
5.5 CULTURAL RESOURCES

This section addresses potential impacts on cultural resources that would potentially result from implementation of the proposed Plan. Cultural resources include districts, buildings, sites, structures, areas of traditional use, or objects with historical, architectural, archaeological, cultural, or scientific importance. They also include archaeological resources (both prehistoric and historic), historic architectural resources (physical properties, structures, or built items), and traditional cultural resources (those important to living Native Americans for religious, spiritual, heritage, or traditional reasons). Though not specifically cultural, paleontological resources are also considered. No historic architectural resources are located within the Plan site area.

Information contained in this section is based on the City of Malibu General Plan Conservation Element, the City of Malibu Draft General Plan Final Impact Report, the *Phase I Archaeological Resources Report* prepared for the proposed Plan by Stone Archaeological Consulting (2007), and subsequent Phase I archaeological surveys conducted for the proposed Plan in October 2009 and January 2010. The *Phase I Archaeological Resources Report* and Phase I archaeological surveys are confidential, but may be made available to qualified persons upon request. Written requests may be sent to Santa Monica Mountains Conservancy, Attn: Ms. Judi Tamasi, 5750 Ramirez Canyon Road, Malibu, California 90265.

5.5.1 Existing Setting

Cultural Background

Prehistoric Setting

The Malibu area was historically occupied by the Ventureño Chumash and the Tongva/Gabrielino. The territory inhabited by the Ventureño Chumash extended from Rincon Point (on the Ventura County/ Santa Barbara County boundary) to Malibu Canyon on the coast, and inland to the western edge of the San Joaquin Valley (Grant 1978 as cited in City of Malibu Draft General Plan Final Impact Report [1995]). The Tongva/Gabrielino territory extended from Topanga to Newport Bay on the coast, inland to the Santa Ana and Santa Monica mountains, and included San Clemente, San Nicolas, and Santa Catalina islands (Grant 1978 as cited in City of Malibu Draft General Plan Final Impact Report [1995]).

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Chumash society (including related tribal entities extending north to San Luis Obispo and south to the Channel Islands) evolved during the last 9,000 years. The evolution of Chumash society is reflected in changes in artifact forms and diversity, changes in plant and animal food refuse, changes in the organization of cemeteries, and shifts in settlement patterns. The Chumash culture focused on maritime adaptation with subsistence revolving around the collection of shellfish, fishing, and sea mammal hunting. The Chumash were considered to be the most advanced native society in California because of their emphasis on manufacturing and trade, their development of maritime fishing, and their complex bead money system (City of Malibu General Plan Conservation Element, 1996). Tongva/Gabrielino culture was similar to the Chumash, and also was centered around a maritime environment and economy.

In the Malibu area, the prehistoric occupation represents over 9,000 years and ended with the beginning of the Spanish colonization of California at Mission San Gabriel in 1771 on the San Gabriel River, and Mission San Buenaventura in 1782, in what is now Ventura. The Mission Period, during which Native Californians were relocated to missions and nearby rancherias, extended to approximately 1834, when the Mexican government secularized the missions (City of Malibu General Plan Conservation Element, 1996).

Historic Setting

Malibu history dates back to the Chumash Indians and the village of *Humaliwo* at the mouth of Malibu Creek. Point Dume was named by the English Explorer George Vancouver in 1794. Between 1800 and 1892, ownership of the Rancho land grant that is now Malibu changed hands four times. In 1800, Jose Bartolome Tapia acquired a “use” concession from Spain for the 13,000- acre Rancho Topanga Malibu Sequit. This concession stretched from Point Mugu to Pacific Palisades. In 1848, Leon Victor Prudhomme, the husband of Jose Tapia’s granddaughter, purchased Rancho Malibu. Nine years later, in 1857, Mathew Keller bought the Rancho. The last owners were Frederick and May K. Rindge (City of Malibu General Plan Conservation Element, 1996).

Paleontological Background

Paleontological resources refer to the fossilized remains of plant and animal life. Paleontological and geological information from various sources has been reviewed to determine the likelihood that significant paleontological resources are present at the project area (Jones & Stokes, 2009; Dibblee, 1993; Southwestern Engineering Geology,

2009; The Planning Center, 2009; National Park Service, 2008). Data and information collected from this review are presented below.

Geological Setting

The geology of the region is defined by the Transverse Ranges, which extend from Point Arguello on the coast, to the eastern end of the Little San Bernardino Mountains, to as far east as the Eagle Mountains, some 50 miles from the Colorado River. The region is topographically diverse and comprises 13 geologic and topographic units, among them the Santa Monica Mountains and their westward extension, the northern Channel Islands. Overall, the geologic units present in the region are composed principally of several thousand feet of mildly metamorphosed argillaceous rocks, dominated by argillite, phyllite, and slate, grading into mica and chlorite schists. The region consists primarily of mountains and hills flanked or separated by narrow to moderately broad valleys (Jones & Stokes, 2009).

According to the Geologic Map of the Point Dume Quadrangle (Dibblee, 1993), the southerly portion of the Plan site is underlain by Quaternary geologic age older dissected alluvial gravel, sand and clay. The northern portions of the Plan area are typically underlain by the Miocene geologic age Lower Topanga Formation which is comprised of thinly bedded clay shale with some thin hard interbeds of tan dolomite and sandstone.

Soil materials in the Plan site include artificial fill, Colluvium, Older Alluvial Deposits, landslide deposits, and weathered bedrock materials associated with the Monterey, Trancas, and Topanga Formations, and andesitic and basaltic flows and breccias assigned to the Conejo Volcanics (Southwestern Engineering Geology, 2009).

Paleontological Setting

Due to their common occurrence, invertebrate fossils (i.e., shellfish and insects) are not considered significant paleontological resources. In contrast, larger vertebrate fossils (fishes, marine mammals, and land mammals) are rarer and provide scientists with a greater opportunity to understand the distribution of habitats and species during past geologic eras.

Paleontological resources are best preserved in fine sedimentary rocks such as limestone and siltstone, but are also found in metamorphosed sedimentary rock such as shale and terrestrial sediments such as Quaternary alluvium. Fossils have been recovered in the Malibu area from sedimentary units such as older Quaternary Alluvium and from the

5.5 Cultural Resources

Monterey Formation. Younger Holocene-age alluvium deposits dating from the past 15,000 years generally do not contain fossils. However, fossils have been discovered in older Quaternary alluvium deposits in the Malibu community. Fossils collected from older alluvium deposits include specimens of deer, moles, rabbits, horses, tapirs, deer mice, pocket gophers, and several species of birds. Locally, the Monterey Formation consists of siltstone, mudstone, and shale of mid-Miocene age. Fossils collected from Monterey Formation include specimens of herrings, Clupeidae, mackerels or tuna, Scombridae, and other unidentified fish (The Planning Center, 2009).

Cultural Resources

A Phase I archaeological investigation was conducted consisting of a record search of the California Historical Resources Information System (CHRIS) at the South Central Coast Information Center (SCCIC), California State University Fullerton (CSUF) (Stone Archaeological Consulting, 2007). An updated records search was undertaken in 2009 associated with preparation of the EIR for Plan component areas that had been revised since the original investigation (see Appendix G-2 Cultural Resources Searches). The record searches indicated that three-hundred forty-six (346) cultural resources investigations have been conducted within 1/8 mile of the proposed Plan site, with three-hundred (300) within the actual proposed Plan site areas. The majority of the proposed Plan site areas have been previously surveyed.

The record search indicates that fifty-nine (59) cultural resources (forty-one [41] archaeological sites, eleven [11] isolates, and seven [7] historic resources) are recorded within 1/8 mile of the proposed Plan site. However, only forty-eight (48) of the cultural resources (thirty-six [36] archaeological sites, seven [7] isolates, and five [5] historic resources) are located within the actual proposed Plan site areas. The recorded archaeological sites include flake scatters (predominantly chipped stone flakes), shell scatters (predominantly shellfish fragments), artifact scatters (chipped stone artifacts or ground stone artifacts or a combination of both), shell middens (dark soil containing shellfish fragments), and villages (dark soil containing chipped stone artifacts, ground stone artifacts, and shellfish fragments). In general, the sites are concentrated around the mouths of large canyons such as Ramirez, Solstice, Corral, and Puerco canyons. A discussion of each archaeological site can be found in the Phase I report (see page 5.5-1 for report location/availability).

In addition to the SCCIC site records and literature search, a search of the Native American Heritage Commission (NAHC) Sacred Lands File was conducted in order to determine the location of any sacred and/or burial sites within proposed Plan site areas (see *Appendix G-2, Cultural Resources Searches*). The search of the NAHC Sacred Lands File did not indicate the presence of Native American sacred heritage resources within proposed Plan site areas.

