

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: September 26, 2003
49th Day: November 14, 2003
180th Day: March 24, 2004
Staff: KFS-LB *AS*
Staff Report: October 16, 2003
Hearing Date: November 5-7, 2003
Commission Action:



W9e

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-03-279

APPLICANT: Boeing Realty Corporation

AGENT: Dave Bartlett Associates

PROJECT LOCATION: 2600 Westminster Blvd., City of Seal Beach, Orange County

PROJECT DESCRIPTION: Archeological investigation including mechanical trenching, shovel test probes and 1 meter by 1 meter test excavation units.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommend that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions. The proposed project is an archeological investigation within a project area known to contain wetlands and other biological resources including two special-status plant species. The applicant is proposing to avoid all direct impacts and to maintain a 30 to 500 foot buffer between proposed activities and wetlands and areas containing special-status plant species. Also, the proposed archeological investigation has been sent to several Native American individuals and groups with cultural ties to the area including the representatives of various Gabrielino/Tongva Tribal Councils, the Juaneno Band of Mission Indians tribal councils. Individuals who responded to the request for review did not object to the investigation plan but did identify issues that have been addressed in the plan and/or in the recommended special conditions. Furthermore, the investigation has been peer reviewed by a registered professional archeologist who found the research design to be adequate provided certain changes were made to the plan (which were incorporated into the plan). Commission staff recommend the Commission approve the project with special conditions which require: 1) that the applicant conduct the archeological investigation in accordance with the proposed, peer-reviewed research design and that all activities be monitored by archeologists and Native American monitors (with cultural ties to the area); 2) that the applicant avoid impacts to wetlands and other biological resources and that the applicant implement certain measures to avoid water quality impacts; and 3) that the applicant comply with the permit, as conditioned.

LOCAL APPROVALS: City of Seal Beach Approval in Concept dated September 25, 2003.

SUBSTANTIVE FILE DOCUMENTS: *Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach, California by EDAW, Inc. of San Diego, California dated September 2003 (Confidential – see Public Resources Code, Div. 5, Chap. 1.75, Sections 5097.9 - 5097.991 and Government Code Section 6254); Jurisdictional*

Delineation for Pacific Gateway Business Center, Orange County, California by Glenn Lukos Associates of Lake Forest, California dated June 27, 2001; *Biological Technical Report, Pacific Gateway Seal Beach Project, Orange County, California* by Glenn Lukos Associates dated October 2001; Memorandum regarding Location of Archeological Investigation Sites on Boeing Property Relative to Artificial Drainage Ditches, by Glenn Lukos Associates dated April 16, 2002 (Confidential – see Public Resources Code, Div. 5, Chap. 1.75, Sections 5097.9 - 5097.991 and Government Code Section 6254).

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION:

"I move that the Commission approve with special conditions Coastal Development Permit 5-03-279 per the staff recommendation as set forth below."

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote which would result in approval of the permit as conditioned and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE A PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent

manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. ARCHAEOLOGICAL INVESTIGATION

The permittee shall undertake the proposed archaeological investigation in conformance with the proposed archaeological research design entitled *Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach, California* by EDAW, Inc. of San Diego, California dated September 2003. Archaeological monitors qualified by State Office of Historic Preservation (OHP) standards and Native American monitors appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be present on the site during the entire archeological investigation. The permittee shall provide sufficient archeological and Native American monitors to assure that all archeological work is monitored at all times. Upon completion of the archaeological investigation, the applicant shall submit, for the review and approval of the Executive Director, a written report summarizing the findings of the archaeological investigation. If cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts are uncovered during investigation, the archaeologist, in consultation with the Native American monitor, OHP and NAHC, shall evaluate the discoveries and develop a treatment plan for the review and approval of the Executive Director. Upon review of the summary report and any treatment plan, the Executive Director shall determine whether an amendment or new permit is required to implement additional investigation and/or treatment of the cultural deposits. If human remains are found, the Commission requires that the applicant carry out identification and avoidance, recovery or reburial consistent with State Law. The report summarizing the archeological investigation and any treatment plan shall also be submitted to the OHP, NAHC and the appropriate Native American persons/groups with cultural affiliation with the area that are designated or deemed acceptable by the NAHC.

