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Technical Memorandum

To: Nina Delu, HDR

From: Amber Parron, HDR

Date: 5/2/2024

Subject: **OCTA Critical Coastal Project, Area 4 (MP 206.00 – 206.67), San Clemente – Cultural Resource Desktop Review**

1. Introduction

HDR conducted a cultural resource desktop review in support of the proposed Orange County Transportation Authority (OCTA) Critical Coastal Project, Area 4 (Project) in Orange County, California. The project is located in the City of San Clemente and involves construction of an engineered riprap section next to the tracks as protection from beach erosion plus sand nourishment. The project area is located in railroad right-of-way between Mile Post (MP) 206.00 and MP 206.67 (**Figure 1**, **Figure 2**).

2. Archival Research

On March 20, 2024, HDR requested a review of the Sacred Lands File held by the Native American Heritage Commission (NAHC) in correspondence with the project area. The NAHC responded on April 5, 2024, stating that the results of the Sacred Lands File search were positive and recommending that the Juaneño Band of Mission Indians Acjachemen Nation – Belardes be contacted for information. The NAHC provided a contact list for fifteen Native American tribal representatives who may also have knowledge of cultural resources in the vicinity of the project area (**Appendix A**).

On March 21, 2024, HDR staff archaeologist Amber Parron carried out a record search at the South Central Coastal Information Center, housed at the California State University, Fullerton, to identify known cultural resources within 0.25 miles of the project area. The record search identified two historic districts, two pre-contact archaeological sites, and one historic-age railroad alignment within 0.25 miles of the project area (**Table 1**, **Figure 3**).

Table 1. Known Cultural Resources Within 0.25 Miles of the Project Area

Primary Number	Description	Eligibility
P-30-000101	Archaeological site CA-ORA-101. Shell midden atop coastal bluff.	Unevaluated
P-30-000103	Archaeological site CA-ORA-103. Shell midden atop coastal bluff.	Unevaluated
P-30-150035	Spanish Colonial Revival Thematic Historic District. The district comprises 207 individual properties of the Spanish Colonial Revival architectural style.	Locally Designated
P-30-150036	Ole Hanson/Spanish Village by the Sea Thematic Historic District. The district comprises 149 individual properties of the Spanish Colonial Revival architectural style.	Recommended Eligible for the NRHP
P-30-176663 / P-19-186804	**BNSF Railway (Formerly Atchison, Topeka and Santa Fe)**	**Recommended Not Eligible for the NRHP**

Bold font and shading indicate resources that intersect the project area. NRHP = National Register of Historic Places.

The alignment of the BNSF Railway (Formerly Atchison, Topeka, and Santa Fe; P-30-176663 in Orange County; P-19-186804 in Los Angeles County), as currently mapped and recorded, extends from near the City of Commerce in Los Angeles County to the border between Orange County and San Diego County. Most of the railway was originally constructed between 1885 and 1888 by the Riverside, Santa Ana, and Los Angeles Railway Company — a subsidiary of the Atchison, Topeka, and Santa Fe Railway (ATSF) — as part of the ATSF main line from Los Angeles to Orange County and San Diego. The resource has been evaluated multiple times and recommended not eligible for listing in the National Register of Historic Places (NRHP) because almost all of its historic components have been replaced over the years. This resource intersects the project area.

The Spanish Colonial Revival Thematic Historic District (P-30-150035) is locally designated, whereas the Ole Hanson/Spanish Village by the Sea Thematic Historic District (P-30-150036) has been recommended eligible for listing in the NRHP. Both are non-contiguous historic districts whose boundaries encompass most of the City of San Clemente, with many properties contributing to both districts. Although the boundaries of both districts encompass the project area, there are no contributing properties inside or immediately adjacent to the project area. The property at 255-261 Avenida Lobeiro, which is included in both districts, is the only contributing property within the 0.25-mile record search buffer. The property is located atop the coastal bluff, approximately 75 feet above the level of the project area and 350 feet north of it, and would not be directly or indirectly impacted by proposed work.

Archaeological site P-30-00101 (CA-ORA-101) was recorded in 1954 by the University of California Archaeological Survey and consists of shell midden approximately 18 inches deep eroding from the top of the coastal bluff. The resource has not been evaluated for listing in the NRHP. As it is located atop the coastal bluff, approximately 75 feet above the level of the project

area and 700 feet north of it, the resource would not be directly or indirectly impacted by proposed work.

Archaeological site P-30-00103 (CA-ORA-103) was recorded in 1954 by the University of California Archaeological Survey and consists of shell midden observed eroding from the top of the coastal bluff in an area measuring 2-3 yards in radius. The site record notes that most of the site had been destroyed by construction at the time of recordation, and a residential property now occupies its recorded location. As it is located atop the coastal bluff, approximately 75 feet above the level of the project area and 250 feet north of it, any intact portions of the resource that may potentially remain would not be directly or indirectly impacted by proposed work.

3. Recommendations

Based on the results of the desktop review, the Project would not result in a significant impact to cultural resources.