An intensive archaeological field survey in November 2006 and March 2007 was conducted of all ground surfaces within the proposed Plan site identified at that time (Stone Archaeological Consulting 2007). The Phase I archaeological survey was conducted in accordance with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, *Archaeological / Cultural Resources*. No previously unrecorded archaeological sites were identified during the intensive survey, though general ground surface visibility was sufficient to provide for reliable investigation results. Proposed Plan site areas on slopes exceeding 20 percent were not inspected, as the probability of locating prehistoric habitation in these environmental contexts is extremely low, based on the results of the archaeological records search, and general understanding of hunter/gatherer subsistence strategies.

A subsequent Phase I archaeological survey in October 2009 was conducted associated with EIR preparation by Dudek archaeologists of revised or added proposed Plan components identified since the original archaeological investigation. The 2009 Phase I archaeological survey again focused on proposed Plan site areas with moderate to high archaeological sensitivity while not covering steep mountain side slopes. The likelihood of encountering archaeological resources on these slopes is considered very low, as any artifacts that may have been left during transient use of the area would have been subject to subsequent erosion and downslope movement. In areas with poor ground surface visibility (generally less than 10 percent) surface scrapes were implemented to increase visibility.

An additional Phase I archaeological survey in January 2010 was conducted associated with EIR preparation by Dudek archaeologists. The 2010 archaeological survey focused on proposed fire sheds/shelters, the proposed Ramirez Creek restoration/enhancement, and the proposed Ramirez Canyon Road widening.

The results of the intensive 2009 and 2010 surveys are discussed below.

Ramirez Canyon Park and Adjacent Trails

Previously Recorded Resources: Four archaeological sites (CA-LAN-458, CA-LAN-1734, CA-LAN-2049, and CA-LAN-2172) are recorded within Ramirez Canyon Park. However, only CA-LAN-2172 is recorded within or adjacent to proposed trails or facilities. CA-LAN-2172 was originally recorded as two flakes along the south side of Via Acero Road (dirt). The site was later recorded as a scatter of approximately 15 flakes in, and along the sides of, Via Acero Road (dirt).

Project Survey Results:

Details of proposed trails are discussed in Section 2.3.3 Trail Improvements and lengths of proposed trails are presented in Table 2-15 Ramirez Canyon Park Trail Improvements. Proposed trails are illustrated in Figure 2-20 Proposed Trail and Park Resources. Figure 2-20a Proposed Trail and Park Resources-West Extent provides an enhanced view of the proposed trails at the west extent of the Plan area.

Trail 1: The western portion of Trail 1a was surveyed in 2009. However, the eastern portion of the trail was not surveyed due to slopes well over 20 percent and dense chaparral vegetation. The vegetation resulted in poor ground surface visibility and precluded the implementation of surface scrapes to increase visibility. The entire length of Trail 1b was surveyed in 2009.

Trail 2: Trail 2a3 was not surveyed due to steep slopes and dense, chaparral vegetation. The entire length of Trail 2b3 was surveyed in 2009.

Details of proposed facilities are discussed in Section 2.3.2.1 Ramirez Canyon Park. Proposed facilities are illustrated in Figure 2-8 Ramirez Canyon Park Camp Area 1 Concept Plan and Figure 2-9 Ramirez Canyon Park Camp Area 2 Concept Plan.

Facilities: The proposed camping facilities within Ramirez Canyon Park were surveyed in 2007. The two proposed fire shelters were surveyed in January 2010. One of the proposed fire shelters is located in the Peach House parking lot (paved). The other proposed fire shelter is located adjacent to an existing road (Murphy Way), along Trail 2a6.

Details of the proposed Ramirez Creek Restoration/Enhancement are discussed in Section 2.3.2.1 Ramirez Canyon Park. Proposed restoration/enhancements are illustrated in Figure

2-10 Ramirez Creek Enhancement Concept Plans-Index. Figures 2-10a through 2-10f provide an enhanced view of the proposed restoration/enhancement.

Ramirez Creek Restoration/Enhancement: Ramirez Creek was surveyed in 2010. The northern portion of the creek is bordered by a rock wall along the east bank and a steep slope on the west bank. The central and southern portions of the creek are bordered by rock walls along both banks.

Details of the proposed Ramirez Canyon Road and Delaplane Road Widening are discussed in Section 2.3.2.1 Ramirez Canyon Park. Proposed road widening is illustrated in Figure 2-11 Ramirez Canyon Road and Delaplane Road Improvements.

Ramirez Canyon Road and Delaplane Road Widening: Road improvements include widening the existing access road to provide 20-foot clearance for emergency ingress/egress along Delaplane Road and Ramirez Canyon Road. The roads were surveyed in 2010.

Ground surface visibility within the Ramirez Canyon Park facilities and trails that were surveyed in 2009 and 2010 was generally fair to good (10 to 90 percent). The portions of the trails that were not surveyed were generally located on steep slopes greater than 20 percent. The resulting reliability of the 2009 and 2010 Phase I archaeological surveys in the Ramirez Canyon Park area is good.

No prehistoric cultural material such as chipped stone or ground stone tools, or evidence of historic occupation such as glass bottles or cut bone, was observed within the Ramirez Canyon Park area during the 2009 or 2010 Phase I archaeological surveys. Further, despite 100 percent ground surface visibility in the road for Trail 1b, which follows a dirt road, and fair ground surface visibility (10 to 50 percent) along the sides of the road, no prehistoric artifacts were identified.

Escondido Canyon Park, Latigo Trailhead/Campground and Adjacent Trails

Previously Recorded Resources: Four archaeological sites (CA-LAN-1107, CA-LAN-2817, CA-LAN-2818, and CA-LAN-2819) are recorded within the Escondido Canyon Park area. However, none of these sites is within or adjacent to proposed trails or facilities.

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Project Survey Results:

Details of the proposed trails are discussed in Section 2.3.3 Trail Improvements and lengths of the proposed trails are presented in Table 2-16 Escondido Canyon Park Trail Improvements. Proposed trails are illustrated in Figure 2-20 Proposed Trail and Park Resources. Figure 2-20a Proposed Park and Trail Resources-West Extent provides an enhanced view of the proposed trails at the west extent of the Plan area.

Trail 9: Trail 9 was surveyed in 2009.

Details of the proposed facilities are discussed in Section 2.3.2.2 Escondido Canyon Park and Section 2.3.2.3 Latigo Trailhead and Camp Area. Proposed facilities are illustrated in Figure 2-12 Escondido Canyon Park Parking & Camp Areas 1 & 2 Concept Plan, Figure 2-13 Escondido Canyon Park Camp Area 3 Concept Plan, and Figure 2-14 Latigo Trailhead Property Parking & Concept Plan.

Facilities: Escondido Canyon Camp Area 1 and Parking and Escondido Canyon Camp Area 2 and the associated camp trail, and the camping facility (Escondido Canyon Camp Area 3) at the west end of Trail 9 were surveyed in 2007. The camping/parking facilities (Latigo Canyon Camping and Parking Area) along Trail 9, adjacent to Latigo Canyon Road, were surveyed in 2009. These facilities include a proposed fire shelter. The proposed fire shelter in Escondido Canyon Camp Area 1 and Parking was surveyed in 2010 and is adjacent to an existing road (Winding Way).

Ground surface visibility along Trail 9 was fair (10 to 50 percent). The trail is located along a dirt road cut into a steep slope that is considered to have low sensitivity for cultural resources. Ground surface visibility in the camping/parking facilities (Latigo Canyon Camping and Parking Area) along Trail 9 was poor to fair (less than 10 to 50 percent). In areas with poor ground surface visibility, surface scrapes were implemented to increase visibility. The resulting reliability of the 2009 and 2010 Phase I archaeological surveys in the Escondido Canyon Park area is good.

No prehistoric historic cultural remains were observed along Trail 9, in Escondido Canyon Camp Areas 1 and 2 and the associated parking facility and camp trail, or in the camping facility (Escondido Canyon Camp Area 3) at the west end of Trail 9 during the Phase I archaeological survey. Concrete foundations in the area of the camping/parking facilities (Latigo Canyon Camping and Parking Area) along Trail 9, adjacent to Latigo Canyon Road, indicate the area has been impacted by previous development.