2. GENERAL CONSTRUCTION RESPONSIBILITIES

- A. The permittee shall comply with the following investigation-related requirements:
 1. The on-site drainages and wetlands and special-status plant species shall not be impacted by the project. All plans and specifications for the project shall indicate that impacts to the drainages, wetlands and special-status plant species shall be avoided and that no impact to the drainages, wetlands or special-status plant species is authorized by the California Coastal Commission.

2. Except at the two specific locations identified by the applicant in a Memorandum submitted to the Commission dated April 16, 2002, by Glenn Lukos Associates, one site having a 30 foot buffer and one site having a 90 foot buffer, a minimum 100 foot buffer shall be established between all work approved by this permit and any drainages, wetlands and areas containing special-status plant species. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to plastic mesh, solid wood or chain link fencing) shall be placed between the investigation areas and the buffer protecting the drainages, wetlands and areas containing special status plant species. Barriers and other work area demarcations shall be inspected and approved by a qualified biologist. All temporary barriers, staking, fencing shall be removed upon completion of the archeological investigation.
3. All areas disturbed and/or denuded by the project shall be re-vegetated with non-invasive vegetation for erosion control purposes or otherwise stabilized to prevent erosion. Furthermore, any inadvertent impacts to drainages, wetlands or areas containing special-status plant species by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is required.
4. No construction materials, debris, or waste shall be placed or stored where it may enter areas containing special-status plant species or wetlands, or any storm drain or be subject to wave erosion and dispersion;
5. No equipment shall be staged or stored within any habitat area or within 100 feet of any drainages, wetlands or areas containing special-status plant species;
6. Investigation materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into wetlands, habitat areas and coastal waters by wind, rain or tracking. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs selected shall be maintained in a functional condition throughout the duration of the project. A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines.
7. Disposal of debris and excess material. Debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required. No debris or excess material shall be placed on or within 100 feet of any drainages, wetlands or areas containing special-status plant species.
8. Debris and sediment shall be removed from the investigation areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.
9. Any and all debris resulting from investigation activities shall be removed from the project site within 24 hours of completion of the archeological investigation.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised site access, staging, work area and equipment storage plan(s) which conforms with the requirements of subsection A.1 through A.9. of this special condition. The permittee shall undertake development in accordance with the approved final plan(s). Any proposed changes to the approved final plan(s) shall be reported to the Executive Director. No changes to the approved final plan(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. PERMIT COMPLIANCE

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth herein. Any deviation from the approved plans must be reviewed and approved by the Executive Director and may require Commission approval.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares:

A. Project Description

The proposed project is located at the 107 acre Boeing Integrated Defense Systems campus property at 2600 Westminster Boulevard, Seal Beach, Orange County (Exhibit 1)¹. The proposed project is to conduct an archeological investigation. Historically, the subject site was a low formerly marshy area. However, the applicant indicates that the site was overlain by an unknown quantity of fill material placed there during construction of the Boeing facility and the Los Alamitos Retarding Basin (LARB) in the 1960's. The project site is traversed by three ditches, of which at least portions of two contain wet habitat that qualify as wetlands under the Coastal Act. The third ditch may also contain wetlands (a matter still under investigation). In addition, although most of the site is disked on a regular basis for fire control, at least two types of special-status plant species, southern tarplant and woolly sea-blite, are present on the site largely within the drainage ditches.

