Appendix D

Cultural Resources Assessment

LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8076 FAX

BERKELEY
CARLSBAD
COLMA
FORT COLLINS
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

June 28, 2006

Larry Netherton
Regional Manager
Sage Community Group, Inc.
3 Corporate Plaza, Suite 102
Newport Beach, California 92660

Subject: Cultural and Paleontological Resources Due Diligence Records Search and Survey Results for the Yorba Linda Project, City of Yorba Linda, Orange County, California

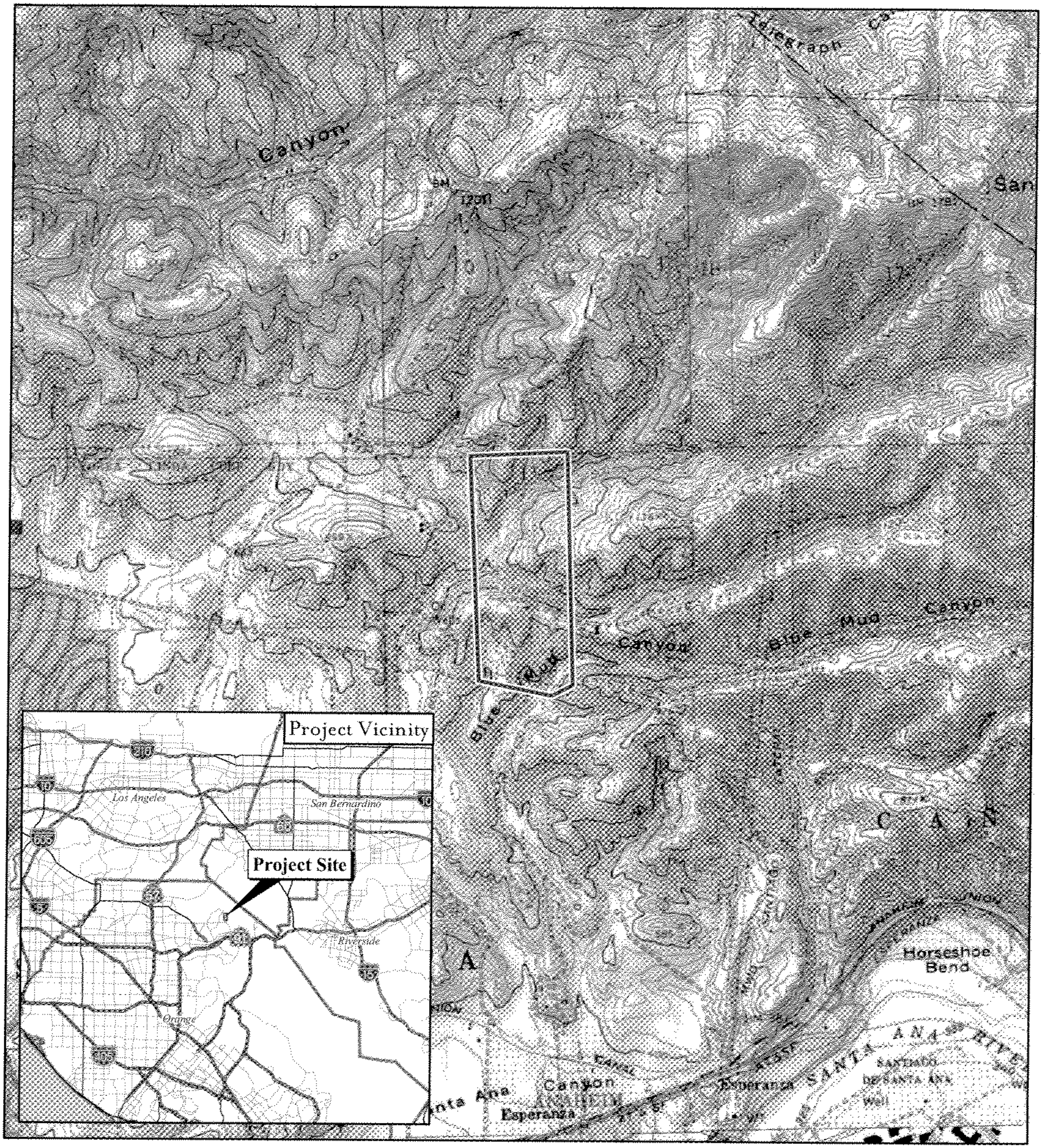
Dear Mr. Netherton:

LSA Associates, Inc. (LSA) is under contract to the Sage Community Group, Inc. to provide a cultural and paleontological resources due diligence records search and field survey for the Yorba Linda project. The project area is a roughly rectangular 116-acre parcel of land located within a mostly undeveloped area within the City of Yorba Linda, County of Orange, California. The project is located within Section 19, Township 3 South, Range 8 West, San Bernardino Baseline and Meridian and is depicted on the *Yorba Linda, California* 7.5' topographic quadrangle map (Figure 1). Existing development within the project area is limited to the southern half and consists of oil wells as well as pads and dirt access roads associated with the wells.