Corral Canyon Park and Adjacent Trails

Previously recorded resources: Eleven archaeological sites (CA-LAN-133, CA-LAN-226, CA-LAN-310, CA-LAN-311/1298, CA-LAN-974, CA-LAN-1569, CA-LAN-1570, CA-LAN-1571, CA-LAN-3330, and CA-LAN-3331) are recorded within the Corral Canyon Park area. However, only CA-LAN-226 and CA-LAN-310 are recorded within or adjacent to proposed trails or facilities.

CA-LAN-226 was recorded in 1960 as a small shellfish scatter covering a 15 X 10 meter (50 X 34 foot) area on the west side of Corral Canyon. The site is mapped in the area of the small facility adjacent to the existing structure along Pacific Coast Highway (PCH). This area was surveyed in 2009. Despite fair ground surface visibility (10 to 50 percent), no prehistoric or historic archaeological artifacts were identified.

CA-LAN-310 is described as a shell midden containing *Haliotis* (abalone) and *Mytilus* (mussel), and chipped stone and ground stone artifacts. The site is mapped along the bluff edge, east of Corral Canyon. The 2007 Phase I archaeological survey confirmed that CA-LAN-310 is located along the bluff edge. Even though no prehistoric cultural materials are located within proposed trails or facilities, the site is located above the proposed “ADA drop-off.”

Project Survey Results:

Details of the proposed trails are discussed in Section 2.3.3 Trail Improvements and lengths of the proposed trail lengths are presented in Table 2-17 Corral Canyon Park Trail Improvements. Proposed trails are illustrated in Figure 2-20 Proposed Trail and Park Resources. Figure 2-20b Proposed Trail and Park Resources-Corral Canyon provides an enhanced view of the proposed trails within Corral Canyon.

Trail 10: Trail 10b was not surveyed due to steep slopes, indicating areas of very low archaeological site potential.

Trail 11: The western portion of Trail 11a was surveyed in 2009. Surface scrapes were made along this portion of the trail in order to increase ground surface visibility. The eastern portion of Trail 11a was not surveyed due to steep slopes and dense vegetation. Trail 11c was also not surveyed due to steep slopes and dense, impenetrable vegetation. Trail 11d was surveyed in 2009.

5.5 Cultural Resources

Trails 12-15: Although Trails 12, 13a, 13b, 14, and 15 were not surveyed in 2007 or 2009 for the proposed Plan, the SCCIC record search indicates that these areas were previously surveyed in 1978. No cultural resources are recorded in these areas.

Details of the proposed facilities are discussed in Section 2.3.2.4 Corral Canyon Park. Proposed facilities are illustrated in Figure 2-15 Corral Canyon Park Parking & Drop-off Area Concept Plan, Figure 2-16 Corral Canyon Park Camp Area 1 Concept Plan, and Figure 2-17 Corral Canyon Park Camp Area 2 & Accessible Drop-off Concept Plan.

Facilities: The two camping facilities (Corral Canyon Camp Areas 1 and 2) and the “ADA drop-off” were surveyed in 2007. The proposed restroom, adjacent to the existing structure along PCH, was surveyed in 2009. The locations of two proposed fire shelters and one proposed fire shed were surveyed in 2010. The proposed fire shelter along Trail 13b is located adjacent to an existing paved road (Corral Canyon Road), along the spine of a steep-sloped, north/south-trending ridge. The proposed fire shelter in Corral Canyon Camp Area 1 is located on a south-facing slope overlooking PCH. This location was also surveyed in 2007. The proposed fire shed adjacent to the existing structure along PCH is located in a parking lot (paved) bordered on the north by a low retaining wall.

Ground surface visibility along Trail 11d and in the area of the proposed restroom adjacent to the existing structure along PCH was fair (10 to 50 percent). Surface scrapes were implemented along Trail 11a to increase ground surface visibility. The resulting reliability of the 2009 and 2010 Phase I archaeological surveys in the Corral Canyon Park area is good.

No prehistoric or historic cultural remains were observed along Trails 11a and 11d, in the area of the proposed restroom adjacent to the existing structure along PCH, or in the areas of the proposed fire shelters and shed during the 2009 and 2010 Phase I archaeological surveys. However, CA-LAN-310 is located above the “ADA drop-off” along PCH.

Malibu Bluffs Conservancy Property and Onsite Trails

Previously Recorded Resources: Four archaeological sites (CA-LAN-406, CA-LAN-479, CA-LAN-2790, and CA-LAN-2937) are recorded within the Malibu Bluffs. CA-LAN-479 is mapped adjacent to proposed trails or facilities, while CA-LAN-406 and CA-LAN-2937 are mapped adjacent to existing trails.

CA-LAN-479 is described as a lithic and shell scatter consisting of flakes, hammerstones, a mano (i.e., ground stone tool), and weathered shellfish fragments (*Mytilus* [mussel] and *Protothaca* [littleneck clam]). The flakes were made from chalcedony, chert, andesite, and quartzite. The site is mapped west of the Malibu Bluffs, but the 2001 archaeological site record update mentions that “the site continues onto the adjacent property to the east.”

CA-LAN-406 is described as an artifact scatter of cores and flakes. The area where CA-LAN-406 is mapped was surveyed in 2009. Ground surface visibility was fair (10 to 50 percent) and no prehistoric artifacts were identified. Broken pebbles and cobbles were observed but they did not exhibit any of the typical characteristics that would indicate intentional modification. The breaks appeared to be random with no intentional patterning.

CA-LAN-2937 is described as a lithic scatter of two flakes and five pieces of limestone shatter.

Project Survey Results:

Details of the proposed trails are discussed in Section 2.3.3 Trail Improvements and length of the proposed trail are presented in Table 2-18 Malibu Bluffs Trail Improvements. Proposed trails are illustrated in Figure 2-20 Proposed Trail and Park Resources. Figure 2-20c Proposed Trail and Park Resources-Malibu Bluffs provides an enhanced view of the proposed trails within the Malibu Bluffs.

Trail 16: Trail 16 and the associated camping/parking facilities (Malibu Bluffs Camping and Parking Area 1 and Parking Area 4) were surveyed in 2009. Surface scrapes were implemented to increase ground surface visibility. Several chunks of Monterey chert were identified along the western property boundary fence, outside of the proposed camping facilities. The chunks were identified in a roughly 5 X 5 meter (16.5 X 16.5 foot) area with good ground surface visibility (50 to 90 percent) adjacent to the fence. The chunks of Monterey chert did not exhibit any of the typical characteristics that would indicate prehistoric modification such as tool shaping. Brick and concrete were also identified in the area. Three shovel probes, approximately 35 centimeters (14 inches) in diameter and 15 centimeters (6 inches) deep, were excavated in the area of the Monterey chert chunks to confirm that the area was not associated with prehistoric use. No prehistoric cultural materials or other pieces of non-diagnostic chert were recovered within the shovel probes, and no soil discoloration suggesting a prehistoric occupation was visible within the sides of the excavation probes.

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Trail 17: Trail 17 was not surveyed due to dense, impenetrable vegetation. The vegetation resulted in poor ground surface visibility and precluded the implementation of surface scrapes to increase visibility. However, the associated camping/parking facilities (Malibu Bluffs Camping and Parking Area 2) were surveyed. Surface scrapes were implemented to increase ground surface visibility.

Trail 18: Trail 18 and the associated camping/parking facilities (Malibu Bluffs Camping Area 3 and Malibu Bluffs Parking Area 3) were surveyed in 2009. Surface scrapes were implemented to increase ground surface visibility.

Trail 19: Trail 19 was also surveyed in 2009.

Details of the proposed facilities are discussed in Section 2.3.2.5 Malibu Bluffs. Proposed facilities are illustrated in Figure 2-18 Malibu Bluffs Open Space Overview Concept Plan. Figures 2-18a through 2-18e provide enhanced views of the proposed facilities within the Malibu Bluffs.

Facilities: The two camping facilities located on the bluff edge and not associated with any proposed trails (Malibu Bluffs Camping Areas 4 and 5), were surveyed in 2009. Surface scrapes were implemented to increase ground surface visibility. The location of the two proposed fire sheds and the proposed fire shelter in the Malibu Bluffs Camping and Parking Area 1 were surveyed in 2009 and again in 2010. The location of the proposed fire shelter in the Malibu Bluffs Parking Area 3 was also surveyed in 2009 and again in 2010. Surface scrapes were implemented during both surveys to increase ground surface visibility.

No prehistoric or historic cultural material was observed along Trails 16, 17, 18, and 19 or in the camping and parking facilities, as currently designed, in the Malibu Bluffs during the 2009 and 2010 Phase I archaeological surveys.

If the non-diagnostic chunks of Monterey chert identified during the survey of Trail 16 and the associated camping/parking facilities (Malibu Bluffs Camping and Parking Area 1) are associated with CA-LAN-479, they are located at least 15 meters (50 feet) from the closest camping facility and approximately 100 meters (328 feet) from the closest fire shelter/shed, as currently designed.

