



# City of Malibu

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## Archaeological Evaluation and Inventory Information

### Initial Evaluation (prepared by a qualified archaeologist)

- An Initial Evaluation must include the following information:
  - A review of relevant documents;
  - A field survey of the project site to verify the presence and condition of previously recorded cultural resources and to identify previously unrecorded resources.
- A qualified archaeologist hired by the project applicant must prepare the Initial Evaluation.
- Where the Initial Evaluation reveals that the proposed project will not have an adverse impact on an important cultural resource or cause substantial adverse changes as defined by the California Environmental Quality Act (CEQA), no further cultural resources review will be required.
- However, where it is determined that the project may have an adverse impact on or result in a substantial adverse change to cultural resources, the project applicant will need to submit a Phase I Inventory Report.

### Phase I Inventory

- A Phase I Inventory Report must be conducted by a qualified archaeologist. All Phase I Inventories that involve any excavation or monitoring shall be conducted in consultation with a qualified Chumash Cultural Resources Monitor.
- A Phase I Inventory must include the following information:
  - A public records search through the regional historical resources information center;
  - An archival search of historic records;
  - A field survey;
  - A written report that describes how the survey was conducted and the result of the survey.
- If, on the basis of the Phase I Inventory described above, one or more significant cultural resources is found, a Phase I Inventory may be required to include:
  - An evaluation of limited shovel test pits to determine whether a subsurface deposit is present and a negative declaration shall be prepared.
  - Recommendations for a Phase II Evaluation and a negative declaration, mitigated negative declaration, focused environmental impact report or an environmental impact report shall be prepared.
  - Monitoring programs pursuant to Malibu Municipal Code (M.M.C.) Section 17.54.040(D)(4) and a mitigated negative declaration shall be prepared.
- Where, as a result of the Phase I Inventory, it is determined that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources will be required and a negative declaration, mitigated negative declaration, focused environmental impact report, or an environmental impact report must be prepared.

## Phase II Evaluation

- All Phase II Evaluations must be conducted by a qualified archaeologist and, where the Phase I Inventory indicates the presence of prehistoric or ethnohistoric Chumash cultural resources. The evaluation shall also be conducted in consultation with a qualified Chumash Cultural Resources Monitor.
- A Phase II Evaluation is an investigation intended to:
  - Gather additional data in order to assess the importance of the cultural resources identified in Phase I inventories;
  - Define site boundaries of the cultural resources;
  - Assess the site's integrity;
  - Evaluate the project's potential adverse impacts on cultural resources;
  - Develop measures to mitigate potential adverse impacts.
- Phase II Evaluation proposals must be designed on a **project-specific** basis and must be guided by a research design/work plan that clearly identifies the study goals and articulates the proposed methods of data collection and analysis with the goals. Data collection methods may include a number of subsurface exploration techniques, including excavation of auger holes, test pits, or trenches as long as a qualified Chumash Cultural Resources Monitor monitors them.
- The Planning Director (or his designated staff member) must review and approve all Phase II design/work plans prior to any testing or excavations.
- The Planning Director (or his designated staff member) must also review and approve all reports resulting from Phase II Evaluations.
- Where, as a result of the Phase II Evaluation, it is determined that the project may adversely affect important cultural resources, a Phase III Mitigation Program shall be required.

### EXCEPTIONS [per M.M.C. Section 17.54.040(D)(4)]:

“Notwithstanding the foregoing provisions, the Planning Director may waive the preparation of a Phase II Evaluation and prepare a mitigated negative declaration where the Phase I Inventory indicates the following conditions:

- Based upon substantial evidence, the Planning Director determines that there is the presence of prehistoric or ethnohistoric Chumash cultural resources and it appears unlikely that the project site will contain important cultural resources (as for example, where the site is in an area of low density of artifacts or other remains, the suspected amount of the site deposit to be disturbed is small, or where it appears the artifacts or other remains have been historically re-deposited); and
- Project applicant agrees to provide monitoring of all excavation or trenching by a qualified Chumash cultural resource monitor.

In the event that any potentially important cultural resources are found in the course of excavation or trenching, work shall immediately cease until the qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, it is determined that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to a Phase III Mitigation Program. The limitations on mitigation as described in a Phase II Evaluation shall not be applicable to monitoring programs described in a Phase III Mitigation Program.”

