

3.7 CULTURAL RESOURCES

This section describes existing environmental conditions related to cultural resources in the area surrounding Buena Vista Lagoon and the areas identified for materials disposal/reuse. This section is based largely on the baseline conditions described in the cultural resources technical report *Archaeological Survey in Support of the Buena Vista Lagoon Enhancement Project Environmental Impact Report, San Diego County, California* (Wahoff and Cooley 2014; Appendix G), as well as information from a recent records and literature search at the South Coastal Information Center (SCIC). Also consulted were the 2012 RBSP EA/Final EIR (SANDAG 2011) and the EIRs for the Navy Homeporting project (Navy 1995) and the LA-5 Material Disposal site (EPA 1987) that address sites proposed as part of the materials disposal/reuse component, and a history of the Buena Vista Lagoon (Tenaglia 1999). Sediment characterization or control studies (Everest and Battalle 2003; SAIC 2008a; Applegate 1982) and preliminary grading plans for the Enhancement Project were referenced for information related to sediment types, siltation rates, and existing and proposed elevations within Buena Vista Lagoon. Due to the inherently static nature of cultural resources, conditions described in these report accurately reflect conditions at the time of NOP publication.

Cultural resources consist of sites, buildings, structures, objects, and districts or other places of human activity that are considered significant to a community, culture, or ethnic group. These resources may be historic or prehistoric in age, or a combination of both. The cultural study area refers to the entire boundary of Buena Vista Lagoon, as well as the proposed nearshore and onshore materials placement areas. The proposed area of potential effect (APE) is the extent of physical disturbance for the undertaking as shown in Figures 3.7-1 through 3.7-3.

3.7.1 EXISTING CONDITIONS

This section briefly identifies pertinent policies and regulations governing cultural resources in the designated project areas and evaluates the impacts associated with implementation of the Enhancement Project and its alternatives.

Under CEQA, the lead agency must determine if a project may have a significant effect on an archaeological resource (Public Resources Code (PRC) Section 21083.2(a)). Resources that are historically significant are those that meet one or more of the evaluation criteria for the California Register of Historical Resources (CRHR) or that are included in a local register of historical resources as defined in PRC Section 5020.1 (CEQA Guidelines Section 15064.5). Evaluation criteria for the CRHR are provided in PRC Section 5024.1 and California Code of Regulations (CCR) Title 14, Section 4852 as detailed below in Section 3.7.2. The CRHR criteria are modeled after the National Historic Preservation Act (NHPA) National Register of Historic

Places (NRHP) criteria. Cultural resources that are eligible for the NRHP are automatically considered eligible for the CRHR. CEQA also applies to archaeological resources that do not meet the criteria of a historical resource, but do meet the definition of a unique archaeological resource in PRC Section 21083.2, described in Section 3.7.2.

The assessment of the project's potential to have an adverse impact on cultural resources is based on the technical report prepared by AECOM (Wahoff and Cooley 2014; Appendix G). The results of this analysis are presented below and the study is included as Appendix G to this EIR with confidential records and maps on file at SANDAG and deposited with the SCIC. A Native American monitor was not present during the surveys conducted for the purpose of the technical report included in Appendix G.

Regulatory Setting

A full description of the regulatory setting for this document can be found in Appendix B. The following laws, regulations, policies, and plans are applicable to this resource area:

- National Historic Preservation Act
- California Code of Regulations; Title 14, Section 4308
- California Government Code Sections 6253, 6254, and 6254.10
- California Government Code Section 65860
- California Health and Safety Code Sections 7050.5, 7051, and 7052
- California Penal Code, Title 14, Sections 622.5, 623
- California Public Resources Code Section 5097.5
- California Public Resources Code Sections 5097.9 through 5097.991
- California Resolution Number 43
- Senate Bill 922
- Senate Concurrent, Resolution Number 87

Regional Prehistory and History

This section provides an overview of the current understanding of human occupation of the California coast and lagoons/estuaries like Buena Vista from 8,000 to 9,000 years ago to the more recent history of the 20th century. Numerous cultural resources investigations have been conducted in the area of Buena Vista Lagoon, identifying 14 previously recorded cultural resources within 300 meters of the cultural study area. A pedestrian survey was performed in nonlagoonal sediment areas by AECOM cultural resources staff in July 2014 as part of this EIR. Areas where sites were previously recorded were also surveyed to determine the current nature and status of these resources.