The area where CA-LAN-2937 was previously recorded was resurveyed in 2009. Ground surface visibility was good (50 to 90 percent) and, again, no prehistoric artifacts were

identified. Pebbles and cobbles were observed. Many of the pebbles and cobbles were broken in a random manner with no patterning that would indicate intentional modification.

Regulatory Setting

State and local governments have developed laws and regulations designed to protect significant cultural and paleontological resources.

Cultural Resources

State Regulations

Comprehensive Statewide Historic Preservation Plan

The primary purpose of California’s comprehensive Statewide Historic Preservation Plan is to provide guidance and implementation of a sound planning procedure for the identification, registration, protection, and preservation of important historical resources. The Plan identifies the critical preservation issues, needs, challenges, and opportunities for historic preservation in California. The goals and objectives statements further clarify preservation priorities with recommendations on improving historic preservation needs for technical assistance, education, economic incentives, preservation partnership, and local government participation.

California Environmental Quality Act (CEQA)

CEQA Guidelines Section 15064.5 requires lead agencies to carefully consider the potential effects of a project on historical resources. An “historic resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript, which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California¹. CEQA mandates that lead agencies consider a resource to be “historically significant” if it meets the criteria for listing on the California Register of Historic Resources. Such resources meet this requirement if they are (1) associated with events that have made a significant contribution to the broad patterns of California history, (2) associated with the lives of important persons in the past, (3) embody distinctive characteristics of a type, period, region, or method of construction, and/or (4) represent

¹ Public Resources Code, Section 5020.1(j).

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the work of an important creative individual or possesses high artistic value². CEQA Guidelines Section 15126.4 (b) outlines a preferred strategy for mitigating impacts to significant archaeological and historic-period resources that emphasizes preservation. CEQA Guidelines Section 15064.5 also addresses the need for including provisions for evaluating unexpected cultural resources encountered during construction. It also outlines the procedures detailed under the Public Resources Code Section 5097.98 in the event that human remains are identified during ground disturbances.

California Coastal Act

The State of California Legislature adopted the California Coastal Act in 1976 to implement the federal Coastal Zone Management Act of 1972. The California Coastal Act is the foundation of the California Coastal Management Program (CCMP), which includes the basic policies for managing and balancing the use of resources for state and national interests in the California Coastal Zone. The enforceable policies of the CCMP are the Chapter 3 policies of the California Coastal Act. These policies address critical coastal resource issues including public coastline access, coastal and inland recreation, low-cost visitor activities, protection and enhancement of sensitive habitat and species, water quality, agricultural and visual resources, archaeological and paleontological resources, and natural hazards.

Local Regulations

City of Malibu Local Coastal Program

The Land Use Plan of the City of Malibu's Local Coastal Program includes Chapter 5, *New Development* that contains specific policies to protect and preserve archaeological, historical, and paleontological resources from destruction by new development. The proposed Plan's consistency with these policies is discussed in Section 4.0, *Consistency with Plans and Policies*, of this EIR.

The Local Implementation Plan of the City of Malibu's Local Coastal Program includes Chapter 11, *Archaeological/Cultural Resources* that contains specific provisions to avoid damage or the destruction of important cultural resources in Malibu. This section requires that a Cultural Resources Review be conducted for all projects prior to the issuance of permits. Pursuant to this provision the 2007 *Phase I Archaeological Resources Report* was prepared and the 2009 Phase I archaeological survey conducted.

² Public Resources Code, Section 5024.1 (c).

Non-Regulatory Reference Planning Documents

County of Los Angeles Malibu Local Coastal Program Land Use Plan for the Malibu and Santa Monica Mountains Area

The County of Los Angeles Malibu Local Coastal Program Land Use Plan for the Malibu and Santa Monica Mountains area (County LUP) contains specific policies to protect and preserve archaeological, historical, and paleontological resources from destruction by new development. The proposed Plan's consistency with the goals, policies, and implementation actions of the County LUP are discussed in Section 4.0, *Consistency with Plans and Policies*, of this EIR.

City of Malibu General Plan

The City of Malibu's General Plan addresses cultural resources through goals, policies, and implementation measures found in its Conservation Element.

Paleontological Resources

Section 5097.5 of the California Public Resources Code prohibits excavation or removal of any "vertebrate paleontological site or historical feature situated on public lands, except with the express permission of the public agency having jurisdiction over such lands." Section 30244 requires reasonable mitigation of adverse impacts on paleontological resources from development on public land. Penal Code Section 623 spells out regulations for the protection of caves, including their natural, cultural, and paleontological contents. It specifies that no "material" (including all or any part of any paleontological item) be removed from any natural geologically formed cavity or cave.

Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important in defining a particular time frame or geologic strata or adding to an existing body of knowledge in specific areas, either locally or regionally. As stated previously, these are limited to larger vertebrate specimens. Paleontological remains are accepted as nonrenewable resources significant to our culture and, as such, are protected under provisions of the Antiquities Act of 1906 and subsequent related legislation, policies, and enacting responsibilities.

5.5 Cultural Resources

In the State of California, fossil remains are considered to be limited, nonrenewable, and sensitive scientific resources. These resources are afforded protection under California legislation.

5.5.2 Impact Analysis

Methodology and Thresholds of Significance

In accordance with CEQA Guidelines Section 15064.5 and Appendix G, the proposed Plan would have a significant impact to cultural and/or paleontological resources if it would:

- CR-1:** Cause a substantial adverse change in the significance, as defined by Section 15064.5, of a cultural resource (a significant prehistoric or historic-period cultural resource), by either physical demolition, destruction, relocation, or alteration of its surroundings, such that the characteristics that make it significant are demolished or materially altered.
- CR-2:** Disturb any human remains, including those interred outside of formal cemeteries.
- CR-3:** Destroy, directly or indirectly, a significant paleontological resource or site.

Within other impact analysis sections contained within this EIR, the analysis associated with the Plan use of Ramirez Canyon Park is based on two different environmental baseline scenarios—Recreation/ Administration and Vacant Residential (refer to Section 3.0, *Environmental Setting*). The impacts of the Plan's implementation related to cultural resources would, however, be similar under either environmental baseline. Therefore, the impact analysis and discussion presented below should be considered applicable to both the Recreation/ Administration and Vacant Residential baselines.

Proposed Plan Policies and Implementation Measures

As described in Section 2.0, *Project Description*, the Plan involves, to a great extent, low impact development. While implementation of the proposed Plan would involve very little grading, a number of the Plan's policies and implementation measures address protection of cultural resources, and would be applied. Implementation of the following specific policies

and implementation measures to all Plan improvements would ensure that cultural resources within the Plan site area would be protected.

Archaeological Resources Policy 1: *Public access and recreation improvements shall be located and/or designed to protect and preserve areas, sites and structures of historic, cultural, archaeological and paleontological significance.*

Archaeological Resources Policy 2: *Where development of new park facilities may potentially adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Archaeological Resources Implementation Measure 1: *A Phase I Inventory of cultural resources shall be conducted by a qualified archaeologist for all project areas of the Plan that will involve ground disturbance. The Phase I Inventory shall include:*

- *A records search through the regional historical resources information center.*
- *An archival search of historic records.*
- *A field survey.*
- *A written report which describes how the survey was conducted and the result of the survey.*

Archaeological Resources Implementation Measure 2: *Should the Phase I Inventory identify one or more significant cultural resources in any particular project area, an extended Phase I Inventory shall be conducted and shall include:*

- *An evaluation of limited shovel test pits to determine whether a subsurface deposit is present.*
- *Recommendations for a Phase II Evaluation.*
- *A provision to ensure that all extended Phase I Inventory activities that involve any excavation or test pit shall include monitoring to be conducted in consultation with a qualified Chumash Cultural Resources Monitor.*

Archaeological Resources Implementation Measure 3: *Should the results of the Phase I Inventory indicate that a project may have an adverse impact on cultural resources a Phase II Evaluation of cultural resources shall be required. The Phase II Evaluation shall be conducted by a qualified archaeologist in consultation with a qualified Chumash cultural resources monitor.*

Archaeological Resources Implementation Measure 4: *Where the result of the Phase II Evaluation finds that a project may adversely affect important cultural resources, a Phase III Mitigation Program shall be required. The Phase III Mitigation Program shall be conducted by a qualified archaeologist in consultation with a qualified Chumash cultural resource monitor. Measures to mitigate potential impacts may include, but shall not be limited to, the following:*

- *In-situ preservation of the important cultural resource site shall be the preferred mitigation measure where feasible.*
- *Avoidance of damage to cultural resource site by 1) locating new facilities and construction staging areas to avoid cultural resource sites, 2) "capping" cultural resource sites, where determined appropriate, with a layer of soil, 3) data recovery of an appropriate sample of the cultural resource(s) via surface collection and archaeological excavation, only when in-situ preservation is not feasible.*
- *Where cultural resources are discovered that may potentially be affected by development of any portion of the proposed Plan, all recommendations of the archaeological consultant shall be incorporated as mitigation into Plan development and shall be fully implemented in the field. All ground disturbing activities shall include monitoring to be conducted in consultation with a qualified Chumash Cultural Resources Monitor.*

Archaeological Resources Implementation Measure 5: *Park signs, maps, public information notices, and website information shall include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense.*

Project Impacts and Mitigation Measures

Impact CR-1: With mitigation, construction of proposed Plan trails, camping facilities, or parking facilities within 30.5 meters (100 feet) of recorded archaeological sites would result in less than significant impacts on cultural resources.

