many Juaneño had perished from European diseases and poor treatment by Spain and Mexico, some surviving Juaneño remained at Mission San Juan Capistrano, and the settlement continued as an Indian pueblo until organized into a formal town by Mexico in 1841. San Juan Capistrano continued as a small town after California became part of the United States in 1848. The town served as a small commercial center for the surrounding ranches. Walnut orchards were planted in the late nineteenth century and were replaced by citrus orchards in the early twentieth century.

Dana Point and Dana Cove were named for Richard Henry Dana, an American sailor who visited the area in 1835 and wrote about his adventures in *Two Years Before the Mast*. The community of Dana Point began in the late 1920s with the completion of Pacific Coast Highway. Dana Point Harbor was built in Dana Point Cove in the early 1970s. The City of Dana Point was subsequently incorporated in 1989.

4.11.1.3 FINDINGS OF RESEARCH AND FIELDWORK

The historical property data file at the SCCIC currently lists 28 properties in the vicinity of the City that have been evaluated for their potential historical significance. None of the sites is located within or directly adjacent to the Project area.

Four archaeological sites have been documented within one-half mile of the Project area; refer to Table 4.11-1 (Archaeological Sites Recorded Within ½ Mile of the Project Area).



Sites 30-000012 and 30-000075 were recorded on the bluffs above the Harbor. Site 30-000021 is located near the SCWD parcel. Most of the area where the site was recorded is occupied by commercial development. The former railroad siding (30-001337) is in the railroad ROW directly adjacent to the SCWD parcel.

Table 4.11-1
ARCHAEOLOGICAL SITES RECORDED WITHIN ½ MILE OF THE PROJECT AREA

State Trinomial Designation	Initially Recorded	Site Type and Description
30-000012	Romero 1935	Prehistoric shell middens, mortar and pestle, arrowpoints
30-000021	Romero 1935	Prehistoric "burial grounds"; possible site of ethnographic village of <i>Tobna</i>
30-000075	H. & J. Eberhart	Prehistoric shell midden
30-001337	Shinn 1993	Foundations of Santa Fe railroad siding "Serra"
Source: Chambers Group, Cultural Resources Records Search and Reconnaissance Survey Report and Paleontology Literature and Records Review Results for the Dana Point Revitalization Project, January 2004.		

The records search showed that at least 32 cultural resources field investigations have been conducted within one-mile of the Project site (refer to Appendix K). The Harbor and the Selva parking lot have not been previously surveyed, while the SCWD parcel has been previously surveyed. The SCWD parcel is slightly higher in elevation than the railroad ROW where site 30-001337 is located, indicating that a layer of fill covers the SCWD parcel. Additionally, no human remains were identified as a result of the field reconnaissance. Native American human remains are usually found in or near prehistoric archaeological sites; no such sites have been identified within the Project area, including the Selva and SCWD parking lots.

A search of the Sacred Lands File at the Native American Heritage Commission failed to identify any traditional cultural properties. Currently, no responses have been received from the Native American contacts. No specific Native American resources of cultural value have been identified.

Two shipwrecks have been recorded near Dana Point: The *Ace #1* and *New Saturina*. The *Ace #1*, built in 1944 was lost in 1948 "off Dana Point." It is likely not eligible for the National Register of Historic Places. The *New Saturina*, sunk in 1955 "west of Dana Point," is also likely not eligible for the NRHP. Neither of the shipwrecks occurred within Dana Point Harbor.

PALEONTOLOGICAL RESOURCES

The Paleontology Literature and Records Review obtained from the San Bernardino County Museum indicates that the Harbor portion of the Project area is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids, and marine vertebrates, including sharks and whales. The marine terrace deposits have yielded marine invertebrate fossils (molluscs, crustaceans, and echinoids) and marine vertebrate fossils (sharks, rays, and bony fish).



Marine terrace deposits underlie the Selva parking lot and SCWD parking lot portions of the Project area, with San Onofre Breccia and/or Monterey Formation below them. The San Onofre Breccia has yielded fossil marine gastropods and some marine vertebrate fossil remains. The Monterey Formation has yielded abundant foraminifera, fish, and marine mammal fossils.

