

City of Seal Beach



Cultural Resources Element

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Introduction

This Element of the Seal Beach General Plan discusses the purpose and function of preserving archaeological and historical resources, describes methods for protecting these resources, and provides local policies to guide the implementation of cultural resource preservation, beyond the protections afforded by applicable federal (National Environmental Policy Act), state (California Environmental Quality Act) and local laws.

Background

Anaheim Bay, the San Gabriel estuary, and the Seal Beach area have supported several cultures over the past 10,000 years. Archaeological and historical sites provide tangible evidence of Seal Beach's cultural heritage. Knowledge of the way of life of Seal Beach's prehistoric and historic residents enhances the quality of life of the City's present and future inhabitants. These sites are priceless non-renewable cultural resources. They have the potential to provide vivid educational opportunities for our children and for succeeding generations. They are part of the material culture of local Native Americans and provide important "laboratories" for scientific research. Due to development of the coastal strip, few archaeological sites remain, and those that do demand our protection.

Archaeological resources are defined as the material remains of an area's prehistorical (aboriginal/Native American) or historical (European and Euro-American) human activity. "Prehistoric" sites date from the time of early human occupation to the arrival of Juan Cabrillo in 1542. "Historic" sites postdate Cabrillo and include periods of Spanish, Mexican, and American settlement.

Prehistoric occupation of the Seal Beach area was associated with the Tongva (Gabrielino) Native Americans, who inhabited much of northern Orange County. The name "Gabrielino" identifies those people who came under the control of the Mission at San Gabriel. The Tongva were known for high population densities, complex social organization, and highly developed maritime economies. The Tongva in the area were on the extreme southern flank of extensive tribal territory that extended into Ventura County to the north and San Bernardino



County to the east. The tribes maintained a common language, material culture, and ceremonial/political system. In addition to the Tongva, it is also understood that the Juaneño Native Americans (the neighboring tribe to the south) also frequented the Seal Beach area.

By the time the Spanish arrived, the Tongva and Juaneño belief in the great mythical chief Chin-ngich-nish and the associated toloache cult had spread to neighboring groups. As part of this religion, human remains were generally wrapped in a blanket for three days and then burned along with most of the deceased's personal possessions. The Spanish abruptly terminated these activities, and burial in the ground became standard practice.

Tongva coastal villages have been identified in Long Beach, Seal Beach, Huntington Beach, and Costa Mesa. Identified within Seal Beach, a Tongva community named Motuuchey, also known as "El Piojo [the Louse]," was located at the former Anaheim Landing area. Identified archaeological resources within the City of Seal Beach are primarily located on the Naval Weapons Station, the Hellman Ranch property, and potentially on the Boeing property.

The historic settlement of the Seal Beach area began in the 1780s with the assignment of a land grant. This 300,000-acre grant became a rancho known as Los Alamitos. Due to the presence of the Santa Ana River, the land was suitable for cattle grazing and agriculture.

When the Rancho era ended with the end of Mexican rule after the Mexican War of 1846-1848, the land was still farmed, but many of the ranchers went bankrupt. In 1864 much of the land was purchased by Jotham Bixby, and a portion of the land was purchased by a group of German immigrants who formed an agricultural colony called Anaheim. They created a port they called Anaheim Landing from which they could ship their produce to markets. This was the first port in what is today known as Orange County and eventually developed into downtown Seal Beach.

In the early 1900s the area transitioned from use as a port to a resort community. In 1903 the area was subdivided and named "Bay City." The next year, the Pacific Electric Railroad "Red Cars" arrived, connecting Bay City to Los Angeles and allowing easy access to the community. Today the Red Car Museum is located on the old Pacific Electric Right-Of-Way in a rare Pa-



cific Electric tower car built in 1925. The museum displays photographs of early Seal Beach and Indian artifacts collected locally, and provides a reference library of local history. The pier, the beach, and a roller coaster were some of the amenities that attracted tourists. Built in 1906, the pier was the longest pier south of San Francisco. A bath house with a dancing pavilion, a store, billiards, and bowling facilities was built in 1913. In 1915, Bay City was incorporated with a population of 250, and it became known as Seal Beach.

