

NATIVE AMERICAN HERITAGE COMMISSION

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 PLANNING DEPARTMENT

DEC 28 2006

December 19, 2006

CITY OF NEWPORT BEACH

Mr. Bill Lepo, Planning Director
City of Newport Beach
 3300 Newport Boulevard
 Newport Beach, CA 92663

Re: SCH# 2006121052; CEQA Notice of Preparation (NOP) Hyatt Regency Newport Beach Expansion; City of Newport Beach; Orange County

Dear Mr. Lepo:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c)). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
 - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this

Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

**Native American Contacts
Orange County
December 19, 2006**

Juaneno Band of Mission Indians Acjachemen Nation	Juaneno Band of Mission Indians
David Belardes, Chairperson	Sonia Johnston, Chairperson
31742 Via Belardes	P.O. Box 25628
San Juan Capistrano	Santa Ana
, CA 92675	, CA 92799
	ajuaneno@verizon.
(949) 493-0959	(949) 462-0710
	(714) 323-8312 (Cell)
(949) 493-1601 Fax	(949) 462-9451 Fax

Juaneno Band of Mission Indians	Juaneno Band of Mission Indians Acjachemen Nation
Anita Espinoza	Anthony Rivera, Chairman
1740 Concerto Drive	31411-A La Matanza Street
Anaheim	San Juan Capistrano
, CA 92807	, CA 92675-2674
	arivera@juaneno.com
(714) 779-8832	949-488-3484
	949-488-3294 Fax

Juaneno Band of Mission Indians Acjachemen Nation	Juaneno Band of Mission Indians
Joyce Perry , Tribal Manager & Cultural Resources	Alfred Cruz, Culural Resources Coordinator
31742 Via Belardes	P.O. Box 25628
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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Sec. 7050,5 of the Health & Safety Code, Sec. 5097.94 of the Public Resources Code and Sec. 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2006121052; CEQA Notice of Preparation (NOP) for Hyatt Regency Newport Beach Expansion; City of Newport Beach,; Orange County, California.

Native American Contacts
Orange County
December 19, 2006

Juaneno Band of Mission Indians

Joe Ocampo, Environmental Coordinator

P.O. Box 25628

Juaneno

Santa Ana, CA 92799

(949) 462-0710

(949) 462-9451 Fax

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