Source: SANDAG 2012; Sangis 2014; Everest 2014; AECOM 2014

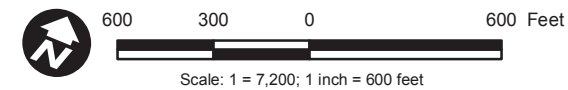


Figure 3.7-1
Cultural Area of Potential Effect (APE), Lagoon



Figure 3.7-2
Cultural Area of Potential Effect (APE),
Oceanside Beach and Nearshore Placement Sites

Source: SanGIS 2009; Landiscorp 2010; MoffattNichol 2009

600 300 0 600 Feet

Scale: 1 = 7,200; 1 inch = 600 feet



LEGEND

- Study Area
- Area of Potential Effect (APE)

Source: SanGIS 2009; Landiscorp 2010; MoffattNichol 2009

600 300 0 600 Feet

Scale: 1 = 7,200; 1 inch = 600 feet

Figure 3.7-3
Cultural Area of Potential Effect (APE),
North Carlsbad Placement Site

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By about 8,000 years ago, it appears that the rise in sea level began to slow, allowing the formation of productive bay, lagoon, and estuary habitats at many locations along the San Diego County coastline (Carbone 1991; Masters and Gallegos 1997), including at what is known today as Buena Vista Lagoon. These habitats seem to have supported a substantial coastal population during the early Archaic. Data suggest that some of the southern California coastal lagoons were closed to tidal circulation between about 3,500 and 1,000 years ago (Masters and Gallegos 1997; Byrd et al. 2004; York et al. 2001) and may have resulted in a population movement inland and southward in response to siltation and declining productivity of coastal lagoons in the northern portion of the county.

By the time the Spanish arrived in California, the project area was within the territory of a loosely integrated cultural group historically known as the Kumeyaay, or Northern Diegueño (Luomala 1978). A major ethnohistoric village, *Palamai*, was in the vicinity of the Enhancement Project on the coast between Buena Vista and Agua Hedionda (Krober 1925).

Europeans first entered the project region in 1769, when members of the Spanish Portola expedition crossed through the area (Brown 2001). For the next nearly 80 years, the area around Buena Vista Lagoon remained largely undeveloped and was used mainly for grazing and agriculture. Approximately 1 mile to the southeast of the lagoon was the 13,311-acre Agua Hedionda Rancho, granted to Don Juan Maria Marron in 1842 (Moyer 1969:37), used for raising cattle, and later also for farming. Major transportation routes developed along the coast in the late 19th and early 20th centuries and included the Atchison, Topeka, and Santa Fe Railroad and the Coast Route (later known as Coast Highway 101). These major transportation routes developed along the coast provided easier access to the area. The communities of Oceanside and Carlsbad have developed around Buena Vista Lagoon. Oceanside developed at a railroad depot, which was largely responsible for its early growth. The community was platted in 1883 and incorporated in 1888. The town experienced population increases during the real estate booms of the late 1880s, and again when nearby Marine Corps Base Camp Pendleton was established in 1942 (Bibb and Flannigan 1997; O'Hara 2005). Carlsbad, originally a spa town, was not incorporated until 1952 (Pryde 1992; Moyer 1969). As communities in San Diego County continued to develop through the 20th century, so did the need to improve transportation routes. Among the many highways constructed to meet this need was I-5 along coastal San Diego County.