(Corral Canyon Park and Malibu Bluffs)

As discussed in Section 5.5.1, no prehistoric or historic-period archaeological resources were identified during either the 2007 or 2009 intensive archaeological surveys within proposed Plan development areas. Moreover, it is highly unlikely that development of proposed Plan trails, camping facilities, and parking facilities would have the potential to impact significant or important prehistoric or historic resources, due to the following: 1) no prehistoric and historic-period archaeological materials are recorded within the proposed Plan trail corridors, camping facilities, and parking facilities; 2) no other prehistoric and historic-period archaeological materials were identified during intensive archaeological surveys in proposed improvement areas where records search results suggested the potential for identifying sites was more likely; 3) the intensive cultural resources survey was characterized by good reliability, based on ground surface visibility; and 4) areas that were not surveyed due to slopes of over 20 percent are areas of very low potential for such resources, based on the distribution of recorded sites and negative survey results in the region. Therefore, potential impacts on prehistoric and historic-period archaeological resources would be *less than significant*.

Even though no prehistoric or historic cultural remains were identified within proposed Plan site areas, potential cultural resources were previously identified adjacent to (i.e., within 100 feet of) the proposed ADA drop off along PCH in the Corral Canyon Park area and the proposed camping facility in the far western portion of the Malibu Bluffs. Though it is unlikely that buried archaeological resources extend over 100 feet from the recorded remains, it is possible that ground disturbances within this vicinity could have a remote potential to identify unknown cultural resources. In the unlikely event that unknown, intact cultural remains are encountered during project grading, clearing, grubbing, and/or construction, the potential disturbances to these resources would be a *potentially significant impact* on cultural resources.

The proposed Plan includes Archaeological Resources Policies 1 and 2 that require development of new park facilities be designed to protect structures of historic, cultural, archaeological and paleontological significance. In the unlikely event that unknown cultural

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resources are identified during construction, these polices would dictate that they be protected to the extent feasible. To ensure this occurs, the following mitigation measures should be implemented.

Mitigation Measures

In addition to proposed Plan policies and implementation measures, the following mitigation measures are required.

MM CR-I.1 A pre-construction workshop shall be conducted by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative. Attendees shall include the applicant, construction supervisors, and heavy equipment operators. All construction personnel who would work during any phase of ground disturbance shall be required to attend the workshop. The names of all personnel who attend the workshop shall be recorded.

The workshop shall address the following: review the types of archaeological resources that may be uncovered; provide examples of common archaeological artifacts and other cultural materials to examine; describe a reasonable worst-case discovery scenario (i.e., discovery of intact human remains or a substantial midden deposit) and describe reporting requirements and responsibilities of the construction supervisor and crew. The workshop shall make attendees aware of prohibited activities, including unauthorized collecting of artifacts, which can result in impacts on cultural resources.

MM CR-I.2 All earth disturbances associated with the proposed “ADA drop off” along PCH in the Corral Canyon Park area and the proposed camping facility in the far western portion of the Malibu Bluffs shall be monitored by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative, funded by the applicant. The qualified archaeologist and local Native American representative shall evaluate the intactness and potential significance of all previously unknown cultural resources encountered during construction. If found to be significant, the resource shall be subject to appropriate mitigation.

MM CR-I.3

A Construction Monitoring Treatment Plan shall be developed and implemented to ensure that any new discoveries associated with CA-LAN-310 (in the area of the proposed “ADA drop-off” along PCH in the Corral Canyon Park area) and CA-LAN-479 (in the area of the proposed camping facility in the far western portion of the Malibu Bluffs) are adequately recorded, evaluated, and if significant, mitigated.

Plan Requirements and Timing: A Construction Monitoring Treatment Plan shall be developed by a qualified archaeologist retained by MRCA and implemented to ensure that any previously unknown archaeological site areas, features, or artifact concentrations are adequately recorded, evaluated, and, if significant, mitigated. The Plan shall minimally describe the following:

- a. Qualifications and organization of monitoring personnel;
- b. Procedures for notifying the City of Malibu and/or County of Los Angeles and other involved or interested parties in case of a new discovery;
- c. Procedures that would be used to record, evaluate, and mitigate new discoveries with a minimum of delay;
- d. Procedures that would be followed in case of discovery of disturbed as well as intact human remains;
- e. Specifications that all ground disturbances associated with the proposed “ADA drop-off” along PCH in the Corral Canyon Park area and the proposed camping facility in the far western portion of the Malibu Bluffs shall be monitored by a City- or County-qualified archaeologist and a local Native American representative, funded by the applicant. The monitors shall have the authority to temporarily halt and/or redirect construction in the vicinity of any potentially significant discovery to allow for adequate recordation, evaluation, and mitigation. Evaluation and mitigation could require archaeological testing and data recovery. In the unlikely event that human remains would be encountered, consultation with the most likely Native American descendant pursuant to Public Resources Code section 5097.97 and 5097.98 would apply.

The Construction Monitoring Treatment Plan shall be prepared by a City of Malibu- or County of Los Angeles-qualified archaeologist, and funded by the applicant. The monitoring program and its results shall be documented in a short letter report within 30 days after completion of all construction activities.

Monitoring: MRCA staff shall verify in the field the presence of the project archaeologist and Native American construction monitor(s). In the event of the identification of any previously unknown archaeological site area, feature, or artifact concentration, the project archaeologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Residual Impacts

Implementation of measures MM CR-1.1 requiring a pre-construction cultural resources workshop, MM CR-1.2 requiring construction monitoring within 100 feet of recorded archaeological sites, and MM CR-1.3 requiring development and implementation of a Construction Monitoring Treatment Plan would reduce the unlikely potential for encountering important subsurface resources to ***less than significant (Class II)***.

Impact CR-2: With mitigation, impacts due to a potential increase in short-term access to cultural artifacts and to the potential for unauthorized collection during construction of proposed Plan facilities would be less than significant.

(Corral Canyon Park and Malibu Bluffs)

As discussed in Impact CR-1, there are no recorded prehistoric or historic-period archaeological resources recorded within proposed Plan improvements. Construction of the recreational facilities, however, would increase the number of individuals in the area. In the unlikely event that unknown archaeological resources were to be exposed on the ground surface during construction, there is the remote potential for increased improper collection of archaeological artifacts by construction personnel. This removal of artifacts from their context would result in a *potentially significant* impact on cultural resources.

Mitigation Measures

Implementation of MM CR-1.1, MM CR-1.2b, and MM CR-1.3 would reduce the remote potential that unknown cultural resources would be improperly collected during construction activities.

Residual Impacts

Implementation of MM CR-1.1, MM CR-1.2b, and MM CR-1.3 would reduce any potential impact to a ***less than significant level (Class II)***.

Impact CR-3: Potential impacts due to increased long-term access to archaeological artifacts and unauthorized collection resulting from use of proposed Plan facilities would be less than significant.

(Corral Canyon Park and Malibu Bluffs)

As discussed in Impact CR-1, there are no recorded prehistoric or historic-period archaeological resources recorded within proposed Plan improvements. Long-term use of the recreational facilities, however, would increase the number of individuals using trails and camping areas. In the unlikely event that unknown archaeological resources were to be exposed on the ground surface (for example, after a rainstorm and subsequent sheet flow), there is the remote potential for increased improper collection of archaeological artifacts.