By the 1920s, the town was at its height as a resort community. The success prompted a flurry of construction in the area. The town continued to grow until the Great Depression. The pier was cut in half when hurricane winds hit in 1939 and was rebuilt.

Subsequently World War II brought significant changes to the area when military facilities were placed all around Seal Beach and, ultimately, a Naval Weapons Station was built in town. With the influx of military personnel the town experienced a second major boom in construction. The town continued to expand in the 1950s, including the development of Leisure World toward the end of the decade. In 1983 the pier was again battered in the storms that year. It was again rebuilt and suffered fire and earthquake damage in 1992 and fire damage in 1994.

Today Seal Beach is again a beach tourist destination with a population of more than 24,000. The City is continuing to build out a few undeveloped areas. Historic resources within the City of Seal Beach include the “Old City Hall” located along 8th Street, which is on the National Register of Historic Places. In addition, the State of California recognizes the historic significance of “Anaheim Landing,” an early port facility used in the late 1800s to early 1900s by Anaheim farmers to ship produce and livestock. A state historic marker regarding Anaheim Landing is located at Seal Beach Boulevard and Electric Avenue. Locally listed historic structures include the Krenwinckle House and the Proctor House. Although not officially listed, many structures built during the history of Seal Beach contribute to the community’s identity.



Statutory Requirements

The California *Government Code* allows the development of optional General Plan Elements. Section 65303(j) of the *Government Code* previously permitted the inclusion of “*A historical preservation element for the identification, establishment and protection of sites and structures of architectural, historical, archaeological or cultural significance, including significant trees ..., and other plant materials.*”

Government Code §65303 was subsequently amended, and currently does not outline specific optional elements of a General Plan that a city may determine to utilize. The City of Seal Beach recognizes that the Cultural Resources Element is an optional element of the General Plan under the current provisions of *Government Code* §65303.



Related Plans and Programs

There are a number of existing plans, programs, and regulations that are related to the goals and policies contained in the Cultural Resources Element. These plans, programs, and regulations are described below and have been enacted by local, state, or federal agencies.

California Environmental Quality Act (CEQA) and Guidelines

The California Environmental Quality Act (CEQA) was adopted by the state legislature in response to a public mandate for thorough environmental analysis of projects that might affect the environment. The provisions of state law and environmental review procedures are described in the CEQA Statutes and the CEQA Guidelines. Implementation of CEQA ensures that during the decision-making process for development, City officials and the general public will be able to identify and assess the environmental impacts associated with private and public development projects. CEQA requires evaluation of potential project impacts to historic, archaeological, and paleontological resources and provides guidance regarding standards to be used to determine significance of identified potential impacts.

Federal and State Mandates

There are numerous federal and state mandates, legislation, guidelines, and Native American policies concerning archaeological and historical resources. Some of the more significant regulations and programs include the Antiquities Act of 1906, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, the National Register of Historic Places, Archaeological Resources Protection Act of 1979, and the Native American Graves Protection and Repatriation Act of 1990. A more extensive listing of relevant legislation, programs, and guidelines with corresponding brief descriptions is included in the General Plan Appendices (Appendix A). However, this listing is not intended to be exhaustive; more recent court cases may provide clearer definitions for some of the laws and guidelines listed.



Goals, Objectives, and Policies

The major issue for this Element is the preservation of historic, archaeological, and paleontologic resources within the City of Seal Beach. This section provides associated goals, objectives, and policies as presented below. Existing policies have been brought forward from previous General Plan amendments, and policies have been updated or augmented as needed.

Seal Beach is located in an area that has attracted humans during prehistoric and historic times. This rich past has been incorporated into the fabric of the City and provides a link to the community's heritage and history. These resources have a value that needs to be protected and enhanced to maintain the historical quality and focus of the community.