Existing Cultural Records Search Results

A records and literature search was conducted at the SCIC to provide information on previous cultural resources surveys and known previously recorded cultural resource sites within a 300-meter radius of the cultural study area. The research sources revealed that portions of the

cultural study area have undergone intensive pedestrian survey for cultural resources. These studies, which have largely focused on the travel and utilities corridors (I-5, SR 78, Carlsbad Boulevard [Coast Highway], NCTD Railroad, Jefferson Boulevard, and two sewer lines), resulted in the identification of 11 prehistoric archaeological sites, one historic archaeological site, two sites with both prehistoric and historic components, and one site with no information other than a location. No isolated artifacts were previously recorded within the cultural study area.

The cultural resources technical study prepared for this EIR identified that the proposed Boardwalk location parallel to Carlsbad Boulevard across the lagoon is located in fill soils or sediments, and the proposed vegetation drying areas at the north end of the I-5 Basin are on fill soils. Construction of the Boardwalk and use of the vegetation drying areas would therefore have little potential to encounter cultural resources.

As noted earlier, other studies reviewed for the Enhancement Project included sediment control or characterization or control studies (Everest and Battalle 2003; SAIC 2008a; Applegate 1982) to obtain information regarding the potential for dredging activities to encounter submerged terraces and former lagoon shore environments that might contain unknown cultural deposits. Based on prior boring information, approximately 5 feet of “organic rich mud,” i.e., silts and clay, was deposited in the lagoon between 1940 and 1982 (Applegate 1982). The sediment studies undertaken for the Enhancement Project, based on core samples of 8 to 20 feet in depth taken along the perimeter and in the central portions of the lagoon basins, revealed sediment deposits of silt, clay, and fine sands in those areas (Everest and Battalle 2003; SAIC 2008a).

Archaeological Resources

Previous investigations have recorded 14 archaeological sites within 300 meters of the cultural study area (Table 3.7-1) and three sites (including one also considered for the lagoon) within the onshore materials disposal/reuse study areas. Numerous submerged prehistoric sites have been recorded off the coast of southern California, identified mainly by the presence of stone grinding implements (Masters 1983); none are recorded within the nearshore or offshore materials disposal/reuse study areas. One additional site, CA-SDI-21274, was identified during the intensive pedestrian surveys conducted within the cultural study area (Wahoff and Cooley 2014; Appendix G). Ground visibility was generally moderate to poor near the lagoon margin due to dense vegetation. Most of these archaeological resources have not been formally evaluated for eligibility and are therefore considered potentially eligible for the CRHR. Examination of the digital records search information provided by the SCIC and surveys conducted by AECOM archaeologists revealed that none of the previously identified cultural resources or newly recorded CA-SDI-21274 are within the APE for the Freshwater Alternative, Saltwater

Alternative, Hybrid Alternatives, or No Project Alternative. Prehistoric archaeological site CA-SDI-19375 is adjacent to the access route (Jefferson Road) along the southern perimeter of the I-5 Basin. However, paved Jefferson Road has a curb that prevents vehicular access to the road shoulder. The site would not be affected by use of this road.

**Table 3.7-1
Archaeological Sites within 300 Meters of the Project Study Area**

Resource Number	Primary Number (P-)	Component	Description	Date Recorded
Sites within 300 meters of the lagoon				
CA-SDI-626	-	P	Manos and lithic tools	1958
CA-SDI-627	-	U (most likely P)	No information	1958
CA-SDI-628	37-000628	P	Shell midden, debitage, cores, manos, lithic tools, and bone	1958, 1994, 2003
CA-SDI-629	-	P	Shell scatter, manos, and debitage	1958, 2009
CA-SDI-8346	-	P	Shell scatter	1981
CA-SDI-8455	-	P	Shell scatter and one flake	1981
CA-SDI-17272	-	P	Shell midden	2005
CA-SDI-17907	37-027452	H	Historic Buena Vista cemetery	2009
CA-SDI-18348	37-028351	P	Shell scatter and one flake	2007
CA-SDI-19375	37-030500	P	Lithic scatter, shell	2009
CA-SDI-20692	37-032654	P	Shell midden, flaked stone artifacts	2012
CA-SDI-21274	37-033874	H/P	Historic road, shell scatter	2014
Sites within 300 meters of materials placement sites				
CA-SDI-626	-	P	Manos and lithic tools	1958
CA-SDI-13211	-	P	Shell scatter	1993
CA-SDI-14059	37-014227	P	Shell scatter, fire-affected rock, possible mono fragment	1994
CA-SDI-17414	37-026518	P/H	Bottles, cans, salt glaze ceramics, blue english print ceramics, manos, lithic and shell tools, shell scatter	1972