4.11.2 METHODOLOGY

4.11.2.1 INFORMATION SOURCES

A cultural resources records search was conducted by the staff of the South Central Coastal Information Center (SCCIC) at California State University, Fullerton, on February 5, 2003. The SCCIC acts as a branch of the California Historic Resources Information System (CHRIS) established by the Office of Historic Preservation (OHP) and maintains information concerning cultural resources and associated studies recorded in Orange County. The records search provided information on archaeological sites, historic resources, and cultural resources investigations recorded within one-half mile around the Project area. During the records search, the California Historic Property Data File (HPDF) produced by the OHP was consulted. The HPDF includes properties listed on, or eligible for, the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR). The HPDF also lists California Historical Landmarks (CHL) and California Points of Historical Interest (PHI).

The Native American Heritage Commission in Sacramento conducted a search of their Sacred Lands File and provided a list of Native American contacts for southern Orange County. On March 6, 2003, letters were sent to four Native American contacts on the list. The letters described the Project and requested information about any traditional cultural properties, sites, or resources about which they may be concerned. There were no letters received by the Native American contacts during the course of the EIR preparation.

A paleontology literature and records review was requested from the San Bernardino County Museum. The review provided information about the potential for the geologic formations that underlie the Project area to contain fossils.

4.11.2.2 SITE RECONNAISSANCE

A reconnaissance of the Project area was completed by Dr. Roger D. Mason, Chambers Group archaeologist, on February 10, 2003. An intensive survey was not performed because the harbor facilities are built on recent fill and the Selva parking lot is paved. The SCWD property has been previously surveyed.

4.11.3 SIGNIFICANCE CRITERIA

4.11.3.1 SIGNIFICANCE GUIDELINES

The cultural resources analysis addresses the resources for the purposes of the entitlement process for the proposed Project. As Dana Point harbor was constructed in the early 1970s, the structures within the Project boundary are not eligible to meet



the requirements of Section 106 of the National Historic preservation Act and CEQA. However, the following guidelines were utilized in the analysis to determine the significant effects of any potential cultural or paleontological resources encountered during Project construction.

ARCHAEOLOGICAL RESOURCES

A significant prehistoric archaeological impact will occur if grading and construction activities will result in a substantial adverse change to archaeological resources determined to be “unique” or “historic.” “Unique” resources are defined in Public Resources Code §21083.2; “historic” resources are defined in Public Resources Code §Section 21084.1 and the *State CEQA Guidelines* §15126.4.

Public Resources Code §21083.2(g) states:

As used in this section, “unique archaeological resource” means 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; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

HISTORIC AND PREHISTORIC RESOURCES

Under CEQA, an historical resource (these include built-environment, historic, and prehistoric archaeological resources) is considered significant if it meets the criteria for listing on the CRHR. The criteria for the CRHR are set forth in *CEQA Guidelines* §15064.5, and include the following:

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



Using the information outlined above, the first level of evaluation was to determine whether a site within a development area is considered eligible for the National Register of Historic Resources (NRHP) or the CRHR, and therefore, is historically significant.

In accordance with *CEQA Guidelines* §15064.5:

“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.

- 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 will be materially impaired.

The significance of an historical resource is materially impaired when a project:

- 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
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources . . . 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
- 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.”

A “Unique” resource is defined in Public Resources Code Section 21083.2 and is noted above under prehistoric archaeological resources.

PALEONTOLOGICAL RESOURCES

An impact on paleontological materials will be considered a significant impact if the project results in the direct or indirect destruction of a unique or important paleontological resource or site. The following criteria are used to determine whether a resource is unique or important:

- The past record of fossil recovery from the geologic unit(s);
- The recorded fossil localities in the Project area;
- Observation of fossil material on site; and



- The type of fossil materials previously recovered from the geologic unit (vertebrate, invertebrate, etc.).

