

**CULTURAL RESOURCES AND NATIVE AMERICAN REMAINS
MONITORING AND MITIGATION COMPLIANCE PLAN**

City of Avalon, California

Prepared by:
Ray Corbett, Ph.D., RPA.
Richard Guttenberg, M.A., RPA.



John Minch and Associates, Inc.
26623 Sierra Vista
Mission Viejo, CA 92692
TEL (949) 367-1000
FAX (949) 367-0117

Contact Person
Edwin Minch (714) 501-4163 (cell)

Prepared for:

City of Avalon, CA

Contact Person
Amanda Cook, Planning Director, City of Avalon

January, 2018

TABLE OF CONTENTS

- 1.0 CITY OF AVALON POLICY STATEMENT
- 2.0 CULTURAL RESOURCES AND NATIVE AMERICAN HUMAN REMAINS
 - 5.1 Field Protocols for Cultural Resources
 - 5.2 Field Protocols for Human Remains
- 3.0 CONCLUSION

1.0 CITY OF AVALON POLICY STATEMENT

Santa Catalina Island, called Pimu in its native language, is the ancestral home of the Gabrielino/Tongva Tribe. In particular, the area of the island now known as Avalon was the site of a large prehistoric village and cemetery. Although portions of the downtown area of Avalon have been disturbed by the installation, repair and improvement of utility facilities, roadwork, and related construction activities, other areas have intact archaeological deposits. Underground facilities will continue to require additional excavations for repair and replacement which may impact these cultural resources.

The City of Avalon realizes the importance of preserving and protecting cultural resources and Native American human remains from vandalism and inadvertent destruction. The City therefore wishes to establish a proactive notification process outlining the laws and responsibilities governing anyone uncovering cultural resources, archaeological features, or human remains during excavations within its jurisdiction. Accordingly, the City will enact policy and procedures to comply with California Assembly Bill No. 52 (AB 52) which require consultation between a lead agency and California Native American Tribes. Provisions of AB 52 require that prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the City, as lead agency, will begin consultation with a Native American Tribes that have requested to be informed of proposed projects. The Native American Tribes which have requested to be informed of such projects will be maintained on the City's AB 52 consultation list. Tribes so notified of proposed projects have 30 days to request consultation on specific projects pursuant to AB 52. In turn, the City shall begin the consultation process with Native American Tribes within 30 days of receiving a Tribe's request for consultation.

The City will, as a regular policy, provide a copy of the *Professional Guide for the Preservation and Protection of Native American Remains and Associated Grave Goods* published and provided by the California Native American Heritage Commission to:

- Each applicant when an excavation permit is issued.
- Governmental agencies or private companies currently holding a blanket excavation permit from the City of Avalon.

In addition, the City of Avalon will:

- Include a reference to this material in its Project Management Guide for Capital Improvement Projects.
- Maintain a record of the location and depth of each burial site found and brought to its attention.

It is the City of Avalon's intent that by implementing this procedure it will establish community awareness of the laws relating to preserving and protecting cultural resources and Native American remains from vandalism and inadvertent destruction.

2.0 CULTURAL RESOURCES AND NATIVE AMERICAN REMAINS

A qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standard for Archaeology will be retained for ground disturbing projects within the City of Avalon. The qualified archaeologist will serve as the Principal Archaeologist and ensure compliance with all local, state, and federal laws and regulations. An archaeological monitor and Tribal Monitor/Representative will monitor all ground disturbing activity and provide technical support to the City during projects. The Tribal Monitor/Representative will be someone of Gabriolino/Tongva descent. The archaeological monitor operates under the supervision of the Principal Archaeologist, and the archaeological monitor and Tribal Monitor/Representative have the authority to redirect work as necessary in order to evaluate and protect newly discovered cultural resources and/or Native American remains.

2.1 Field Protocols for Cultural Resources

Cultural resources include any tangible or observable evidence of prehistoric human activity, properties possessing intangible traditional cultural values, and historic resources. Identification, avoidance, and protection measures will be taken during the execution of ground disturbing activities within the City of Avalon to protect cultural resources in accordance with all applicable laws, regulations, and policies as follows:

- If the area of a particular project has not been previously surveyed, a pre-project pedestrian survey will be conducted by the Principal Archaeologist in order to proactively identify cultural resources. If cultural resources are identified during the initial survey, the Principal Archaeologist and the City will consult with

Gabrielino/Tongva Tribal Representatives to develop a plan which minimizes adverse effects. When feasible, projects should be re-designed to avoid impacts to these resources.