Proposed Plan Archaeological Resources Implementation Measure 5 would require that park signs, maps, public information notices, and website information include notice to inform visitors that disturbance to archaeological sites cannot be reversed, that such resources are of great religious importance to contemporary Native Americans and destruction of archaeological sites on public property is illegal and a punishable offense. This implementation measure would serve to inform the public that improper disturbance to archaeological artifacts is not allowed. The measure would reduce the unlikely potential for impacts on unknown cultural resources to *less than significant*.

Mitigation Measures

As this impact on cultural resources would be less than significant, no mitigation measures would be required.

Residual Impacts

Implementation of Proposed Plan Archaeological Resources Implementation Measure 5 would ensure that the remote potential for impacts on cultural resources would be ***less than significant (Class III)***.

Impact CR-4: With mitigation, construction of any proposed Plan trails, camping facilities, or parking facilities outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries would result in less than significant impacts on cultural resources.

(Ramirez Canyon Park, Escondido Canyon Park, Corral Canyon Park, and Malibu Bluffs)

It is possible that ground disturbances outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries could have a remote potential to identify unknown cultural resources. Although unlikely, there is also the remote potential that unknown sub-surface cultural material could exist within areas of low archaeological sensitivity on steep slopes or be buried in proposed improvement areas that were intensively surveyed.

Mitigation Measures

MM CR-4 In the unlikely event that potentially significant archaeological resources are encountered during construction of any proposed Plan trails, camping facilities, or parking facilities outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries, ground disturbances shall be temporarily halted, and the significance of the resources shall be evaluated by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative during a Phase 2 archaeological investigation consistent with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, Archaeological/Cultural Resources guidelines. If the resource is determined to be significant, a Phase 3 data recovery mitigation program shall be completed consistent with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, Archaeological/Cultural Resources guidelines.

Plan Requirements and Timing: The above mitigation shall be identified on all grading, construction, and restoration plans and shall be faithfully implemented during earth disturbance activities.

Monitoring: MRCA staff instruct construction workers on the implementation of this condition in advance of construction. In the event of the identification of any previously unknown archaeological site area, feature, or artifact concentration, the project archaeologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Residual Impacts

Implementation of MM CR-4 would ensure that the remote potential for impacts on unknown cultural resources would be ***less than significant (Class III)***.

Impact CR-5: Construction and use of proposed Plan Trails, camping facilities, or parking facilities would not disturb any human remains, including those interred outside of formal cemeteries.

(Ramirez Canyon Park, Escondido Canyon Park, Corral Canyon Park, and Malibu Bluffs)

As discussed in Section 5.6.1, no prehistoric resources were identified during either the 2007 or 2009 intensive archaeological surveys within proposed Plan development areas. There are no recorded cemeteries located within or in the vicinity of proposed Plan areas. The potential for isolated burials to exist within slopes over 20 percent, where no intensive archaeological survey was completed, is highly unlikely, as these sacred actions are not known to have occurred on steep side slopes and, if they had occurred, would likely have been exposed by now. In addition, Public Resource Code 5097.98 would apply in the remote potential that human remains were identified within proposed Plan facilities. Therefore, the potential for construction and use of proposed Plan facilities would be unlikely to disturb Native American burial remains, and would therefore result in a ***less than significant*** impact.

Mitigation Measures

As this impact on cultural resources would be less than significant, no mitigation measures would be required. However, it should be noted that implementation of MM CR-1.1, MM CR-1.2, MM CR-1.3, and MM CR-2 and proposed Plan Archaeological Resources Implementation Measure 5 would further reduce the level of this less than significant impact.

Residual Impacts

This impact on cultural resources would be ***less than significant (Class III)***.

Impact CR-6: With mitigation, construction of proposed bridges in Ramirez Canyon Park and the Malibu Bluffs Conservancy Property would result in less than significant impacts on paleontological resources.

(Ramirez Canyon Park and Malibu Bluffs)

In general, grading and excavations within the Plan site area would result in maximum cuts approximately 4- to 8-foot deep into previously undisturbed soil. Excavation at the proposed bridge abutments in Ramirez Canyon Park and the Malibu Bluffs would, however, be approximately 10- to 15-foot deep. Past research (Jones & Stokes, 2009; Dibblee, 1993; Southwestern Engineering Geology, 2009; The Planning Center, 2009; National Park Service, 2008) within the Malibu area indicates that shallow excavations in the uppermost layers of soils and younger Holocene alluvium are unlikely to disturb significant vertebrate fossil remains. Implementation of the proposed Plan would, therefore, generally not result in excavations sufficiently deep to encroach within possible geological formations in which paleontological resources could be encountered. No potential impacts on paleontological resources would result. Deeper excavations for bridge abutments in Ramirez Canyon Park and the Malibu Bluffs would potentially encroach into Quaternary geologic age older dissected alluvial gravel, sand and clay that would have the potential to bear important vertebrate fossils. Without mitigation, this impact would be considered *potentially significant*.

Mitigation Measures

MM CR-6: In the event paleontological soils are uncovered during grading, a paleontological monitor shall be retained by the applicant to oversee ground

disturbing activities, including but not limited to all grading, excavation, and site preparation. The paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant resources. Should fossil-bearing formations be uncovered, the monitor shall professionally collect any specimens without impeding development. Any paleontological artifacts recovered shall be preserved, as determined necessary by the project paleontologist, and offered to an accredited and permanent scientific institution for the benefit of current and future generations.

This mitigation measure shall also apply to trenching for utilities, geological testing, and any other ground-disturbing activities associated with the proposed Plan.

Plan Requirements and Timing: The above mitigation shall be identified on all grading, construction, and restoration plans and shall be faithfully implemented during earth disturbance activities.

Monitoring: MRCA staff instruct construction workers on the implementation of this condition in advance of construction. In the event of the identification of any previously unknown paleontological site area, feature, or artifact concentration, the project paleontologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Residual Impacts

Implementation of MM CR-6 would reduce any potential impacts on paleontological resources to a ***less than significant level (Class II)***.

Analysis of Impacts Post-Mitigation

In addition to analysis of the project (as proposed), CEQA requires that an EIR discuss the environmental impacts associated with the implementation of any required mitigation. This section, therefore, evaluates how mitigation measures required in other sections of this EIR would affect impacts associated with hazardous materials.

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The mitigation measures identified in the all environmental impact analysis sections except for *Biological Resources* would have a less than significant impact related to cultural resources as implementation of the associated mitigations would create no new soil disturbance.

Biological Resources mitigations would require off-site land resources. Proposed Mitigation Sites are illustrated in Figure 5.2-3, FMMP Land Classification & Zoning for Proposed Mitigation Sites. A Phase I archaeological investigation consisting of a site records and literature search at the SCCIC, a search of the NAHC Sacred Lands File, and a field survey of the proposed Mitigation Sites was conducted in January 2010.

The 2009 SCCIC site records and literature search discussed in Section 5.5.1, *Existing Setting* encompassed the proposed Corral Canyon and Malibu Bluffs Mitigation Sites. A separate records search was undertaken in 2010 for the King Gillette Ranch and Tuna/Las Flores Canyon Mitigation Sites.

The 2009 records search indicates that four (4) cultural resources are located within or adjacent to the proposed Corral Canyon and Malibu Bluffs Mitigation Sites. CA-LAN-310 is located within a portion of the proposed Corral Canyon Mitigation Site above PCH and CA-LAN-479, CA-LAN-406 and CA-LAN-2937 are located adjacent to portions of the proposed Malibu Bluffs Mitigation Site.

The 2010 records search indicates that nine (9) cultural resources are located within or adjacent to the proposed King Gillette Ranch and Tuna/Las Flores Mitigation Sites. Seven (7) resources (one [1] prehistoric archaeological resource, one [1] historic archaeological resource, and five [5] historic architectural resources) are mapped within 1/8 mile of the mitigation site. However, no resources are located within the King Gillette Ranch Mitigation Site. One resource, CA-LAN-1915, a prehistoric artifact scatter is mapped within the northern portion of the proposed Tuna/Las Flores Canyon Mitigation Site. One other resource, a prehistoric flake scatter, is mapped within 1/8 mile of the mitigation site.

In addition to the SCCIC site records and literature search, a search of the Native American Heritage Commission (NAHC) Sacred Lands File was conducted in order to determine the location of any sacred and/or burial sites within proposed Mitigation Sites (see Appendix G-2 Cultural Resources Searches). The search of the NAHC Sacred Lands File did not indicate the presence of Native American sacred heritage resources within proposed Mitigation Sites.

An intensive archaeological field survey in January 2010 was conducted of ground surfaces within proposed Mitigation Sites. The Phase I archaeological survey was conducted in accordance with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, *Archaeological / Cultural Resources*. In areas with poor ground surface visibility (generally less than 10 percent) surface scrapes were implemented to increase visibility. The results of the proposed Mitigation Sites survey are discussed below.