The proposed archeological investigation is described in the document titled *Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach, California* prepared by EDAW, Inc. of San Diego, California dated September 2003. A surficial survey of the site has identified seven potential prehistoric archeological sites based primarily on the presence of sparse to dense shell scatters. Since some or all of the site is overlain by some fill material it is unknown whether the shell scatters are present because they were re-deposited on the site or whether they were generated by on-site activity. The initial goal of the testing program "...will be to determine whether the cultural materials have been substantially redeposited from elsewhere..." If testing finds that the cultural materials were not re-deposited then an assessment will be made as to whether the sites have any scientific value. If the sites are intact and retain integrity the horizontal and vertical extent of the archeological sites will be described and the materials

¹ A more specific site plan is not provided of the location of potential archeological artifacts due to confidentiality requirements - see Public Resources Code, Div. 5, Chap. 1.75, Sections 5097.9 - 5097.991 and Government Code Section 6254

analyzed. A report documenting the results of the investigation will be generated and will include a recommended treatment program.

The proposed archeological investigation would test seven sites within the project area. Testing will involve surface examination and mapping, mechanical trenching, shovel test pits, test excavation units, collection of special samples, and subsequent analysis. Proposed trenches will be excavated by backhoe and will be approximately one meter wide, five meters long and no more than 1.5 meters deep. There would be up to 30 five-meter trenches.

Shovel test pits (STP) will be used to define the extent of any subsurface midden deposits identified by the trenching. The STPs would be placed along a 20 meter grid pattern. The STPs would be 30 x 30 centimeters and a maximum of 50 centimeters deep.

Based on the results of the trenching and STPs, Test Excavation Units (TEU) would be used to sample the content and establish the depth of any cultural deposits discovered. TEUs would measure 1 meter by 1 meter with a total of 15 TEUs proposed.

No part of the proposed investigation would occur within any wetlands or areas containing special-status plant species. At closest, the trenching or pits would be placed within 30 feet of the three drainage ditches which cross the site.

B. Archaeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Scattered evidence of potential archaeological resources have been found at the subject site. The proposed project would investigate these potential resources to determine their extent and significance.

The proposed archeological investigation research design was submitted for review to 13 Native American groups and individuals having potential cultural ties to the area including representatives of the Gabrielino/Tongva, Juaneno Band of Mission Indians/Acjachemen Nation, Ish Panesh United Band of Indians, Ti'At Society, and the Coastal Gabrieleno Diegueno. At least 3 individuals responded to the request, including Mr. Anthony Morales and Mr. Robert Dorame with the Gabrielino/Tongva, and Ms. Joyce Stanfield Perry. Comments are generally supportive of the research plan (Exhibit 2). Notably, Mr. Dorame provides an anecdotal report that human remains were unearthed on this site by an amateur archeologist sometime between the 1950's and 1980's. Mr. Dorame requests that all archeological investigation work and any future grading at the site be monitored by representatives from the Gabrieleno/Tongva (Exhibit 2).

Furthermore, the research design was submitted for peer review to Dr. Roger D. Mason, a Registered Professional Archeologist (Exhibit 3). Dr. Mason's comments were incorporated into the research design. Finally, the proposed investigation was submitted to the State Office of Historic Preservation and to the Native American Heritage Commission on February 22, 2002, for

their review and comment. As of the date of this staff report, neither agency has provided comments on the document to Commission staff.

In order to assure that development is undertaken consistent with Section 30244 of the Coastal Act, the Commission finds that the permittee shall undertake the proposed archaeological investigation in conformance with the proposed archaeological research design entitled *Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach, California* by EDAW, Inc. of San Diego, California dated September 2003. Archaeological monitors qualified by State Office of Historic Preservation (OHP) standards and Native American monitors appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be present on the site during the entire archeological investigation. The permittee shall provide sufficient archeological and Native American monitors to assure that all archeological work is monitored at all times. Upon completion of the archaeological investigation, the applicant shall submit, for the review and approval of the Executive Director, a written report summarizing the findings of the archaeological investigation. If cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts are uncovered during investigation, the archaeologist, in consultation with the Native American monitor, OHP and NAHC, shall evaluate the discoveries and develop a treatment plan for the review and approval of the Executive Director. Upon review of the summary report and any treatment plan, the Executive Director shall determine whether an amendment or new permit is required to implement additional investigation and/or treatment of the cultural deposits. If human remains are found, the Commission requires that the applicant carry out identification and avoidance, recovery or reburial consistent with State Law. The report summarizing the archeological investigation and any treatment plan shall also be submitted to the OHP, NAHC and the appropriate Native American persons/groups with cultural affiliation with the area that are designated or deemed acceptable by the NAHC. Therefore, the Commission imposes Special Condition 1 and finds that, as conditioned, the project is consistent with Section 30244 of the Coastal Act.