The cultural resources records search was performed at the South Central Coastal Information Center, located at California State University, Fullerton on June 1, 2006; it included a review of all recorded historic and prehistoric archaeological sites within a one-half mile radius of the project area, as well as a review of known cultural resource survey and excavation reports. In addition, LSA examined the California State Historic Resources Inventory (HRI), which includes listings in the National Register of Historic Places, California Historic Landmarks, and California Points of Historical Interest.

A paleontological locality search was conducted through records at the Los Angeles County Natural History Museum (LACM) and a current copy of the Orange County paleontological records maintained at LSA. The locality search included a review of the area geology and any known paleontological resources recovered from the surrounding area and the geologic formations that will likely be encountered during excavation activities.

The purpose of these records searches was to establish the status and extent of previously recorded cultural and paleontological resources within and adjacent to the project area. With this knowledge, LSA could make an informed assessment of the potential effects on cultural and paleontological resources that might occur during any development of the property and evaluate the kinds of cultural resources and fossils that might be uncovered during ground-disturbing activities. In addition, the sensitivity of the sediments within the property to produce paleontological resources could be determined.



LSA

FIGURE 1

Legend

Project Boundary

N

0 1,000 2,000 Feet

Yorba Linda Due Diligence

Project Location Map

SOURCE: USGS 7.5' QUAD, YORBA LINDA, CA (1981)

I:\Scy0602\GIS\Fig1.mxd (06/23/06)

Results of the cultural resources records search indicate that no cultural resource sites are recorded within the project area; however, the project area has never been surveyed. Three surveys to the north and northwest of the project area resulted in the recordation of one prehistoric archaeological site and two isolated prehistoric artifacts. In addition, one prehistoric archaeological site was recorded to the southeast of the project area. In general, the project vicinity appears to have a low sensitivity for archaeological sites.

Review of geologic maps (Morton et al., 2004; Morton et al., 1999; and Durham and Yerkes, 1964) indicated that sediments from the Late Miocene Yorba and Sycamore Canyon Members of the Puente Formation, Quaternary Landslides, and Quaternary older and younger Alluvium underlie the project area. In general, the Yorba Member is exposed north of the large east-west canyon that transects the property, while the Sycamore Canyon Member is exposed south of the east-west trending canyon. Quaternary landsides are exposed on several hillsides. The older alluvium is exposed on some of the ridges, and the younger alluvium is exposed on the canyon bottoms. Each of these units is briefly described below:

Puente Formation. The late Miocene marine Puente Formation is divided into four members: the La Vida Member, predominantly siltstones; the Soquel Member, predominantly sandstones; the Yorba Member, predominantly siltstones; and the Sycamore Canyon Member, predominantly sandstones.

The Puente Formation ranges in thickness from 575 meters in the central Santa Ana Mountains, near El Toro, to over 4,100 meters in the Puente Hills (Yerkes et al., 1965; Schoellhamer et al., 1981). It is exposed in the Santa Ana Mountains and the Puente Hills and was deposited in a deep water basin. The Puente Formation was named by Eldridge and Arnold (1907) from exposures in the Puente Hills. Davies and Woodford (1949) divided the Puente Formation into four members, only one of which was named. The siltstone units of the Puente Formation generally produce more fossils than the sandstone units, with the Yorba member producing the most fossils of the four.

The *Yorba Member* is a marine deposit from the Late Miocene (upper Mohnian). It is mainly composed of pinkish-brown to gray and white shale and siltstone to sandy siltstone with interbeds of thinly bedded sandstone. Locally, there are interbeds of limestone, conglomerate and thick beds of sandstone. The sandstone contains subangular to subrounded grains that are chiefly quartzo-feldspathic. The siltstone commonly contains mica and can be siliceous or diatomaceous. The major clay mineral is montmorillonite. Gypsum is common in joints. Sandstone interbeds are thin to thickly bedded and locally massive. The siltstone is thinly bedded and platy to thinly laminated; locally bedding in the siltstone is poorly developed.

Yerkes (1972) reports that the Yorba Member reaches a maximum thickness of 3,400 feet in the Puente Hills on the south side of the Whittier Fault. He also states that the thickness decreases to around 2,000 on the north side of the fault. In the Santa Ana Mountains, its maximum thickness is 2,000 feet (Yerkes et al., 1965). It has a gradational contact with both the underlying Soquel Member and overlying Sycamore Canyon Member. It is exposed in the Puente Hills and along Burruel Ridge in the northern Santa Ana Mountains. It correlates to the upper part of the Monterey Formation and the lower part of the Capistrano Formation in South Orange County and the upper part of the Modelo Formation in Los Angeles County.