HDR recommends the contractor specifications require the stoppage of all ground-disturbing activities within a 50-foot radius in the event of an unanticipated discovery of prehistoric or historic-period artifacts or features during construction until a professional archaeologist, in consultation with OCTA, can make an assessment of the resource's significance.

If human remains are inadvertently discovered during construction, all ground-disturbing activities in the vicinity of the discovery must cease immediately and a 50-foot-wide buffer will be established around the location of the discovery to secure it from further disturbance. California State law (Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94, 5097.98, and 5097.99) will be followed. These regulations specify that work will stop immediately in any areas where human remains or suspected human remains are encountered. The Riverside County Coroner's office must be contacted immediately. The coroner has two working days to examine the remains after being notified by OCTA. If the remains are determined to be Native American, the coroner has 24 hours to notify the NAHC, who will designate a most likely descendant. The NAHC will immediately notify the most likely descendant, who will have 48 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. If the most likely descendant does not make recommendations within 48 hours, the area of the property must be secured from further disturbance. If no recommendation is given, OCTA or its authorized representative will re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. At all times, human remains should be treated with proper dignity and respect.

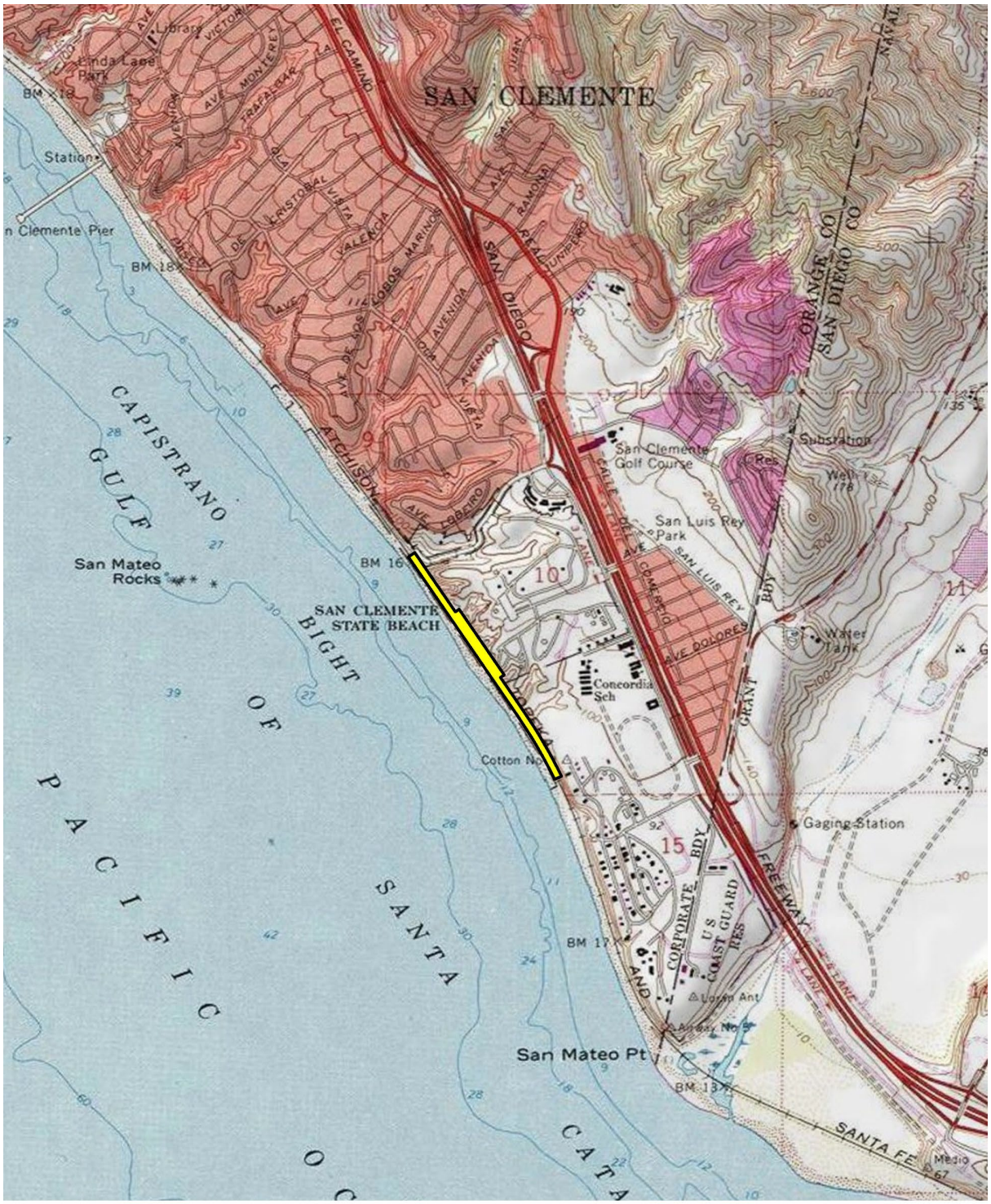

Figure 1. Project Vicinity, Area 4 (MP 206.00 – 206.67)

Figure 2. Project Footprint, Area 4 (MP 206.00 – 206.67)

Figure 3. Known Cultural Resources Within 0.25-Mile Buffer of Area 4 (MP 206.00 – 206.67)

Appendix A. Sacred Lands File Search Results

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reid Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of Luiseño Indians

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

April 5, 2024

Amber Parron
HDR Inc.