The Commission also clarifies that this approval is only for the archeological work specifically identified in the September 2003 plan. All development must occur in strict compliance with the proposal, subject to any special conditions set forth herein. Any deviation from the approved plans, including but not limited to additional test pits or trenching and/or the excavation and removal of anything other than samples of cultural deposits as described in the 2003 plan, must be reviewed and approved by the Executive Director and may require Commission approval. Therefore, the Commission imposes Special Condition 3, and finds that, as conditioned, the project is consistent with Section 30244 of the Coastal Act.

C. Biological Resources and Water Quality

The project site is traversed by three drainage ditches (Ditches A, B and C), of which at least two (Ditch A and B) contain wet habitat that qualify as wetlands under the Coastal Act. Biological monitoring of Ditch C is continuing to determine whether there is any wetland habitat within Ditch C.

In addition to wetlands, the site contains two special-status plant species, the southern tarplant (*Centromedia parryi* ssp. *Australis*) and woolly sea-blite (*Suaeda taxifolia*). The southern tarplant

is a California Native Plant Society (CNPS) List 1B species². Approximately 385 individual plants are within and along the margins of Ditch C. The woolly sea-blite is a CNPS List 4 plant species³. Approximately 12 individual plants were identified in Ditch B.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Buffer areas are undeveloped lands surrounding wetlands and sensitive habitat. Buffer areas serve to protect wetlands and sensitive habitat from the direct effects of nearby disturbance. In addition, buffer areas can provide necessary habitat for organisms that spend only a portion of their life in wetlands such as amphibians, reptiles, birds, and mammals. Buffer areas provide obstructions which help minimize the entry of domestic animals and humans to wetlands and sensitive habitat. Buffers also provide visual screening between wetland and other sensitive species that are sensitive to human impacts, such as lighting. Buffers can also reduce noise disturbances to wetland and sensitive species from human development.

The proposed project would involve using heavy equipment and hand tools to dig trenches and pits for the archeological investigation. These activities have the potential to disturb sensitive or potentially sensitive habitat on the project site. However, the applicant is proposing to maintain a distance of 30 to 500 feet between proposed activities and Drainages A through C and areas containing special-status plant species that are located on the site. Accordingly, there is no proposed direct impact to Drainages A through C, or areas containing special status plant species.

² Plants considered by CNPS to be rare, threatened, or endangered in California and elsewhere

³ Plants of Limited Distribution - A Watch List

It should be noted that the Commission commonly requires a minimum 100 foot wide buffer between development activity and sensitive resources on the site. In this case, there is one instance of a 30 foot buffer (in the area of Drainage C), and one instance of a 90 foot buffer (in the vicinity of Drainage B), which is less than the minimum 100 foot buffer normally required by the Commission to protect sensitive resources. The remainder of the test sites will have a minimum 120 foot buffer between proposed archeological activity and the drainages and areas containing special-status plant species. The proposed development includes trenching and test pits for an archeological investigation. These archeological activities are exploratory in nature, involve temporary impacts and are low in intensity. Once the archeological investigation is concluded, the disturbed areas would be restored to their pre-project condition. Accordingly, the development is temporary and involves no permanent development (e.g. new buildings, new on-going use, etc.). The absence of a new on-going use or intensification of use of the site minimizes any risk to the drainages or areas containing special-status plant species from the types of impacts that buffers normally provide protection from such as noise, light, and domestic animal intrusions. Due to the temporary nature and low intensity of the proposed development, the Commission finds that, with the implementation of the restrictions outlined further below, the proposed buffers are adequate to protect the drainages and areas containing special-status plant species from the types of disturbance that would be associated with the proposed archeological investigation.