The *Sycamore Canyon Member* is a marine deposit from the Late Miocene (upper Mohnian). It consists of interbeds of light yellowish brown and light gray sandstone and sandy siltstone with minor conglomerate near Burruel Ridge and minor pebbly sandstone and mudstone in the Puente Hills. The conglomerate clasts are mostly well rounded plutonics with occasional metamorphic and volcanic rocks. The sandstone grains are subangular and quartzo-feldspathic with abundant biotite, up to 40 percent in some areas. The sandstone is thickly bedded to massive. Siltstone is thinly bedded and often platy. An alternating silty sandstone and pebbly conglomerate, the Sycamore Canyon Member has a deep marine origin.

In the Puente Hills, the Sycamore Canyon Member is 3,500 feet thick north of the Whittier Fault, and 1,600 feet thick south of the Whittier Fault. In the northern Santa Ana Mountains, it is approximately 2,500 feet thick. It has a gradational contact with the underlying Yorba Member and a conformable contact with the overlying Fernando Formation. This member correlates with the upper Modelo in Los Angeles County, and the upper part of the Monterey and the lower part of the Capistrano in Orange County. It is extensively exposed in the Puente Hills, in Orange County mainly south of the Whittier Fault, and in the Santa Ana Mountains on the north side of Burruel Ridge.

Landslide Deposits consist of blocks and flows of the underlying sediments. They can range in age from the Pleistocene to the Holocene and were formed during the last two million years as canyon cutting and aqueous erosion caused slope failure. Their composition is dependent on the underlying sediments that have slid. Sometimes they are no deeper than several feet and involve only movement of soil. However, sometimes they are massive, covering several acres with ruptures 10s of feet deep and extending well into the underlying bedrock.

Older Alluvium comprises the sediments contained within stream terraces. By definition, these sediments are older than 10,000 years. These stream terraces are relatively level surfaces in a valley or canyon, flanking and more or less parallel to the stream channel. They are generally located above the level of the active stream and represent the remnants of an abandoned flood plain, stream bed, or valley/canyon floor produced during an earlier stage of deposition or erosion that the current active stream is cutting into and exposing. These deposits consist of interbedded silt, clayey sand, and conglomeratic coarse-grained sands. Colors can vary from light yellows to browns to reds. In addition, older Alluvium can be found at a depth below younger alluvial deposits.

Younger Alluvium, by definition, is a geologically recent (younger than 10,000 years) deposit of gravel, sand, silt, or mud that was deposited by flowing water in a stream or river. It is found along active stream and river drainages and is usually loosely consolidated. Sand grains are generally subangular to subrounded, while the gravels and cobbles are rounded to well-rounded.

No known paleontological localities are located within the project area. The closest locality, mapped by the LACM, within the Older Alluvium, is LACM7508, where the remains of a ground sloth (*Nothrotheriops* sp.) and a horse *(Equus giganteus)* were recovered from Soquel Canyon to the north. In other areas of Los Angeles Basin and vicinity, fossils have also been recovered from older alluvial deposits during excavation for roads, housing developments, and quarries (Lander, 2003; Jefferson, 1991a and 1991b; Conkling, 1997 and 1988; Miller, 1971).

The LACM also has numerous mapped localities within the Yorba Member of the Puente Formation within both the Chino and Puente Hills that include complete fish skeletons and bones from sea lions,

whales, and porpoises. However, it records no vertebrate locations within the Sycamore Canyon Member of the Puente Formation. Durham and Yerkes (1964) record no localities within the project area but do map two microfossil localities just outside the project limits within the Yorba Member of the Puente Formation. Generally, except for the microfossils, the Sycamore Canyon Member is considered unfossiliferous (Sundberg, 1991). However, some recently discovered areas within the Sycamore Canyon Member are very fossiliferous (Reynolds et al., 1985; Reynolds, 1999). Fossils found in this member include microfossils, invertebrates, plants, and vertebrates such as sea mammals, birds, and fish.