Goal 1: Preserve and protect historical, archaeological, and paleontological resources

- Policy 1: Balance the benefits of development with the project's potential impacts to existing cultural resources.
- Policy 2: Identify, designate, and protect sites and buildings of historic importance.
- Policy 3: Coordinate cultural resource programs and development project review with affected resource agencies and Native American representatives.
- Policy 4: Identify funding programs to assist private and public property owners in the preservation of buildings and sites of historic importance.
- Policy 5: Assess development proposals for potential impacts to significant archaeological resources pursuant §15064.5 of the California Environmental Quality Act (CEQA). Require a study conducted by a professional archaeologist for all development proposals located in areas known to be sensitive for cultural resources.



Implementation

Protect Significant Archaeological Resources

Assess development proposals for potential impacts to significant archaeological resources pursuant to §15064.5 of the California Environmental Quality Act. Require a study conducted by a professional archaeologist for all development proposals located in areas known to be sensitive for cultural resources. Guidance for such studies is provided within General Plan Appendix A. The objective of the study is to determine if significant archaeological resources are potentially present and if the project will significantly impact the resources. If significant impacts are identified, either require the project to be modified to avoid the impacts, or require measures to mitigate the impacts. Mitigation may involve archaeological investigation and resource recovery.

Development Services is the primary City department responsible for ongoing implementation, and funding is anticipated to be provided by development fees.

Preserve Significant Historic Resources

Assess development proposals for potential impacts to significant historic resources pursuant to §15064.5 of the California Environmental Quality Act. For structures that potentially have historic significance, require a study conducted by a professional architectural historian or historian to determine the actual significance of the structure and potential impacts of the proposed development. Require modifications of projects to avoid significant impacts, or require mitigation measures. Protect historical buildings and sites to the extent possible.

Development Services is the primary City department responsible for ongoing implementation, and funding is anticipated to be provided by development fees.



Protect Significant Paleontological Resources

Assess development proposals for potential impacts to significant paleontologic resources pursuant to §15064.5 of the California Environmental Quality Act. If the project involves earthwork, require a study conducted by a professional paleontologist to determine if paleontologic assets are present and if the project will significantly impact the resources. If significant impacts are identified, either require the project to be modified to avoid impacting the paleontologic materials, or require measures to mitigate the impacts.

Development Services is the primary City department responsible for ongoing implementation, and funding is anticipated to be provided by development fees.

Historical, Archaeological and Paleontological Resource Management Guidelines

Prepare and maintain guidelines for historic, archaeological, and paleontological resource management to guide review of development proposals. Archaeological resource management guidelines are provided within Appendix A. These guidelines should be expanded to also address historical and paleontological resource management and also updated periodically to address new technological and legal approaches to cultural resource analysis and management.

Development Services is the primary City department responsible for ongoing implementation, and funding is anticipated to be provided by the General Fund and state and federal grants.

Establishment of Programs for Preservation of Historic/Archaeologic/Paleontologic Resources

Identify and implement programs to assist and encourage private property owners to preserve historic, archaeological, and paleontologic resources within the City.

Development Services is the primary City department responsible for ongoing implementation, and funding is anticipated to be provided by development fees, and state and federal tax credits and grants.



Inventory of Historic and Cultural Landmarks

Establish and update as needed a City Inventory of Historic and Cultural Landmarks using criteria and recording standards consistent with state regulations for use in evaluating development proposals under CEQA.

The Development Services Department and the Archaeological Advisory Committee are primarily responsible for ongoing implementation, and funding is anticipated to be provided by the General Fund, state and federal funding programs.



Appendix A – Cultural Resources

This Appendix includes the following procedures and information to help implement the goals and policies contained within the Cultural Resources Element. These procedures and information are intended to be updated periodically to reflect advances in professional, legal, and technological approaches to cultural resource analysis and management.