Although the applicant is proposing a buffer between investigation activities and the drainages and areas containing special-status plant species, there is potential for resources to be impacted. For instance, the staging plan submitted indicates that site access and investigation staging and work areas may encroach closer than 30 feet of the drainages and areas containing special-status plant species. In addition, the persons undertaking the archeological investigation will need to take special precaution to avoid disturbing resources. For example, due to the disturbed nature of the resources, a person whom does not have training in the identification of wetlands and special-status plant species may not recognize the location of those resources. In order to assure that adverse impacts do not occur, the Commission imposes Special Conditions 2 and 3. Special Condition 2 requires that the applicant avoid impacts to the drainages and areas containing special status plant species, to establish a minimum 100 foot wide buffer between wetlands, and areas containing special status plant species (except at the two specific locations described above where the applicant has identified a minimum 30 foot buffer and 90 foot buffer). Furthermore, prior to commencement of the work approved by this permit, the applicant shall install a temporary barrier or work area demarcation (such as but not limited to plastic mesh, solid wood or chain link fencing) between the investigation areas and the buffer protecting the drainages and areas containing special-status plant species. Barriers and other work area demarcations shall be inspected and approved by a qualified biologist. All temporary barriers, staking, fencing shall be removed upon completion of the archeological investigation. Also, no equipment shall be stored within any drainage or area containing special-status plant species or within 100 feet of those areas. Special Condition 2 also requires that the applicant, prior to issuance of the permit, submit a revised site access, and equipment/work staging and storage plan, for the review and approval of the Executive Director, which complies with the habitat impact avoidance requirements of Special Condition 2, as outlined above and below.

The proposed trenching and test pits would disturb soil and generate soil stockpiles. If these soils are not properly contained they could be discharged into wetlands and coastal waters causing sedimentation and turbidity impacts. Therefore, Special Condition 2 requires that all areas disturbed and/or denuded by the project shall be re-vegetated with non-invasive plant species or otherwise stabilized to prevent erosion. In addition, Special Condition 2 requires that no construction materials, debris, or waste shall be placed or stored where it may enter wetlands or

areas containing special-status plant species, or any storm drain or be subject to wave erosion and dispersion; and that investigation materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into wetlands, habitat areas and coastal waters by wind, rain or tracking. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs selected shall be maintained in a functional condition throughout the duration of the project. A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines. Also, Special Condition 2 requires that debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required. No debris or excess material shall be placed in or within 100 feet of the drainages or areas containing special-status plant species. Finally, debris and sediment shall be removed from the investigation areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters and any and all debris resulting from investigation activities shall be removed from the project site within 24 hours of completion of the archeological investigation.

Also, the proposed project is occurring within 30 to 500 feet of the drainages and areas containing special status plant species. A buffer, including work area demarcations and barriers, is required to be established between the proposed project and these sensitive or potentially sensitive areas to prevent impacts. Nevertheless, impacts to such areas could occur inadvertently. Under such circumstances, the applicant would be required to mitigate for the impacts. Thus, Special Condition 2 informs the applicant that they must notify the Executive Director of any inadvertent impacts within 24 hours of the impact and that mitigation for any inadvertent impacts is required and would require an amendment to this permit or a new permit unless the Executive Director determined that no amendment or new permit is required.

Also, the Commission imposes Special Condition 3. Special Condition 3 requires the applicant to comply with their proposal to avoid impacts to the drainages and areas containing special status plant species. For instance, the applicant proposes specified setbacks from the drainage ditches ranging from 30 to 500 feet. The applicant must comply with these proposed setbacks because they are necessary to protect biological resources. If any changes to the setbacks occurs, the applicant must notify the Executive Director and such changes may require an amendment to this permit.

As conditioned, the Commission finds the proposed development consistent with Sections 30230, 30231 and 30240(b) of the Coastal Act.