4.11.3.2 CEQA REQUIREMENTS

The following thresholds of significance, based on the criteria contained in Appendix G of the *State CEQA Guidelines*, are used to determine whether or not implementation of the Project will result in significant cultural resources impacts. Impacts resulting from implementation of the Project will be considered significant if the Project will:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5; refer to Impact Statement 4.11-1;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5; refer to Impact Statement 4.11-1;
- Disturb or destroy any known or unknown significant archaeological resource that is deemed to be unique as defined in CEQA Section 21083 (an archaeological resource is defined as an artifact, object, or site that clearly contains information needed to answer important scientific research questions, where there is demonstrable public interest in that information and/or has a special and particular quality, such as being the oldest of its type or the best available example of its type); refer to Impact Statement 4.11-2;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; refer to Impact Statement 4.11-2; and/or
- Disturb any human remains, including those interred outside of formal cemeteries; refer to Section 4.11-3.

4.11.4 PROJECT IMPACTS

4.11.4.1 ARCHAEOLOGICAL AND HISTORICAL RESOURCES

4.11-1 *Implementation of the proposed Project will potentially impact archaeological and/or historical resources located within the Project area. However, with the incorporation of recommended Standard Conditions of Approval (SCAs), impacts will be reduced to less than significant levels.*

HARBORWIDE

As previously discussed in Section 4.11.1.3, above, results of the records search conducted by the SCCIC, contact with the State of California's Native American Heritage Commission, and field reconnaissance completed by Chambers Group identified no archaeological and/or historical resources within the Project area. As no archaeological and/or historical resources were observed within the area, no impacts in this regard are anticipated.



COMMERCIAL CORE

Results of the records search conducted by the SCCIC, contact with the State of California's Native American Heritage Commission and field reconnaissance completed by Chambers Group identified no archaeological and/or historical resources within the Commercial Core area. As no archaeological and/or historical resources were observed within the Commercial Core area, no impacts in this regard are anticipated.

OFF-SITE AREAS

Results of the records search identified four archaeological sites documented within one-half mile of the Project area. Site 30-001337 consists of a former railroad siding, which is likely confined in the railroad ROW, and does not extend onto the SCWD parcel. However, the SCWD parcel is covered by recent fill, which obscures and protects the original ground surface where historical material associated with Site 30-001337 could occur. No subsurface activities will occur on the SCWD parcel, as the Project proposes to use the parcel for temporary storage of boats during Project construction. This use of the SCWD site will be consistent with its current and permitted use. While it is unlikely that historical material associated with Site 30-001337 will be exposed during preparation for use or during use of the SCWD parcel, there is the potential that exposure may occur. Implementation of the recommended Standard Conditions of Approval (SCAs), which requires work to stop and retention of a qualified archaeologist, if resources are exposed, will reduce impacts to a less than significant level.

Implementation of the Project will not result in significant impacts in regards to the remaining three documented archaeological sites.

4.11.4.2 PALEONTOLOGICAL RESOURCES

4.11-2 *Implementation of the Project may potentially impact paleontological resources that may exist on-site but have not been documented. Implementation of recommended Standard Conditions of Approval (SCAs) will reduce impacts to a less than significant level.*

HARBORWIDE

The results of the records searches demonstrate that paleontologically sensitive soils exist within the Project area. The Paleontology Literature and Records Review obtained from the San Bernardino County Museum indicates that the Harbor portion of the Project area is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids, and marine vertebrates including sharks and whales. Therefore, earth-moving or earth-disturbing activities occurring as a result of implementation of the Project may result in significant impacts to fossil remains. Standards Conditions of Approval have been recommended to monitor area where earth-moving or disturbing activities will occur for paleontological resources during excavation, grading, and shoring activities; a program to mitigate impacts on such resources during excavation. SCA 4.11-1 shall require that prior to the issuance of any grading permit, the Applicant shall provide written evidence to the Manager,



Subdivision and Grading, that the applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources. If paleontological resources are found within the proposed Project area, the recommended SCA will mitigate impacts on paleontological resources to less than significant levels.

COMMERCIAL CORE

The results of the records searches demonstrate that paleontologically sensitive soils exist within the Project area. Therefore, earth-moving or disturbing activities occurring within the Commercial Core as a result of implementation of the Project may result in significant impacts on fossil remains. Refer to the Harborwide discussion of potential paleontological resources impacts (above).

OFF-SITE AREAS

The Project proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicles, and for employee parking. No earth-moving or disturbing activities will occur within the Selva and SCWD parking lots. The proposed use of the lots will be consistent with their current and permitted use. Therefore, no impacts on paleontological resources will occur in this regard.