- Where, as a result of the Phase II Evaluation, the Planning Director determines that the project will not have an adverse impact on important cultural resources, no further cultural resource review of the project will be required.

### **Phase III Mitigation Programs**

- All Phase III Mitigation Programs must be conducted by a qualified archaeologist and, where the Phase II Evaluation indicates the presence of important prehistoric cultural resources or ethnohistoric Chumash cultural resources, the evaluation shall also be conducted in consultation with a qualified Chumash cultural resource monitor.
- Phase III Mitigation Programs are intended to mitigate adverse impacts upon important cultural resources. These programs shall be designed on a **project-specific** basis to meet the particular needs of each project and shall be guided by a research design/work plan that clearly articulates the scope of mitigation based on the recommendations developed in the prior Phase II Evaluation of the affected site.
- Cultural resource impact mitigation measures may include, but shall not be limited to, the following:
  - In-situ preservation of the important cultural resource site.
  - Avoiding damage to the important cultural resource site through the following approaches:
    - Planning construction to miss important cultural resource sites.
    - Planning parks or other open space to incorporate important cultural resource sites.
    - “Capping” or covering important cultural resource sites with a layer of soil before building tennis courts, parking lots, or similar facilities. Capping may be utilized if all the following conditions are satisfied:
      - The soils to be covered will not suffer serious compaction;
      - The covering materials are not chemically active;
      - The site is one in which the natural processes of deterioration have been effectively arrested; and
      - The site has been recorded.
    - Deeding important cultural resource sites into permanent conservation easements.
  - Scientific data recovery of an appropriate sample of the important cultural resource(s) via surface collection and archaeological excavation as provided for under this chapter.
- The limitations on mitigating adverse impacts on important cultural resources shall apply as provided in CEQA as may be amended from time to time.
- The Planning Director (or designated staff member) shall review and approve all design/work plans for Phase III Mitigation Programs and reports that detail the evaluative techniques and results.

### **IMPORTANT NOTES**

#### **SUBSEQUENT DISCOVERY OF CULTURAL RESOURCES**

In the event that potentially important cultural resources are found in the course of geologic testing, grading, or other methods of land alteration, work must immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Planning Director can review this information. Where, as a result of this evaluation, the Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources must be required pursuant to M.M.C. Section 17.54.040.D.

If a human bone or any other human remains are discovered, the procedures described in Section 7050.5 of the Health and Safety code must be followed. The property owner or his/her representatives (i.e. architect, engineer, contractor, etc.) must notify of the Los Angeles County coroner. If the coroner determines that the remains are those of a Native American, the applicant must notify the Native American Heritage Commission by phone within 24 hours. Following notification of that organization, the procedures described in Sections 5097.94 and 5097.98 of the Public Resources Code must be followed.

## **DEFINITIONS**

- Qualified archaeologist: a professional archaeologist who is qualified by or on the registry of Professional Archaeologist of the Society for American Archaeology, and has a minimum of three years of experience at the supervisory level. Archaeologists that are on the Planning Department's list of qualified archaeologists have been confirmed to comply with these requirements.
  - The Register of Professional Archaeologists can be found at <http://www.rpanet.org/>
  - Planners must update the list of qualified archaeologists whenever any new archaeologists are determined to be qualified.
- Qualified Chumash Cultural Resources Monitor: a Native American of Chumash descent who:
  - Submits verifiable evidence, approved by the Planning Director, that he or she is of Chumash descent or is a Native American member of the Chumash community. Being listed as Chumash "most likely descendent" by the California Native American Heritage Commission may satisfy these criteria.
  - Submits verifiable evidence, approved by the Planning Director, indicating that he or she has a minimum of 30 days of on-site experience monitoring Chumash cultural resource sites.
- Currently, the Regional Historical Resources Information Center (for our region it is the South Central Coastal Information Center) is located at the Department of Anthropology, California State University Fullerton.
  - Information about the South Central Coastal Information Center can be found at <http://anthro.fullerton.edu/sccic/Default.htm>
- If at some point in the Cultural Resource Review Process it is determined by a qualified archaeologist that the project will not have an adverse impact or result in a substantial adverse change to an important cultural resource, no further cultural resources review will be required.