D. Local Coastal Program

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter Three policies of the Coastal Act.

E. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is located in an urban area. The Commission has imposed special conditions to assure that development is undertaken in accordance with the plans as submitted as well as undertaken in a manner which avoid impacts to on-site drainages and areas containing special-status plant species. The proposed project has been found consistent with the archeological and biological resource protection policies of Chapter Three of the Coastal Act.

As conditioned, no feasible alternatives or feasible mitigation measures are known which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

EDAW

1420 Kettner Boulevard, Suite 620
San Diego, California 92101
Phone 619.233.1454
Fax 619.233.0952

DISTRIBUTION:

Contact Report Form

EDAW Contact: Andrew York

Date: September 11, 2003

Project No.: OK053.1

CONTACT INFORMATION

Individual Contacted: Anthony Morales, Chairperson

Agency/Organization/Address: Gabrielino/Tongva Tribal Council Phone No.: 626-286-1758

ITEMS DISCUSSED

Mr. Morales called to provide a comment on the Research Design for the Boeing Property archaeological investigations. He suggests that Robert Dorame continue to serve as lead Native American monitor for the project. Since Mr. Dorame was monitor on the earlier phases of the field work, he would provide continuity.

COASTAL COMMISSION
5-03-279

EXHIBIT # 2
PAGE 1 OF 3

FOLLOW UP

BOEING DEVELOPMENT PROJECT, SEAL BEACH

Robert F. Dorame, Chairperson
Gabrielino Tongva Indians of California Tribal Council
P.O. Box 490
Bellflower, CA 90707

RECEIVED
SEP 22 2003
BY: _____

Please check all that apply:

- Please call me to discuss the project further; my day-time phone number is (562) 7616417 or my evening phone number is (_____)_____
- I have further comments as provided below
- I do not have any comments

Comments:

1) A FORMER POTHUNTER (AMATEUR ARCHAEOLOGIST)
ACTIVE FROM THE 1950'S THROUGH THE 1980'S INFORMED OUR TRIBE (G.T.I.O.C.) THAT HUMAN REMAINS WERE UNEARTHED ON THE BOEING SITE NEAR HILL AND ADOLFO ^{LOPEZ} DRIVE. THIS IS NOT TO BE CONFUSED WITH ORA 264 TO THE SOUTH OR ORA 265 TO THE WEST BUT INSTEAD, AN INDEPENDENT LOCATION, WHICH WE CONSIDER EXTREMELY SENSITIVE.
²⁾ IT IS THEREFORE CRITICAL THAT GABRIELINO TONGVA INDIANS ARE ENGAGED TO MONITOR ALL PHASES OF ARCHAEOLOGICAL TESTING AND ALL PHASES OF PRE CONSTRUCTION INCLUDING SOIL TESTING, GRADING AND UTILITY TRENCHING THAT INVOLVES ANY SOIL DISTURBANCE.

Signature:

Robert F. Dorame, Chairperson

SEPT. 17, 03

COASTAL COMMISSION

EXHIBIT # 2
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9-25-03 A(1)

From: "Joyce Perry" <kaamalam@cox.net>
To: <yorka@edaw.com>
Date: 9/17/03 9:14AM
Subject: Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach

Juaneno Band of Mission Indians, Original Petitioner 84a

Memorandum

TO: EDAW
Attn: Andrew York, M.A., R.P.A.

FROM: Joyce Stanfield Perry, Tribal Manager

DATE: September 17, 2003

This memo is in regards to your request for our comments pertaining to the Research Design for the Evaluation of Seven Potential Prehistoric Sites, Boeing Property, Seal Beach, Ca.

Our comments are as follows:

Page 11... Ethnohistory.

We are pleased that it is acknowledged that our ancestors lived as far north as Puvunga. With the latest research it is hoped that Kroeber's boundaries are being re-evaluated. An evaluation long over due!

Page 16... Cultural Evolution on the Southern California Coast.