H = Historic; M=Multicomponent; P=Prehistoric; U=Undefined

The majority of the sites within the cultural study area are prehistoric (considered here to be before the Gaspar de Portolá expedition of 1769). These sites located around the margins of the lagoon provide evidence of the prehistoric use of lagoon and estuarine resources. Of the 11 prehistoric sites recorded within 300 meters of the APE, four are shell scatters or shell middens; two are shell scatters, each with one recorded flake; one is a scatter of flaked stone and groundstone; and another three are sites that can be generally categorized as lithic and shell scatters although most also contain other cultural materials (e.g., groundstone, faunal bone, and/or fire-affected rock). No descriptive information is available for site CA-SDI-627. Based on the site number (site numbers are assigned sequentially), it is one of the early sites recorded in San Diego County. The site is one of a series originally recorded by Malcom Rogers, former curator of the San Diego Museum of Man, and revisited in 1958 by archaeologist William

Wallace. Similar to other sites recorded in the area by Rogers, it is likely a prehistoric shell or shell and lithic scatter.

The historic site is the former Buena Vista cemetery, which was in use between about 1880 and 1906. The wooden markers at the cemetery were destroyed by fire in 1952. Prior to commercial development of the area in the 1970s, some of the interments were relocated to the El Camino Memorial Park. Additional remains were found during the construction activities (Catarino 2005), and some of these may have been reburied ... “in the slope overlooking Buena Vista Lagoon” and “under the on-ramp leading to ... I-5” (Warth 2000 in Laylander 2006), while others were relocated to a memorial park in Oceanside (Catarino 2005 in Laylander 2006). Of the two multicomponent sites, one contains historic bottles, cans, and ceramic, and a scatter of lithics and both modified and unmodified shell; and the other is a segment of historic Jefferson Road and a shell scatter.

Native American Contact Program

The Native American Heritage Commission (NAHC) as well as Native American contacts identified by the NAHC were contacted to inform them of the Enhancement Project and request information regarding the nature of cultural and Native American resources within the proposed project area. The NAHC was contacted by AECOM in August 2014 for a search of their Sacred Lands files to identify whether Native American traditional cultural properties or resources of religious or cultural significance to Native Americans are within the APE, and to obtain a list of interested tribes and persons. In January 2015, each tribe and person on the contact list was provided with a package containing an information letter, map, and response form. The contact program is ongoing, and contacts and responses received to date are provided in Appendix G to this EIR.

Historic Structures

Four historic resources have been identified within the cultural study area, including two bridges, a railroad, and a weir. The first resource, a bridge over Buena Vista Lagoon (Bridge No. 57C0135) for Carlsbad Boulevard (Coast Highway) was constructed in 1914 and modified in 1933. This bridge was previously evaluated in the Caltrans Local Agency Bridge Inventory (Caltrans 2014b) and listed as Category 5, not eligible for the NRHP. The bridge is also considered not eligible for the CRHR. The concrete I-5 bridge (Bridge No. 57 0277) was previously evaluated in the Caltrans Historic Highway Bridge Inventory (Caltrans 2010) as Category 5, not eligible for the NRHP. As discussed in Section 2.5, planned improvements to I-5 have been proposed by Caltrans as part of the North Coast Corridor Project and planned improvements to the NCTD railroad by SANDAG in partnership with NCTD as part of the

LOSSAN project. Replacement of the I-5 and railroad bridges over Buena Vista Lagoon would be addressed as part of those studies.

The ~~80~~50-foot-wide weir constructed near the mouth was originally constructed in 1940. It was damaged by storms in 1968 and 1969, and was replaced by the existing 50-foot-wide weir in 1971 (Tenaglia 1999). The records and literature search indicates that no historic buildings are within 300 feet of the cultural study area. No historical resources for the purposes of CEQA have been identified within the APE. Thus, no impacts to historic resources are anticipated.