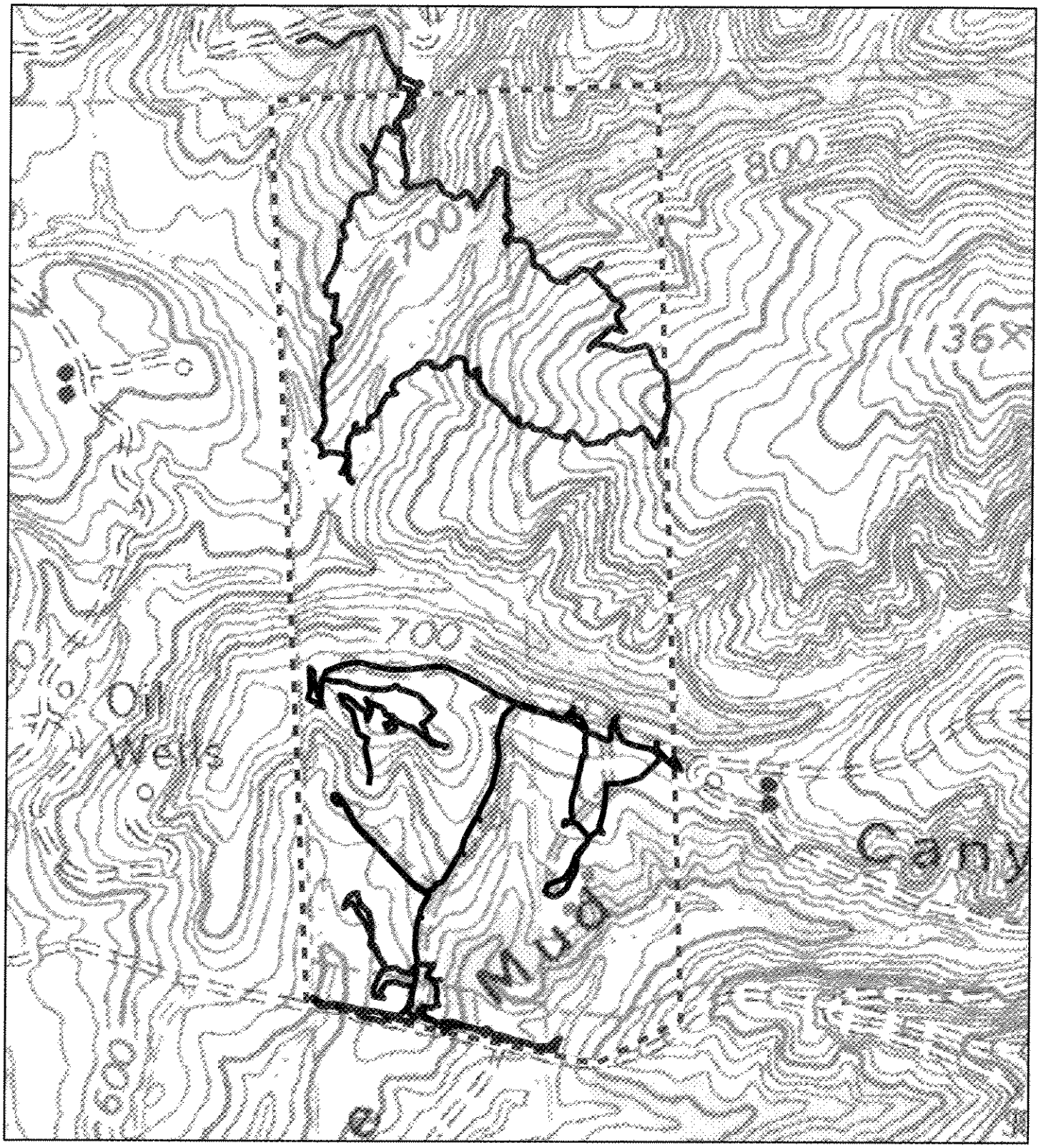
On June 21, 2006, a cultural and paleontological resources reconnaissance was completed by Brooks Smith. The purpose of this survey was to determine whether any unrecorded cultural and/or paleontological resources within the project area might be impacted during the development of the property. The survey was conducted by walking accessible areas of the project area, mainly ridges, hilltops, and canyon bottoms, as well as any access roads. Surveyed areas were examined for evidence of cultural and paleontological remains.

If any resources were located in situ, the surveyor was instructed to briefly record the nature of the find and note its location with a Garmin global positioning system (GPS) unit. The use of GPS units allows localities and sites to be quickly and accurately mapped as well as relocated at a later date. More detailed recordation of both paleontological and cultural resources was beyond the scope of this assessment

No cultural or paleontological resources were observed during the survey. Access and ground visibility were excellent in the southern portion of the project area in the vicinity of the dirt access roads and oil wells that are associated with the Esperanza Oil Field, which was developed in the late 1950s. The other areas in the southern portion of the project had poor visibility, generally less than 10 percent, due to a thick growth of coastal sage scrub, grasses, and weeds. Access and ground visibility were very poor in the northern half of the project, also due to a thick growth of coastal sage scrub, grasses, and weeds, as well as a complete absence of any roads. All observed exposures of bedrock were closely examined for fossils, and all exposed areas of ground were examined for cultural resources, especially in the flatter areas, which are more likely to contain cultural resources. A map depicting the areas examined during this survey is depicted on Figure 2.