4.11.4.3 BURIAL SITES

4.11-3 *Implementation of the proposed Project may potentially disturb unknown locations of human remains. Implementation of the recommended Mitigation Measures will reduce impacts to less than significant levels.*

HARBORWIDE

As a result of contact with the Native American Heritage Commission and field reconnaissance of the Project area, no Native American or other human remains were identified within the Project area. Human remains in a previously unknown burial site could potentially be encountered during Project construction. Any alterations to human remains associated with implementation of the Revitalization Plan will be considered a significant adverse impact. However, implementation of Mitigation Measures (MM) 4.11-1 that details the appropriate actions necessary if human remains are encountered will reduce impacts in this regard to a less than significant level.

COMMERCIAL CORE

As a result of contact with the Native American Heritage Commission and field reconnaissance of the Project area, no Native American or other human remains were identified within the Commercial Core area. Refer to the discussion of potential burial site impacts under the Harborwide discussion (above).

OFF-SITE AREAS

The Project proposes the use of the Selva and SCWD parking lots for temporary storage of boats and vehicles, and for employee parking. No earth-moving or



disturbing activities will occur within the Selva and SCWD parking lots. The proposed use of the lots will be consistent with their current and permitted use. Therefore, no impacts on Native American or other human remains will occur in this regard.

4.11.5 CUMULATIVE

4.11-4 *Cumulative development may potentially affect cultural resources. Resources are evaluated and mitigated on a project-by-project basis and will result in a less than significant impact.*

The proposed Project, in conjunction with other past, present, or reasonably foreseeable projects, has the potential to result in a cumulative impact due to the potential loss of unknown paleontological and archaeological resources during earth-disturbing activities. Each incremental development will be required to comply with all applicable State, Federal, and County regulations concerning preservation, salvage, or handling of cultural resources. Additionally, the incorporation of SCAs 4.11-1 and MM 4.11-1 will reduce the Project's incremental contribution to this cumulative impact. In consideration of these regulations, potential cumulative impacts upon cultural resources will not be significant.

4.11.6 PROJECT DESIGN FEATURES

The proposed Project will not require any Project Design Features (PDFs) to reduce impacts regarding archaeological, historical, or paleontological resources.

4.11.7 STANDARD CONDITIONS OF APPROVAL

Controls are imposed on new developments through the permitting process via the adoption of conditions of approval or through enforcement of existing ordinances and regulations. The County *Standard Conditions of Approval Manual* (April 2001) contains extensive guidelines for development that will be implemented as the proposed Project is carried out. Existing applicable County SCAs are identified below.

SCA 4.11-1 Prior to the issuance of any grading permit, the County of Orange Dana Point Harbor Department shall provide written evidence to the Manager, RDMD/Subdivision and Grading, that a County-certified archaeologist has been retained, to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the County of Orange Dana Point Harbor Department, for exploration and/or salvage.



The County of Orange Dana Point Harbor Department shall obtain approval of the archaeologist's follow-up report from the Manager, Harbors, Beaches & Parks HBP/Coastal and Historical Facilities. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. Excavated finds shall be made available for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, HBP/Coastal and Historical Facilities.

4.11.8 MITIGATION MEASURES

4.11.8.1 HARBORWIDE

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

No mitigation is required.

PALEONTOLOGICAL RESOURCES

No mitigation is required.

BURIAL SITES

MM4.11-1 If human remains are encountered during earth removal or disturbance activities, the contractor shall cease all further earth disturbance until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code Sections 5097.98 and 5097.99, relative to Native American remains. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission.

CUMULATIVE IMPACTS

No mitigation is required.

4.11.8.2 COMMERCIAL CORE

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

No mitigation is required.

PALEONTOLOGICAL RESOURCES

No mitigation is required.

BURIAL SITES

Refer to Mitigation Measure MM 4.11-1.



CUMULATIVE IMPACTS

No mitigation is required.

4.11.8.3 OFF-SITE AREAS

SCWD PARCEL

Archaeological and Historical Resources

No mitigation is required.

SELVA LOT

No mitigation is required.

4.11.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant impacts related to cultural resources have been identified following implementation of Standard Conditions of Approval and Mitigation Measures referenced in this section.