3.7.2 SIGNIFICANCE CRITERIA

The criteria used to evaluate resources that may be affected by the Enhancement Project are those provided by CEQA. A cultural resource is considered “historically significant” under CEQA if the resource meets the criteria for listing in the CRHR. These criteria define an “important” archaeological resource as one that:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
2. Is associated with the lives of persons important in our past; or
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

Unevaluated resources are considered potentially eligible for listing in the CRHR and are treated as eligible for the purposes of impact/effect analysis. CEQA also applies to archaeological resources that do not meet the criteria of a historical resource, but do meet the definition of a unique archaeological resource in PRC Section 21083.2, as follows:

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 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 significant impact related to cultural resources would occur if implementation of the Enhancement Project would:

- A. Directly, indirectly, or cumulatively damage or destroy a significant historic or archaeological resource as defined above by CRHR; or
- B. Cause a direct or cumulatively substantial change in the significance of a historical resource. Substantial adverse change in the significance of a historical resource includes demolition, destruction, relocation, or alteration of the resource (archaeological, historical, or human remains) or its immediate surroundings to the extent that the significance of the resource is materially impaired; or
- C. Disturbance of any human remains, including those interred outside of formal cemeteries.

The CEQA thresholds of significance for cultural resources are derived from legal definitions set forth in the CRHR, as well as Section 15064.5(b) of the State CEQA Guidelines.

3.7.3 IMPACT ANALYSIS

Impacts on historic properties, cultural resources, or CRHR-eligible resources may be either direct or indirect. Direct impacts are caused by and are immediately related to a project such as ground-disturbing activities. Indirect impacts are not immediately related to the project, but they are caused indirectly by a project. An indirect impact is to be considered only if it is a reasonably foreseeable impact that may be caused by the project. An example of an indirect impact would be the placement of a pedestrian bridge next to a cultural resource, which could impact cultural resources indirectly through the surface collection of artifacts by bridge users. Indirect impacts can also occur as a result of changes to the setting or feeling of an NRHP- or CRHR-eligible cultural resource. The resources most often affected include historic buildings, structures, objects, or districts, as well as areas used by Native Americans for ceremonial or traditional activities. Direct impacts on historic properties, cultural resources, or CRHR-eligible resources occur as a result of ground-disturbing activities.

Lagoon Enhancement

Activities common to the Freshwater Alternative, the Saltwater Alternative, and the Hybrid Alternative would include dredging, grading, removal of material and vegetation from the lagoon, improvements to and use of staging areas, and construction of a Boardwalk along the

segment of Carlsbad Boulevard crossing the lagoon. Under the Freshwater Alternative, the existing weir would be replaced with a wider, 80-foot weir. The existing weir would be removed and replaced with an open tidal inlet under the Saltwater Alternative and the Hybrid Alternative, Option B. Under the Hybrid Alternative, Option A, a new channel would be constructed between the tidal inlet and the Railroad Basin. Replacement of the Carlsbad Boulevard bridge would occur under the Saltwater and Hybrid (Options A and B) Alternatives.

Freshwater Alternative

While there is archaeological evidence of prehistoric use and occupation within the cultural study area, no known cultural or eligible historic resources are located within the APE for the Freshwater Alternative. Because the Enhancement Project is dredging to enhance wetland habitat within Buena Vista Lagoon, there would be no increase in non-project-related pedestrian traffic in the vicinity of cultural resources nor would the project result in alteration of setting in the vicinity of the cultural resources. Therefore, **no indirect impacts to known cultural resources would occur under the Freshwater Alternative (Criterion A) and no significant impacts would occur.**