Guidelines developed by the Society of Vertebrate Paleontologists (SVP; SVP, 1995) were followed during the preparation of the paleontological portion of this assessment. The guidelines include the methods to follow during the preparation of an assessment report including locality searches, geological formation investigations, and field surveys. In addition, the SVP makes suggestions on how to mitigate for any paleontological resources that may be present. The SVP created these guidelines in order to protect significant paleontological resources.

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or diagnostically or stratigraphically important, or that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally. They include fossil remains of large to very small aquatic and terrestrial vertebrates; remains of plants and animals previously not represented in certain portions of the stratigraphy; and assemblages of fossils that might aid stratigraphic correlations, particularly those offering data for the interpretation of tectonic events, geomorphologic evolution, or paleoclimatology. Fossils that may be encountered during grading



LSA

FIGURE 2

LEGEND

Project Boundary

Surveyed Areas

Yorba Linda Due Diligence

Surveyed Areas

N

0 250 500 Feet

SOURCE: USGS 7.5' QUAD, YORBA LINDA, CA (1981)

I:\Scy0602\GIS\Fig2.mxd (06/26/06)

activities associated with the development will fall into the above categories and can be characterized as being very significant.

All formations and nonformational units exposed along the project, except for the Younger Alluvium, have produced at least some fossils. Table A lists sensitivity of each formation/unit to produce fossils. These sensitivities were assigned by Eisentraut and Cooper (2002) during their development of a model curation program for Orange County and are based on the fossils that have (or have not) been recovered from each unit. However, Eisentraut and Cooper (2002) state that based on future findings, these ratings can and may change. These sensitivities are more graduated than the "high," "none," and "unknown" sensitivity ratings developed by the SVP (1995). The SVP considers any geologic unit that produces fossils to have a high rating. The rating system by Eisentraut and Cooper (2002) is as follows:

- **Very high:** Scientifically very significant fossils and fossils from critical geologic time periods; very important for scientific study
- **High:** Quality preservation and scientifically significant fossils; important for research and/or very important for public display
- **Moderate:** Abundant fossils of good quality; important for education and public display
- **Low:** Poorly preserved fossils; only useful for educational purposes
- **None:** No fossils; either too young or nondepositional rock units

Although landslide deposits are generally too young to contain fossils themselves, the underlying bedrock unit from which the landslide deposit is derived often does contain fossils. In addition, landslide deposits may shallowly overlay fossiliferous formations. Therefore, the sensitivity of landslide deposits is dependent on the underlying strata.

Table A: Paleontological Sensitivity of the Geologic Units within the Project Area

Geologic Unit	Sensitivity*
Recent Alluvium	None
Older Alluvium	Very High
Landslide Deposits	Dependent on underlying unit
Puente Formation	High

* Eisentraut and Cooper, 2002

Based on the results of the cultural resources records search and the pedestrian survey, the project area has a low potential for containing cultural resources. However, there remains a slight potential that cultural resources exist within some areas of the project. Therefore, LSA recommends that at a minimum, the project be spot checked by an archaeologist for cultural resources during ground disturbing activities associated with any development of the property, especially in the flatter areas such as hilltops, ridge lines and canyon bottoms, which are more likely to contain cultural resources. If previously undocumented cultural resources are found during construction activities within the project area, a qualified professional archaeologist shall assess the nature and significance of the find in order

to recommend appropriate mitigation measures, halting construction activity in the vicinity of the find, if necessary.

If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to State Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). With the permission of the landowner or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. If cultural materials are discovered during any excavation, a qualified archaeologist must be notified to assess the significance of such materials.

Although no paleontological resources were identified during the field survey, based on the results of the locality search, sensitive paleontological sediments that may contain fossil remains exist within the project area. Therefore, the potential exists to encounter paleontological resources during ground-disturbing activities. The sediments of the Puente Formation and Older Alluvium have a high sensitivity for containing paleontological resources. As most excavations in Younger Alluvium do not encounter fossils until a depth of at least 10 feet, these sediments are classified as low sensitivity for elevations from 0 to 10 feet below the surface and very high sensitivity below 10 feet, when the Older Alluvium begins to be encountered. In order to mitigate potential adverse impacts to nonrenewable paleontological resources in high to very high sensitivity sediments, LSA recommends that when ground disturbing activities are about to begin, a paleontologist be retained and that a Paleontological Resources Impact Mitigation Program (PRIMP) be implemented and followed for the project. The PRIMP should be consistent with the guidelines of the SVP (SVP, 1995) and should include but not be limited to the following:

- Attendance at the pregrade conference.
- Monitoring of excavation activities by a qualified paleontological monitor in areas identified as likely to contain paleontological resources. The monitor should be equipped to salvage fossils and/or matrix samples as they are unearthed in order to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment in the area of the find in order to allow removal of abundant or large specimens.
- The underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix; therefore, it is recommended that these sediments occasionally be spot screened through one-eighth to one-twentieth-inch mesh screens to determine whether microfossils exist. If microfossils are encountered, additional sediment samples (up to 6,000 pounds) shall be collected and processed through one-twentieth-inch mesh screens to recover additional fossils.
- Preparation of recovered specimens to a point of identification and permanent preservation. This includes the washing and picking of mass samples to recover small invertebrate and vertebrate fossils and the removal of surplus sediment from around larger specimens to reduce the volume of storage for the repository and the storage cost for the developer.

- Identification and curation of specimens into a museum repository with permanent, retrievable storage.
- Preparation of a report of findings with an appended, itemized inventory of specimens. When submitted to the Lead Agency, the report and inventory would signify completion of the program to mitigate impacts to paleontological resources.

By following the above guidelines, impacts to nonrenewable paleontological resources will be reduced to levels that are less than significant. If paleontological remains are encountered during ground-disturbing activities in the areas identified as low sensitivity, work in the immediate area of the find should be halted and a qualified paleontologist contacted to assess the find for significance. Based on the results of a paleontologist's assessment of the find, the sediments where the find was located may be reclassified as high or very high sensitivity.

Thank you for the opportunity to assist you on this project. If LSA can be of further assistance, or if you have any questions concerning this letter, please contact me at (949) 553-0666.

Sincerely,

LSA ASSOCIATES, INC.

Deborah McLean, Principal
Cultural and Paleontological Resources Group

References Cited

Conkling, S. W.
1997 Report *of Paleontological Resource Monitoring, Trabuco Retention Basin, Orange County California.* Prepared by LSA Associates, Inc. for the County of Orange Environmental Management Agency. On file at LSA Associates, Inc., Irvine, California.
1988 *A Floral and Fauna Analysis of Clark Regional Park (La Habra Formation: Rancholabrean), Orange County California,* Abstract, Journal of Vertebrate Paleontology, 8(3), p. 12A.

Davies, S. N. and A. O. Woodford
1949 *Geology of the Northwestern Puente Hills, Los Angeles County, California.* U. S. Geological Survey Oil and Gas Investigations Preliminary Map 83, scale 1:12,000.

Durham, D. L. and R. F. Yerkes
1964 *Geology and Oil Resources of the Eastern Puente Hills Area, Southern California.* U. S. Geological Survey Professional Paper 420-B. United States Government Printing Office, Washington.

Eisentraut, P. and J. Cooper
2002 *Final Report Development of A Model Curation Program For Orange County's Archaeological & Paleontological Collections.* Prepared by California State University,

Fullerton, with Phyllisa Eisentraut, PhD, PI for Archaeology, and John Cooper, PhD, PI for Paleontology. Submitted to the County of Orange PFRD/HBP. October.

Eldridge, G. H. and R. Arnold
1907 *Santa Clara Valley, Puente Hills, and Los Angeles Oil Districts, Southern California.* U. S. Geological Survey, Bulletin 309, 226 pages, map scale 1:62,500.

Jefferson, G. T.
1991a *A Catalogue of Late Quaternary Vertebrates from California: Part One. Non-Marine Lower Vertebrate and Avian Taxa.* Natural History Museum of Los Angeles County. Technical Reports Number 5, Los Angeles.

1991b *A Catalogue of Late Quaternary Vertebrates from California: Part Two. Mammals.* Natural History Museum of Los Angeles County Technical Reports Number 7, Los Angeles.

Lander, E. B.
2003 *Eastern Transportation Corridor Paleontologic Resource Impact Mitigation Program Final Technical Report of Results and Findings, Part 1.* Prepared for the Foothill/Eastern Transportation Corridor Agency. By Paleo Environmental Associates, Inc., August.

Miller, W. E.
1971 *Pleistocene Vertebrates of the Los Angeles Basin and Vicinity (Exclusive of Rancho La Brea),* Los Angeles County Museum of Natural History Bulletin, Science: No. 10.

Morton, D. M., K. R. Bovard, and R. M. Alvarez
2004 *Preliminary Digital Geologic Map of the Santa Ana 30' x 60' Quadrangle, Southern California, Version 2.0.* U. S. Geological Survey Open-File Report 99-0172, U.S. Geological Survey, Menlo Park, California.

Morton, D. M., R. M. Hauser, and K. R. Ruppert
1999 *Preliminary Digital Geologic Map of the Santa Ana 30' x 60' Quadrangle, Southern California, Version 1.0.* U. S. Geological Survey Open-File Report 99-0172, U.S. Geological Survey, Menlo Park, California.

