OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

September 24, 2013

Via email

Tom Hatch
Chief Executive Officer
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Mr. Hatch:

RE: FAIRVIEW PARK ENTRYWAY CONCEPT PLAN

As we mentioned in our email correspondence of September 23, 20123, the Office of Historic Preservation has been contacted by various individuals with concerns about the impact to CA-ORA-58 by the park improvements approved by City Council September 17, 2013. These include the replacement of the existing asphalt concrete path from Canyon; Drive and from Placentia Avenue just north of Estancia High School to Talbert Nature Reserve; the construction of new parking lots at the end of Pacific Avenue and in the area south of the Placentia Bridge; parking lot lighting; and entryway improvements at the three entries.

We have reviewed the following documents:

- City of Costa Mesa Fairview Park Master Plan, March 1998 (updated November 2008)
- Negative Declaration and Initial Study, October 21, 1997
- Costa Mesa 2002General Plan, Historical and Cultural Resources Element, January 2002
- City Council Agenda, September 17, 2013
- Appeal by Sandra Genis for rehearing of Old Business 8a, meeting of August 22, 2013
- Parks and Recreation Commission Agenda Report for August 22, 2013 meeting
- Parks and Recreation Commission Unofficial Minutes for August 22, 2013 meeting

We have also had extensive conversations with archeologists Patricia Martz, PhD, Professor Emeriti, California State University, Los Angeles, and Sylvere Valentin, MA, RPA. In addition to being a respected professional in the field of prehistoric archaeology, Dr. Martz also served as a member and chair of the State Historic Resources Commission, a gubernatorial appointment.

Based on concerns from the public, a review of pertinent documents, and conversations with professionals in the field of prehistoric archaeology, we have the following comments.

The prevailing Mitigated Negative Declaration for the Fairview Park Master Plan is now sixteen years old. That in and of itself does not make the document invalid. However, the lead agency does have a responsibility to ask the following questions: Has the project or plan addressed in the MND changed significantly? Do the standards, customs and practices used to assess

impact in the original document meet the professional standards, customs and practices of today? If either of criteria is met, the city should reexamine its extant environmental document.

The Historical and Cultural Resources Element of the General Plan addresses treatment of known archeological resources. The element raised several issues regarding cultural resources including the damage or destruction caused to resources through development of sites, such as construction of buildings and roads, and the problems of vandalism and "pot-hunting." Objective HCR-1A.3 of the Historic and Cultural Resources Element states:

> Require development on land containing known archaeological resources to use reasonable care to locate structures, paving, landscaping, and fill dirt in such a way as to preserve these resources undamaged for future generations when it is the recommendation of a qualified archaeologist that said resources be preserved in situ.

Avoiding the site is recommended rather than monitoring and the recovery of artifacts. One of the issues that appears to be at the heart of the matter that the city is relying on the site boundaries of ORA-58 that were established at the time it was identified by Dr. Keith Dixon in 1967, listed in the National Register of Historic Places in 1972 and on a later, 1993, effort to identify boundaries. Boundary descriptions of subsurface sites are rarely definitive. There is now evidence put forth by qualified archeologists that surface cultural material related to ORA-58 exists much further south than originally thought, extending to the area where the roundabout is planned at Pacific Avenue. In fact it is likely that a village site that includes both ORA-58 and ORA-506 extends all along the top of the bluff above the Santa Ana River in the vicinity of the park. We recommend that the city review current information about the location of cultural material and reexamine its proposals in order to avoid impacts.

The Master Plan calls for a bluff trail in the archaeological site area over shell midden to allow the park user to experience contact with evidence of "a much earlier human use." While this does seem to support the desired passive use of the park, it is not standard practice today to expose cultural remains in situ to the public in an uncontrolled environment.

Another issue that has been raised is that the proposed south entrance improvements are larger than originally proposed in the Master Plan. Based on information from last week's City Council meeting, trenching to install pipelines at a depth of 3 to 5 feet in depth, will occur with the construction of the roundabout. This trenching does not seem to be addressed in the Master Plan. Based on the probable expanded boundaries of ORA-58, the city should reexamine that issue to determine the extent of impacts to cultural resources.

It is obvious that what is needed are project plans that superimpose proposed trails, buildings, parking lots, trenching and other activities over the information that we know today about ORA-58 and other cultural resources that extend over the top of the bluff, outside of the boundaries established first in 1967, 1972 and then in 1993.

Today's standards, customs and practices regarding environmental review under CEQA, include consultation with Native American tribes. We see no evidence that this occurred in the preparation of the environmental documents in 1997. This omission should be corrected and we recommend government-to-government consultation with the Gabrielino and Juaneño tribes. In addition, we recommend contacting the Native American Heritage Commission to determine if there are sacred sites located in Fairview Park and most likely descendants. .

We understand that that in order to complete park improvements; the city has either applied for, received, or will apply for federal dollars. Be aware that assistance by federal agencies requires those agencies to comply with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800. We strongly recommend that the city coordinate its local review under CEQA with those federal agencies. Section 106 must be complete prior to the expenditure of funds, granting of permits or any irrevocable action by the lead agency.

Based on new information about the extent of the Fairview site that brings into question the boundaries cited in 1967, 1972, and 1993, and the potential to significantly impact cultural resources that were not addressed in the 1997 MND; on changes to park development not addressed in the Master Plan; and on current industry standards, customs and practices for the treatment of archaeological properties, we recommend that the city evaluate and revise its Initial Study for Fairview Park development. We also respectfully request, that the City Council reconsider its September 17, 2013 vote regarding the Fairview Park Entryway Concept Plans Appeal.

If you have questions, please do not hesitate to contact Lucinda Woodward, State Historian III and Supervisor of the Local Government Unit, at (916 445-7028 or at Lucinda.Woodward@parks.ca.gov.

Sincerely,

Carol Roland-Nawi, Ph.D.

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer

Cc: Patricia Martz
Sylvere Valentin
Sandra Genis