Corral Canyon Mitigation Site: One (1) resource, CA-LAN-310 is mapped in the proposed Corral Canyon Mitigation Site, along the bluff top above PCH (see Section 5.5.1 Existing Setting for a description of the site).

Ground surface visibility was fair (10 to 50 percent). Shellfish fragments were observed in the area of CA-LAN-310.

King Gillette Ranch Mitigation Site: The SCCIC records search indicates that the mitigation site was previously surveyed in 1975, 1991, and 2006. Seven (7) resources (one [1] prehistoric archaeological resource, one [1] historic archaeological resource, and five [5] historic architectural resources) are mapped within 1/8 mile of the mitigation site. However, no resources are located within the King Gillette Ranch Mitigation Site; the closest resource is approximately 150 meters (492 feet) from the mitigation site.

The proposed King Gillette Ranch Mitigation Site is a man-made drainage cutting through an agricultural field. Vegetation consists of non-native grasses. Ground surface visibility was fair (10 to 50 percent). Rodent back dirt piles allowed examination of subsurface soils and were carefully and systematically inspected. No cultural material was observed on the ground surface.

Malibu Bluffs Mitigation Site: CA-LAN-479, CA-LAN-406 and CA-LAN-2937 are mapped adjacent to portions of the proposed Malibu Bluffs Mitigation Site (see Section 5.5.1 Existing Setting for descriptions of the sites).

In general, ground surface visibility was poor to fair (less than 10 to 50 percent). Clear areas and dirt paths afforded good to excellent (50 to 100 percent) visibility. Surface scrapes were implemented in areas with poor (less than 10 percent) ground surface visibility in order to increase visibility.

The non-diagnostic chunks of Monterey chert identified during the October 2009 Phase I survey of Trail 16 in the Malibu Bluffs (see Section 5.5.1 Existing Setting) were relocated. If

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the non-diagnostic chunks of Monterey chert are associated with CA-LAN-479, they are located approximately 30.5 meters (100 feet) from the closest mitigation site, as currently designed. Similar to the October 2009 Phase I survey, no prehistoric artifacts were identified in the areas where CA-LAN-406 and CA-LAN-2937 are mapped.

Tuna/Las Flores Canyon Mitigation Site: The SCCIC records search indicates that the mitigation site was previously surveyed in 1974 and 1991. One resource, CA-LAN-1915, a prehistoric artifact scatter is mapped within the northern portion of the proposed Tuna/Las Flores/Mitigation Site. One other resource, a prehistoric flake scatter, is mapped within 1/8 mile of the mitigation site.

CA-LAN-1915 was recorded in 1991 and is described as a scatter of chipped stone and ground stone artifacts. The artifacts include sandstone manos and mano fragments, and cores, flakes, choppers, and scrapers made of andesite and quartzite. The site record form indicates that a dirt road cuts through the site and that both sides of the road have been graded. The condition of the site is described as “badly disturbed.” There is a discrepancy between the site dimensions indicated on the site record form, depicted on the sketch map, and depicted on the USGS 7.5 minute series (1:24,000 scale) topographic map: the site record form indicates that CA-LAN-1915 is 150 X 100 meters (492 X 328 feet), the sketch map depicts the site as 205 X 50 meters (673 X 164 feet), and the USGS topographic depicts a boundary that is 170 X 38 meters (557 X 125 feet). In addition, the sketch map depicts the site in a slightly different location and with a slightly different shape than the USGS topographic map.

The proposed Tuna/Las Flores Mitigation Site is adjacent to series of dirt roads/fire breaks. Ground surface visibility was fair (10 to 50 percent). Naturally-occurring pebbles and cobbles were observed throughout the mitigation site but no prehistoric cultural material such as chipped stone or ground stone tools was observed on the ground surface.

Several shovel probes were excavated within the mapped CA-LAN-1915 site boundary to determine if subsurface cultural deposits were present. No prehistoric archeological artifacts were observed in the shovel probes; no prehistoric archaeological artifacts are present, on the ground surface or subsurface, within the mapped CA-LAN-1915 site boundary.

Impact CR-7: Without mitigation, implementation of Biological Resources mitigations at the proposed Corral Canyon Mitigation Site within 30.5 meters (100 feet) of CA-LAN-310 would result in potentially significant impacts on cultural resources.

(Corral Canyon Mitigation Site)

The intensive cultural resources survey of the proposed Mitigation Sites was characterized by generally good reliability, based on ground surface visibility.

Implementation of Biological Resources mitigations at the proposed Mitigation Sites would consist of limited grading for contour improvements, removal of non-native vegetation, extension of temporary irrigation lines (where adjacent to existing water sources) intended for plant establishment, seeding/ planting, and occasional site maintenance and monitoring. Shellfish fragments associated with CA-LAN-310 were observed in the proposed Corral Canyon Mitigation Site. Ground disturbances within this vicinity could encounter cultural remains. In the event that intact cultural remains are encountered during implementation of Biological Resources mitigations, the disturbance to these remains would be a *potentially significant* impact on cultural resources.

Archaeological Resources Policies 1 and 2 of the proposed Plan require development be designed to protect structures of historic, cultural, archaeological and paleontological significance. In the event that cultural resources are identified during implementation of Biological Resources mitigations, these policies would dictate that they be protected to the extent feasible. The following mitigation measures would ensure policy implementation.

Mitigation Measures

In addition to proposed Plan policies and implementation measures, the following mitigation measures are required.

MM CR-7.1 Biological Resources mitigations in the mapped CA-LAN-310 boundary, and a 100-foot buffer around the boundary, in the proposed Corral Canyon Mitigation Site shall be implemented with hand tools and shall not exceed six (6) inches in depth.

MM CR-7.2 All earth disturbances associated with Biological Resources mitigations in the mapped CA-LAN-310 boundary, and a 100-foot

buffer around the boundary, in the proposed Corral Canyon Mitigation Site shall be monitored by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative, funded by the applicant. The qualified archaeologist and local Native American representative shall evaluate the intactness and potential significance of all previously unknown cultural resources encountered during construction. If found to be significant, the resource shall be subject to appropriate mitigation.

MM CR-7.3

A Construction Monitoring Treatment Plan shall be developed and implemented to ensure that any new discoveries associated with CA-LAN-310 (in the proposed Corral Canyon Mitigation Site) are adequately recorded, evaluated, and if significant, mitigated.

Plan Requirements and Timing: A Construction Monitoring Treatment Plan shall be developed by a qualified archaeologist retained by MRCA and implemented to ensure that any previously unknown archaeological site areas, features, or artifact concentrations are adequately recorded, evaluated, and, if significant, mitigated. The Plan shall minimally describe the following:

- a. Qualifications and organization of monitoring personnel;
- b. Procedures for notifying the City of Malibu and/or County of Los Angeles and other involved or interested parties in case of a new discovery;
- c. Procedures that would be used to record, evaluate, and mitigate new discoveries with a minimum of delay;
- d. Procedures that would be followed in case of discovery of disturbed as well as intact human remains;
- e. Specifications that all ground disturbances associated with Biological Resources mitigations in the mapped CA-LAN-310 boundary, and a 100-foot buffer around the boundary, in the proposed Corral Canyon Mitigation Site shall be monitored by a City- or County-qualified archaeologist and a local Native American representative, funded by the applicant. The monitors shall have the authority to temporarily halt and/or redirect construction in the vicinity of any potentially significant

discovery to allow for adequate recordation, evaluation, and mitigation. Evaluation and mitigation could require archaeological testing and data recovery. In the unlikely event that human remains would be encountered, consultation with the most likely Native American descendant pursuant to Public Resources Code section 5097.97 and 5097.98 would apply.

The Construction Monitoring Treatment Plan shall be prepared by a City of Malibu- or County of Los Angeles-qualified archaeologist, and funded by the applicant. The monitoring program and its results shall be documented in a short letter report within 30 days after completion of all construction activities.

Monitoring: MRCA staff shall verify in the field the presence of the project archaeologist and Native American construction monitor(s). In the event of the identification of any previously unknown archaeological site area, feature, or artifact concentration, the project archaeologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Implementation of MM CR-1.1 requiring a pre-construction cultural resources workshop would also be required to reduce this impact on cultural resources.

Residual Impacts

Implementation of MM CR-4.1, MM CR-4.2, MM CR-4.3, and MM CR-1.1 would reduce any potential impact to a ***less than significant level (Class II)***.