As discussed in Section 3.7.1, dense fluvial and colluvial sediments accumulating in the lagoon could potentially have buried intact cultural deposits that remain at former terraces and lagoon margins that are now under water. Geotechnical exploratory sampling programs (Everest and Battalle 2003; SAIC 2008; see also Applegate 1982) have identified lagoon deposits and sand throughout proposed dredging locations, including channels and basins. Dredging activities would therefore have little potential to encounter intact cultural resources in these areas. Vegetation removal in proximity to the lagoon margin by water-based equipment would also have little potential to encounter cultural resources. It is possible that undiscovered cultural deposits may exist in stable soils obscured by the dense vegetation along the lagoon margin. Mobilization and use of land-based equipment for vegetation or soil removal (e.g., backhoe) on stable lagoon margin surfaces outside of the identified staging areas (Figure 2-16) could result in **a significant impact on undiscovered buried cultural resources under CEQA (Criteria A, B, and C).**

Saltwater Alternative

No previously recorded cultural resources or eligible historic properties are located within the proposed APE for the Saltwater Alternative, including access roads and identified staging areas. There are known cultural resources in immediate proximity to the lagoon, but because dredging activities would be confined to sediments above buried stable surfaces (layers of alluvial and colluvial deposits that would not contain intact cultural resources), there would be little potential

to encounter such resources. The dredging of the lagoon would not result in increased pedestrian traffic or an alteration to the setting of nearby cultural resources. Thus, the Saltwater Alternative would have no indirect impacts on cultural resources. There is the potential to encounter currently unknown cultural deposits during mobilization and use of land-based equipment for soils and/or vegetation removal in the densely vegetated stable surfaces along portions of the lagoon margins outside of staging areas. Thus, **the Saltwater Alternative would have potential significant impacts on cultural resources under CEQA (Criteria A, B, and C).**

Hybrid Alternative

Similar to the Freshwater and Saltwater Alternatives, no previously recorded cultural resources or eligible historic properties are located within the proposed APE for the Hybrid Alternative (Options A and B). There are known cultural resources in immediate proximity to the lagoon, but because dredging activities would be confined to sediments above buried stable surfaces, there would be little potential to encounter such resources. The dredging of the lagoon would not result in increased pedestrian traffic or an alteration to the setting of nearby cultural resources. Thus, the Hybrid Alternative would have no indirect impacts on known cultural resources. The potential exists to encounter currently unknown cultural deposits during mobilization and use of land-based equipment for soils and/or vegetation removal in the densely vegetated stable surfaces along the lagoon margins. Thus, **the Hybrid Alternative (Options A and B) would have potential significant impacts on cultural resources under CEQA (Criteria A, B, and C).**

No Project Alternative

If the No Project Alternative is implemented, no project-related ground-disturbing activities would occur. As a result, **there would be no significant direct or indirect impact on cultural resources or CRHR-eligible cultural resources, or disturbance of human remains (Criteria A, B, and C).**

Littoral Zone Nourishment

The proposed littoral zone materials placement sites are located within former RBSP receiver sites, and Navy Homeporting site. The locations were addressed under those programs and no cultural resources or eligible historic properties were identified.

Oceanside

No previously recorded cultural resources have been identified within the Oceanside littoral zone disposal/reuse area. Therefore, the placement of materials at this littoral zone disposal location would have **no significant direct or indirect impacts on cultural resources or CRHR-eligible archaeological resources, or disturbance of human remains (Criteria A, B, and C).**

Carlsbad

No previously recorded cultural resources have been identified within the Carlsbad littoral zone disposal/reuse area. Therefore, the placement of materials at this littoral zone disposal location would have **no significant direct or indirect impacts on cultural resources or CRHR-eligible archaeological resources (Criteria A, B, and C).**

Offshore Disposal*LA-5*

The proposed offshore disposal area is located within the former San Diego (LA-5) Ocean dredged materials disposal site and was addressed under that program. While the possibility exists that submerged resources may be present along the continental shelf of southern California, as discussed in Section 3.7.1, no archaeological cultural resources have been identified within the offshore disposal location and the location has been used since the 1970s for disposal of sediments. Therefore, **the placement of materials would have no significant direct or indirect impacts on cultural resources or CRHR-eligible resources (Criteria A, B, and C).**

No Project Alternative

No materials would be dredged or excavated that would need to be disposed of or used for littoral cell nourishment under the No Project Alternative. As a result, **there would be no direct or indirect impact on cultural resources or CRHR-eligible cultural resources, or disturbance of human remains (Criteria A, B, and C).**

3.7.4 MITIGATION MEASURES

The following mitigation measures are required to reduce significant impacts to below a level of significance.