- City of Avalon and subcontractor field personnel will receive training for identifying cultural features, archaeological sites, and artifacts. This training will be jointly conducted by the Principal Archaeologist and a Tribal Monitor/Representative before work begins.
- An archaeological monitor and Tribal Monitor/Representative will be present to oversee all grading and construction activities that:
 - a) May uncover or expose cultural resources (e.g. vegetation grubbing and removal).
 - b) Involves ground disturbance (e.g. mechanical grading, trenching, etc.)
- The archaeological monitor and Tribal Monitor/Representative have the authority to temporarily redirect work if there are archaeological concerns associated with vegetation clearing or ground disturbing activities.
- Unanticipated discovery of cultural resources: if previously undiscovered cultural resources are encountered during any portion of the project, construction will be immediately halted within 50 feet of the discovery area and work in the affected area will be suspended or redirected and the Principal Archaeologist immediately notified. The City, Gabrielino/Tongva Tribal Representatives and the Principal Archaeologist will consult regarding preservation in place or professional retrieval and preservation of artifacts prior to further disturbance.
- Following its evaluation, if the find is determined by the Principal Archaeologist to be a historical or unique archaeological resource, as defined by the California Environmental Quality Act (CEQA), contingency funding and a time allotment shall be provided in order to sufficiently implement avoidance measures or appropriate mitigation. While historical/archaeological resource mitigation is in progress, construction may continue on other parts of the site.
- Newly discovered cultural resources will be fully documented and recorded by the Principal Archaeologist. Site record forms for these sites will be submitted to

the South Central Coastal Information Center (SCCIC) at California State University Fullerton and thus be recorded in the California Historical Resources Information System (CHRIS) inventory. Site record forms and associated documentation will be provided to Gabrielino/Tongva Tribal Representatives.

- Pursuant to CEQA, any adverse impacts to newly discovered significant cultural resources are to be mitigated by avoidance and/or preservation in place. Should preservation of such sites be infeasible, a Phase III data recovery (excavation) program is to be determined through consultation with the Principal Archaeologist, the City of Avalon, and Gabrielino/Tongva Tribal Representatives for the sites so affected. Excavation will serve to record, collect and preserve the scientific information contained therein, thereby mitigating unavoidable impacts to the affected cultural resource in compliance with CEQA regulations.
- In the event that isolated artifacts are encountered, the archaeological monitor shall obtain a GPS position of the artifact's exact location and the artifact will be photographed and documented utilizing DRP Form 523: Primary Record so that the location and description of the artifact can be added to the California Historical Resources Inventory System (CHRIS).
- Details of final disposition of cultural materials will be negotiated between the Principal Archaeologist, the City of Avalon, and Gabrielino/Tongva Tribal Representatives. All artifacts not reinterred and associated documentation from archaeological excavations will be curated on island for the benefit of the City or Avalon residents and visitors. A signed curation agreement by the City of Avalon will be required for each project, and funds for curation fees, if applicable, should be set aside to ensure that this obligation will be met.

2.2 Field Protocols for Human Remains

Identification, avoidance, and protection measures will be taken during the execution of ground disturbing activities within the City of Avalon to protect and encourage culturally sensitive and respectful treatment of Native American remains. The following field protocols are derived from the *Professional Guide for the Preservation and Protection of Native American Remains and*

Associated Grave Goods provided by the California Native American Heritage Commission and comply with California State law, regulations, and policies.

- Human remains: Pursuant to the California Health and Safety Code Section 7050.5, in the event that human remains are discovered, all activity in the vicinity will be halted, the area protected from further disturbance, and the Los Angeles County Coroner shall be contacted immediately. If the Coroner, with the aid of the Principal Archaeologist, determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission (NAHC). The NAHC, pursuant to the California Public Resources Code Section 7097.98, will in turn identify, designate and notify a Most Likely Descendant.
- The Most Likely Descendant will consult with the City of Avalon and the Principal Archaeologist and within 48 hours of their notification, recommend their preference for the respectful treatment and disposition of the remains. Recommendations may include: A) preservation of Native American remains and associated items in place, B) the scientific removal and nondestructive analysis of the remains and associated items, C) the reburial of the remains and associated items with appropriate dignity on the property in a location not subject to further disturbance, or D) other culturally appropriate treatment.

3.0 CONCLUSION

The City of Avalon features a remarkable cultural heritage that spans millennia. The preceding protocols are established in recognition of the City's goal to protect and preserve significant cultural resources and to ensure that Native American remains are treated with appropriate respect and dignity. In addition, these protocols are drafted in order to facilitate the City's compliance with all applicable state laws and regulations concerning cultural resources and Native American human remains.