Reynolds, R. E.
1999 *Paleontological Mitigation Monitoring for the Flint Ridge Development (Galstian Tract 14285) in Chino Hills, California.* Report prepared by LSA Associates, Inc. for Richmond American Homes.

Reynolds, R. E., J. Reynolds, M. A. Roeder, and R. W. Huddleston
1985 *Paleontologic Salvage, Robert O. Townsend Junior High School, Chino, California.* San Bernardino County Museum.

Schoellhamer, J. E., J. G. Vedder, R. F. Yerkes, and D. M. Kinney
1981 *Geology of the Northern Santa Ana Mountains, California,* U. S. Geologic Survey, Professional Paper 420-D.

Society of Vertebrate Paleontology
1995 *Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources: Standard Guidelines.* Society of Vertebrate Paleontology *News Bulletin*, No. 163, January, pp. 22–27.

Sundberg, F.A.
1991 *Paleontologic Monitoring Report for the Foothill Ranch Project Tentative Tract 117525 and 13419, Orange County, California.* Scientific Resources Surveys, Inc., SRS Project Numbers 845, 853, 929, and 930.

Yerkes, R. F.
1972 *Geology and Oil Resources of the Western Puente Hills Area, Southern California*, U. S. Geologic Survey Professional Paper 420-C. United States Government Printing Office, Washington.

Yerkes, R. F., T. H. McCulloh, J. E. Schoellhamer, and J. G. Vedder
1965 *Geology of the Los Angeles Basin, California - An Introduction*, U. S. Geological Survey, Professional Paper 420-A.

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

RECEIVED
JUL 16 2012
COUNTY OF ORANGE

July 11, 2012

Ms. Channary Leng, Planner
Orange County Planning Department
300 North Flower Street
Santa Ana, CA 92702

Re: SCH#2012071013; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **"Cielo Vista tentative Tract Map No. 17341 (the Cielo Vista Project);"** located in Yorba Linda; Orange County, California.

Dear Ms. Leng:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE} and Native American cultural resources were not identified in the project area specified.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Orange County
July 11, 2012

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012071013; CEEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Cielo Vista Project; located in Yorba Linda; Orange County, California.

Native American Contacts
Orange County
July 11, 2012

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012071013; CEEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Cielo Vista Project; located in Yorba Linda; Orange County, California.

ORANGE COUNTY
OC PublicWorks
Our Community. Our Commitment.

Ignacio G. Ochoa, P.E., Interim Director
300 N. Flower Street
Santa Ana, CA

P.O. Box 4048
Santa Ana, CA 92702-4048

Telephone: (714) 834-2300
Fax: (714) 967-0896

January 15, 2013

Tongva Ancestral Territorial Tribal Nation
Attn: John Tommy Rosas, Tribal Administrator
tattnlaw@gmail.com

Re: Consultation with the Tongva Ancestral Territorial Tribal Nation for a General Plan Amendment under California Government Code Section 65352.3
Transmitted via email

Dear Mr. Rosas:

The County of Orange is processing Planning Application PA100004 (Cielo Vista) for a proposal that includes a General Plan Amendment to the Land Use Element. The project is located in unincorporated Orange County, within the Sphere of Influence of the City of Yorba Linda. The proposed project will include the development of 112 single-family dwellings on approximately 84 acres. The proposed dwellings and associated infrastructure would occupy approximately 47.6 acres of the project site, while approximately 36.3 acres of would be preserved as permanent open space. The project site is currently undeveloped and characterized by moderate to steep hillsides.