Mitigation Measures Cultural-1 through Cultural-4 would be required under CEQA for implementation of the Freshwater, Saltwater, and Hybrid (Options A and B) Alternatives.

Cultural-1 A Monitoring and Discovery Plan shall be prepared and implemented by a qualified archaeologist prior to the start of ground-disturbing activities for soil and vegetation removal at the lagoon margins to provide protocols in the event archaeological material is encountered during construction of the project. If previously unknown resources are identified during construction, the lines of communication and measures outlined in the Monitoring and Discovery Plan would be followed, including applicable late discovery protocols. These measures would include:

- Ground-disturbing construction activity would be temporarily halted by the project archaeologist and/or Native American monitor at the location of the find and redirected elsewhere until the find is assessed by a qualified archaeologist for eligibility to the CRHR.
- If the find is determined by the project archaeologist to be potentially eligible for the CRHR:
 - on stable surfaces, an exclusionary zone would be set up around the find and marked (e.g., lath and flagging or silt fencing).
 - the cultural resources principal investigator would contact SANDAG to formulate a plan for evaluation or avoidance through redesign.
 - dredging or mechanical ground-disturbing activities would not resume in that location until the principal investigator is notified by SANDAG that activities may resume.
 - If the find is discovered on state lands, California State Lands Commission Assistant Chief Counsel will be consulted. The final disposition of archaeological, historical and paleontological resources recovered on State lands under the jurisdiction of the CSLC will be approved by the Commission.

Evaluation procedures ~~will~~would include:

- subsurface excavation (in stable sediments),
- cataloging and laboratory analysis of recovered cultural materials,
- curation of the artifact collection at an approved regional facility, and

- preparation of a draft and final technical report pursuant to CEQA documenting the discovery and addressing regional research issues.

Cultural-2 A training session for project construction personnel shall be conducted by a qualified archaeologist prior to the start of ground-disturbing activities for soil and vegetation removal at the lagoon margins. The training session shall include a review of required monitoring locations and communication protocols, types of cultural resources that might be encountered, cultural resources responsibilities, protection procedures, and avoidance measures.

Cultural-3 Cultural resources monitoring shall be conducted during mobilization and use of land-based equipment for soil and vegetation removal along the perimeter of the lagoon. A qualified archaeological monitor and Native American representative shall be present during mechanical excavations in stable sediments with the potential for CRHR-eligible cultural resources (i.e., topsoils on stable sediments).

Cultural-4 If human remains are encountered during construction:

- Work at that location shall be suspended and redirected elsewhere.
- SANDAG shall be immediately notified of the discovery.
- Remains shall be left in place and exclusionary fencing will be placed in a 50-foot radius around the discovery.
- Under the provisions of California PRC Section 7050.5, the County Coroner shall be notified in the event of discovery of human remains.
- If the remains are either determined to be or there is reason to believe they are Native American, the coroner shall notify the NAHC within 24 hours.
- Disposition of Native American human remains on nonfederal lands is within the jurisdiction of the NAHC. SANDAG, as lead agency for the Enhancement Project, shall initiate consultation with the NAHC. As part of the consultation process, the NAHC shall notify the most likely descendent (MLD) from the remains. No ground-disturbing work shall occur in the location of the remains until consultation between the NAHC, MLD, and SANDAG has been completed, and notification by SANDAG that construction activities may resume.
- If the remains are discovered in situ, they shall be left in place and covered with weather-proof materials such as a tarp or plywood. If they are discovered in spoils, the remains shall be placed in a labeled bag and, on

approval by the MLD, transported to a secure locked container. An osteologist or a forensic anthropologist shall, in consultation with the MLD, inspect fragmentary bones that are suspected to be human but cannot be identified as such in the field.