Via Email to: Amber.Parron@hdrinc.com

Re: OCTA Critical Coast, Area 4, San Clemente, CA Project, Orange County

To Whom It May Concern:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Juaneno Band of Mission Indians Acjachemen Nation - Belardes on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,

Andrew Green

Andrew Green
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Native American Contact List
Orange County
4/5/2024

Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation	Counties	Last Updated
Juaneno Band of Mission Indians	N	Sonia Johnston, Chairperson	P.O. Box 25628 Santa Ana, CA, 92799			sonia.johnston@sbcglobal.net	Juaneno	Orange,Riverside,San Diego	
Juaneno Band of Mission Indians Acjachemen Nation - Belardes	N	Joyce Perry, Cultural Resource Director	4955 Paseo Segovia Irvine, CA, 92603	(949) 293-8522		kaamalam@gmail.com	Juaneno	Los Angeles,Orange,Riverside,San Bernardino,San Diego	3/17/2023
Juaneno Band of Mission Indians Acjachemen Nation 84A	N	Heidi Lucero, Chairperson, THPO	31411-A La Matanza Street San Juan Capistrano, CA, 92675	(562) 879-2884		jbmian.chairwoman@gmail.com	Juaneno	Los Angeles,Orange,Riverside,San Bernardino,San Diego	3/28/2023
La Jolla Band of Luiseno Indians	F	Norma Contreras, Chairperson	22000 Highway 76 Pauma Valley, CA, 92061	(760) 742-3771			Luiseno	Orange,Riverside,San Diego	
Pala Band of Mission Indians	F	Shasta Gaughen, Tribal Historic Preservation Officer	PMB 50, 35008 Pala Temecula Road Pala, CA, 92059	(760) 891-3515		sgaughen@palatribe.com	Cupeno Luiseno	Orange,Riverside,San Bernardino,San Diego	11/27/2023
Pala Band of Mission Indians	F	Alexis Wallick, Assistant THPO	PMB 50, 35008 Pala Temecula Road Pala, CA, 92059	(760) 891-3537		awallick@palatribe.com	Cupeno Luiseno	Orange,Riverside,San Bernardino,San Diego	11/27/2023
Pala Band of Mission Indians	F	Christopher Nejo, Legal Analyst/Researcher	PMB 50, 35008 Pala Temecula Road Pala, CA, 92059	(760) 891-3564		cnejo@palatribe.com	Cupeno Luiseno	Orange,Riverside,San Bernardino,San Diego	11/27/2023
Pauma Band of Luiseno Indians	F	Temet Aguilar, Chairperson	P.O. Box 369 Pauma Valley, CA, 92061	(760) 742-1289	(760) 742-3422	bennaecalac@aol.com	Luiseno	Orange,Riverside,San Diego	
Pechanga Band of Indians	F	Tuba Ebru Ozdil, Pechanga Cultural Analyst	P.O. Box 2183 Temecula, CA, 92593	(951) 770-6313	(951) 695-1778	eozdil@pechanga-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	8/2/2023
Pechanga Band of Indians	F	Steve Bodmer, General Counsel for Pechanga Band of Indians	P.O. Box 1477 Temecula, CA, 92593	(951) 770-6171	(951) 695-1778	sbodmer@pechanga-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	8/2/2023
Rincon Band of Luiseno Indians	F	Cheryl Madrigal, Cultural Resources Manager/Tribal Historic Preservation Officer	One Government Center Lane Valley Center, CA, 92082	(760) 648-3000		cmadrigal@rincon-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	5/31/2023
Rincon Band of Luiseno Indians	F	Joseph Linton, Tribal Council/Culture Committee Member	One Government Center Lane Valley Center, CA, 92082	(760) 803-3548		jlinton@rincon-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	5/31/2023
Rincon Band of Luiseno Indians	F	Laurie Gonzalez, Tribal Council/Culture Committee Member	One Government Center Lane Valley Center, CA, 92082	(760) 484-4835		lgonzalez@rincon-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	5/31/2023
Rincon Band of Luiseno Indians	F	Denise Turner Walsh, Attorney General	One Government Center Lane Valley Center, CA, 92082	(760) 689-5727		dwalsh@rincon-nsn.gov	Luiseno	Los Angeles,Orange,Riverside,San Bernardino,San Diego,Santa Barbara,Ventura	7/7/2023
San Luis Rey Band of Mission Indians	N	Carmen Mojado, Secretary of Goverment Affairs		(760) 724-8505	(760) 724-2172	cjmojado@slrmissionindians.org	Luiseno	Orange,Riverside,San Diego	10/24/2023

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed OCTA Critical Coast, Area 4, San Clemente, CA Project, Orange County.

Record: PROJ-2024-001876
Report Type: List of Tribes
Counties: Orange
NAHC Group: All