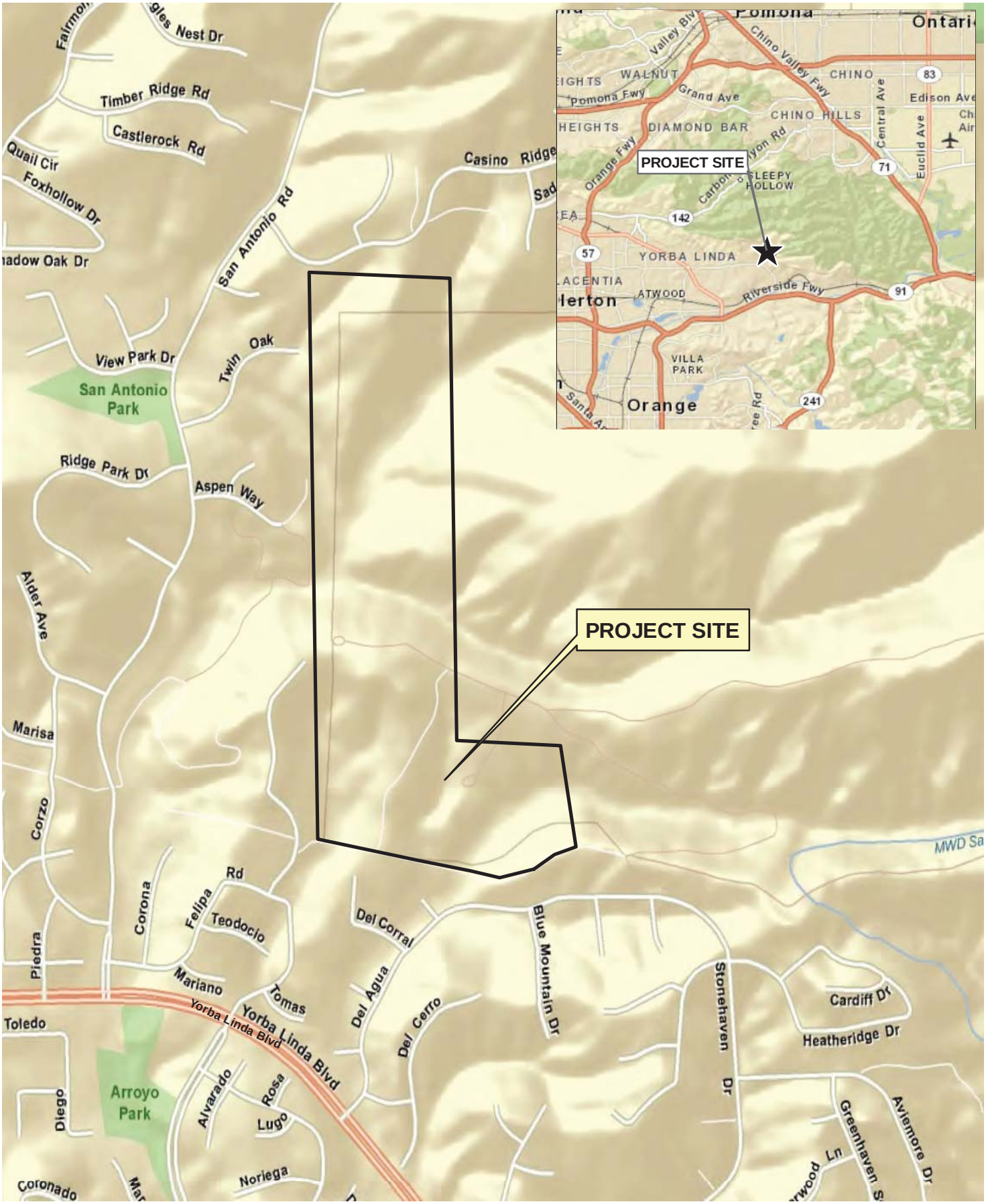
Before a local government approves a project with potentially significant environmental impacts, California Government Code Section 65352.3 directs jurisdictions to "conduct consultations with the California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving and/or mitigating impacts to cultural places". The Native American Heritage Commission has provided your information on the consultation list. If the Tongva Ancestral Territorial Tribal Nation wishes to consult with the County of Orange regarding potential cultural resources located in the project area, please contact OC Planning within the next ninety (90) days.

Should you have any questions, please feel free to contact me by phone at (714) 667-8806 or via email at John.Moreland@ocpw.ocgov.com. My fax number is (714) 967-0895.

Sincerely,

John Moreland
Project Planner

Enclosures: Vicinity Map



PCR

N

0 400 800 Feet

Regional Location and Project Vicinity Map

Cielo Vista Project

Source: ESRI Street Map, 2009; PCR Services Corporation, 2012.

FIGURE

1

Moreland, John

From: Moreland, John
Sent: Tuesday, January 15, 2013 11:20 AM
To: tattnlaw@gmail.com
Subject: Offer for Consultation, if Necessary, with the Tongva Ancestral Territorial Tribal
Attachments: PA100004_SB 18 Consultation letter_Tongva Ancestral.pdf

Hello Mr. Rosas,

I am working on a project located within unincorporated Orange County, within the Yorba Linda Sphere of Influence, that will require
a General Plan Amendment. Attached is a letter, with a project location map, indicating that the County would consider a consultation with the Tongva Ancestral Territorial Tribal Nation, if necessary, per California Government Code Section 65352.3.

This letter was originally sent by our environmental consultant, PCR, who we authorized to send on our behalf. As you requested, the attached letter was drafted by the County.

Please do not hesitate to contact me if you have any questions or comments.

Sincerely,

John Moreland
Contract Planner
OC Planning
300 N. Flower Street, 1st Floor
Santa Ana, CA 92702-4048
phone: O: (714) 667-8806, C: (562) 216-3850
email: John.Moreland@ocpw.ocgov.com
website: www.ocplanning.net