Our expertise with coastal sites is ever growing. We have monitored the most prominent coastal sites, i.e. ORA 22, ORA 8,108, ORA 64, and all of the Huntington Mesa, to include ORA 83 known as the "Cogstone Site". It is with this experience we believe our expertise can assist you in your assessing the goals described in the research design.

Page 22...Native American Participation.

The County of Orange and the State of California acknowledges us as the indigenous tribe of Orange County therefore, we ask that you be inclusive and include our tribe in the rotation system for monitoring.

Page 22... Field Methods.

These methods appear to standard and would agree with them.

We look forward to hearing from you.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 3 OF 3

9-25-03 JW

**PEER REVIEW OF
"RESEARCH DESIGN FOR THE EVALUATION OF
SEVEN POTENTIAL PREHISTORIC SITES, BOEING PROPERTY,
SEAL BEACH, CALIFORNIA"**

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EXHIBIT # 3

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**PEER REVIEW OF "RESEARCH DESIGN FOR THE EVALUATION OF SEVEN
POTENTIAL PREHISTORIC SITES, BOEING PROPERTY, SEAL BEACH,
CALIFORNIA"**

By Roger D. Mason, Ph.D., RPA

GENERAL COMMENTS

The research design is well written and has all the necessary components for a test plan to structure evaluation of eligibility under CEQA. The research problems adequately reflect the current understanding of coastal Orange County prehistory. A recent, as yet unpublished summary (Koerper, Mason, and Peterson n.d.) is enclosed for the authors' use.

It is stated that the purpose of the test program is to determine whether the sites contain data with which to address the research questions. However, a more explicit discussion of how this relates to the CRHR eligibility criteria would improve the research design. It should also be stated that under the new CEQA Guidelines (Section 15064.5), the CEQA lead agency (either the City of Seal Beach or the Coastal Commission) makes the determination of eligibility for the CRHR, based on the recommendations of the archaeologist.

The field and analytic methods are well formulated and will provide the necessary information to evaluate integrity and the potential to yield important information. The focus on assessing integrity first, using backhoe trenches, is efficient and eliminates unnecessary work if the sites do not have integrity. STPs are only planned in sites where midden is presently anticipated based on current observations. The research design should provide the flexibility to excavate STPs in other sites if intact midden is seen in backhoe trench profiles. I suggest that STPs should be placed systematically on a 20 meter grid to provide adequate information on the distribution of subsurface cultural material. It does not appear that sufficient numbers of STPs are proposed to accomplish this.

SPECIFIC COMMENTS

The following specific comments refer to page numbers in the research design.

Page 1, 1st paragraph: delete "of": "within of a 40 acre portion"

Pages 2, 3, and 4: Figures 1, 2, and 3 are missing

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Page 5, 2nd paragraph: the common name for *Chione* is venus clam. The correct spelling of *Argopectin* is *Argopecten*. The correct *Argopecten* species name is *circularis*. The correct common name is Pacific calico scallop (see Turgeon et al 1988).

Page 7, 4th paragraph, second to last sentence: Probably should say "Seeds from native bunch grasses..."

Page 11, 2nd paragraph: Mission records also show that people from Genga and other villages on the lower Santa Ana River were baptized at both San Gabriel and San Juan Capistrano Missions (Earle and O'Neil 1994).

REFERENCES CITED

Earle, David D. and Stephen O'Neil

1994 *Newport Coast Archaeological Project: An Ethnohistoric Analysis of Population, Settlement, and Social Organization in Coastal Orange County at the End of the Late Prehistoric Period*. The Keith Companies, Costa Mesa. Report on file at the South Central Coastal Information Center, California State University, Fullerton.

Koerper, Henry C., Roger D. Mason, and Mark L. Peterson

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Turgeon, D. D., A. E. Bogan, E. V. Coan, W. K. Emerson, W. G. Lyons, W. L. Pratt, C. F. E. Roper, A. Scheltema, F. G. Thompson, and J. D. Williams

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