Impact CR-8: Without mitigation, implementation of Biological Resources mitigations at the proposed Tuna/Las Flores Canyon Mitigation Site, within 30.5 meters (100 feet) of CA-LAN1915, would result in potentially significant impacts on cultural resources.

(Tuna/Las Flores Canyon Mitigation Site)

The intensive cultural resources survey of the proposed Mitigation Sites was characterized by generally good reliability, based on ground surface visibility. No prehistoric cultural materials were observed on the ground surface in the mapped CA-LAN-1915 location and no subsurface cultural materials were observed in several shovel probes. CA-LAN-1915 was recorded 19 years ago in an area that was described as “badly disturbed.” There is a discrepancy between the site dimensions listed in the site record form, depicted on the sketch map, and depicted on the USGS topographic map. In addition, the sketch map depicts the site in a slightly different location and with a slightly different shape than the USGS topographic map. Ground disturbances within this vicinity could encounter cultural remains. In the event that intact cultural remains are encountered during implementation of Biological Resources mitigations, the disturbance to these remains would be a *potentially significant* impact on cultural resources.

Archaeological Resources Policies 1 and 2 of the proposed Plan require development be designed to protect structures of historic, cultural, archaeological and paleontological significance. In the event that cultural resources are identified during implementation of Biological Resources mitigations, these policies would dictate that they be protected to the extent feasible. The following mitigation measures would ensure policy implementation.

Mitigation Measures

In addition to proposed Plan policies and implementation measures, the following mitigation measures are required.

MM CR-8.1 All earth disturbances associated with Biological Resources mitigations in the mapped CA-LAN-1915 boundary, and a 100-foot buffer around the boundary, in the proposed Tuna/Las Flores Canyon Mitigation Site shall be monitored by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative, funded by the applicant. The qualified

archaeologist and local Native American representative shall evaluate the intactness and potential significance of all previously unknown cultural resources encountered during construction. If found to be significant, the resource shall be subject to appropriate mitigation.

MM CR-8.2

A Construction Monitoring Treatment Plan shall be developed and implemented to ensure that any new discoveries associated with CA-LAN-1915 (in the proposed Tuna/Las Flores Canyon Mitigation Site) are adequately recorded, evaluated, and if significant, mitigated.

Plan Requirements and Timing: A Construction Monitoring Treatment Plan shall be developed by a qualified archaeologist retained by MRCA and implemented to ensure that any previously unknown archaeological site areas, features, or artifact concentrations are adequately recorded, evaluated, and, if significant, mitigated. The Plan shall minimally describe the following:

- a. Qualifications and organization of monitoring personnel;
- b. Procedures for notifying the City of Malibu and/or County of Los Angeles and other involved or interested parties in case of a new discovery;
- c. Procedures that would be used to record, evaluate, and mitigate new discoveries with a minimum of delay;
- d. Procedures that would be followed in case of discovery of disturbed as well as intact human remains;
- e. Specifications that all ground disturbances associated with Biological Resources mitigations in the mapped CA-LAN-1915 boundary, and a 100-foot buffer around the boundary, in the proposed Tuna/Las Flores Canyon Mitigation Site shall be monitored by a City- or County-qualified archaeologist and a local Native American representative, funded by the applicant. The monitors shall have the authority to temporarily halt and/or redirect construction in the vicinity of any potentially significant discovery to allow for adequate recordation, evaluation, and mitigation. Evaluation and mitigation could require archaeological testing and data recovery. In the unlikely event

that human remains would be encountered, consultation with the most likely Native American descendant pursuant to Public Resources Code section 5097.97 and 5097.98 would apply.

The Construction Monitoring Treatment Plan shall be prepared by a City of Malibu- or County of Los Angeles-qualified archaeologist, and funded by the applicant. The monitoring program and its results shall be documented in a short letter report within 30 days after completion of all construction activities.

Monitoring: MRCA staff shall verify in the field the presence of the project archaeologist and Native American construction monitor(s). In the event of the identification of any previously unknown archaeological site area, feature, or artifact concentration, the project archaeologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Implementation of MM CR-1.1 requiring a pre-construction cultural resources workshop would also be required to reduce this impact on cultural resources.

Residual Impacts

Implementation of MM CR-5a, MM CR-5b, and MM CR-1a would reduce any potential impact to a ***less than significant level (Class II)***.

Impact CR-9: **Without mitigation, ground disturbances associated with implementation of proposed Biological Resources mitigation outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries would result in potentially significant impacts on cultural resources.**

(Corral Canyon, King Gillette Ranch, Malibu Bluffs, and Tuna/Las Flores Canyon Mitigation Sites)

It is possible that ground disturbances outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries could have a remote potential to identify unknown cultural resources. Although unlikely, there is also the remote potential that unknown sub-

surface cultural material could be buried in proposed improvement areas that were intensively surveyed. These impacts would be considered *potentially significant*.

Mitigation Measures

MM CR-9: In the unlikely event that potentially significant archaeological resources are encountered during ground disturbances associated with implementation of proposed Biological Resources mitigation outside of the 30.5 meter (100 foot) buffer around recorded archaeological site boundaries, ground disturbances shall be temporarily halted, and the significance of the resources shall be evaluated by a City of Malibu- or County of Los Angeles-qualified archaeologist and a local Native American representative during a Phase 2 archaeological investigation consistent with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, *Archaeological/Cultural Resources* guidelines. If the resource is determined to be significant, a Phase 3 data recovery mitigation program shall be completed consistent with the City of Malibu Local Coastal Program Local Implementation Plan, Chapter 11, *Archaeological/Cultural Resources* guidelines.

Plan Requirements and Timing: The above mitigation shall be identified on all grading, construction, and restoration plans and shall be faithfully implemented during earth disturbance activities.

Monitoring: MRCA staff instruct construction workers on the implementation of this condition in advance of construction. In the event of the identification of any previously unknown archaeological site area, feature, or artifact concentration, the project paleontologist shall be consulted and review and approve any treatment plan for evaluating the significance of the find and determining appropriate mitigations.

Residual Impacts

Implementation of MM CR-9 would ensure that the remote potential for impacts on unknown cultural resources would be *less than significant (Class II)*.

5.5.3 Cumulative Impacts

Archaeological Resources

Area of Influence: The area of influence for evaluating cumulative impacts on archaeological resources extends throughout the area that was prehistorically occupied by the Ventureño Chumash and the Tongva/Gabrielino. As discussed above, this area identified in the 1995 City of Malibu Draft General Plan Final Impact Report (City of Malibu 1995) extended from Rincon Point in the north to Newport Bay in the south, and inland from the coast to the San Joaquin Valley and the Santa Ana and Santa Monica mountains. Archaeological sites in this Area of Influence potentially share similar characteristics of populations who were last to inhabit the Malibu area before Missionization in the late 18th century. It is important to recognize, however, that prehistoric archaeological sites in the Area of Influence are components of a larger cultural interaction sphere.

Development in the Area of Influence, like that in the City of Malibu, is considered to have resulted in the destruction of over 90 percent of all prehistoric and historic archaeological sites in the area. Within the Area of Influence, this has resulted from urbanization of Ventura, the Oxnard coastal plain, and Camarillo, the greater Los Angeles area, military installations at Port Hueneme, and agricultural land modifications. This has resulted from the fact that desirable locations for modern development are based on similar environmental factors that prehistoric populations favored. These past related projects within the Area of Influence have resulted in *significant cumulative impacts on archaeological resources*.

Development within the Area of Influence outside of the proposed Plan area is anticipated to continually grow. This suggests that additional disturbance to archaeological resources would potentially occur. Examples of this type of development, including residential, commercial, and recreational projects, are located along drainages and landforms that have a high likelihood to include unknown archaeological sites. County and City permit review processes would be applied to minimize the potential effects on important archaeological resources within the Area of Influence. The ability to completely avoid impacts on all archaeological sites through project redesign or specifications is unlikely, given competing objectives for achieving return of investments on undeveloped properties and potential constraints on site size. Therefore, related future development in the Area of Influence is considered to have a potentially significant cumulative impact on archaeological resources.

The proposed Plan includes trails, camping facilities, and parking facilities. Though possible,

the probability that construction and use of the proposed Plan facilities would impact known or unknown cultural resources or human remains is very low; as discussed above, with mitigation, the Plan would result in less than significant impacts on cultural resources. For these same reasons, the proposed Plan's potential contribution to the cumulative impact on cultural resources would be *less than significant*.

Mitigation Measures

Because the Plan's contribution to the existing cumulative impact would not be cumulatively considerable, no mitigation measures are required.

Residual Impacts

The proposed Plan's contribution to the existing cumulative impacts on archaeological resources would be ***less than significant (Class III)***.

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