Appendix A Sections

Appendix A-1 Management Procedures

Appendix A-2 Research Design

Appendix A-3 Native American Consultants

Appendix A-4 Archaeological Consultants

Appendix A-5 Definitions

Appendix A-6 Cultural Resources Records Search Quick Check Form

Appendix A-7 Research Methods

Appendix A-8 Federal and State Laws and Policies, and Tribal Guidelines Concerning Archaeological and Historical Resources

Appendix A-9 Society of Professional Archaeologists Documents



Appendix A-1 Management Procedures

These are the procedures that shall be followed for the management of all cultural resources within the boundaries of the City of Seal Beach.

- 1.A All currently undeveloped properties within the boundaries of the City of Seal Beach shall be required to be researched and surveyed for archaeological sites, remains, artifacts, ecofacts, archaeological places, and historical structures and places, by an Archaeological Consultant, as defined in “Archaeological Consultants,” prior to the approval by the City of any development entitlements. This work shall be at the expense of the party requesting the development entitlements (e.g., any necessary development entitlement or permit).
- 1.B Archaeological consultants shall be appointed by the Seal Beach City Council.¹
- 1.C The Seal Beach City Council shall require thorough scientific evaluation of properties and sites by qualified consultants as defined in *Archaeological Consultants* prior to the issuance of development entitlements. This evaluation requires the following phases:
 - 1.C.1 Literature Search from Baseline Survey². A literature search is a review of all relevant information that pertains to cultural resources on a subject site and is a prerequisite to obtaining development entitlements. The literature search may indicate the necessity of further research to determine the feasibility of development on the site. A literature search must include a review of the City’s Baseline Survey (Stickel, 1990) and all subsequent information. The Archaeological Consultant shall also complete a literature review at the local Archaeological Information Center (now located at CSUF) for information post-dating Dr. Stickel’s research.
 - 1.C.1.1 Baseline Survey and Determination of Current Status of Cultural Resources. The Baseline Survey is a collection of information covering all previously recorded archaeological surveys

¹ See Appendix A-4, Archaeological Consultants.

² The Baseline Survey for Seal Beach was conducted in December 1990 by Dr. E. Gary Stickel of ERA Archaeology, Inc.



and sites. The Baseline Survey includes copies of the maps from the regional State Archive at the California State University at Fullerton (CSUF) which show all of the known site locations in the City of Seal Beach.³ All information compiled in the Baseline Survey is filed with the Seal Beach Planning Department.

Baseline Survey data includes a map showing the locations of all previously reported archaeological sites, both destroyed and extant, within the boundaries of the City of Seal Beach.

The following parties shall have access to the Baseline Survey information:

- 1) Appointed archaeological consultant(s);
- 2) Seal Beach City Council;
- 3) Seal Beach Planning Commission;
- 4) Seal Beach Planning Department;
- 5) Archaeological Advisory Committee;
- 6) Landowner.

1.C.1.2. Cultural Resources Records Search Quick Check. All proposed projects which are subject to the provisions of this section shall be required to have a “*Cultural Resources Records Search Quick Check*” completed by the Archaeological Information Center at CSUF and submitted to the City as part of the initial application packet for the application to be considered by the City.⁴

1.C.2 Site Survey. A site survey is a walkover inspection by an archaeologist⁵ of a site for cultural resources, which covers 100% of the subject site. If the literature search or Cultural Resources Records Search Quick Check re-

³ The Baseline Survey data may not include all extant sites within the City of Seal Beach. The City has never been systematically surveyed in its entirety.

⁴ See Appendix A-B for the required submission form for a “Cultural Resources Records Search Quick Check.”

⁵ See Appendix A-4, Archaeological Consultants.



veals that a known site(s) exist on the subject site, a site survey must be conducted. In addition, on sites shown through the literature search not to have been previously surveyed, a site survey must be conducted to establish whether archaeological/historical sites exist.

1.C.3 Test Phase. A test phase⁶ is an excavation of test pits to determine the scope of archaeological resources on a site. If a cultural site is discovered in the site survey, a test phase on an archaeological site, and the recording of an historical site, must be completed.

1.C.4 Final Mitigation. Final mitigation is the final disposition of cultural resources on a site. If a researched site is not to be preserved in situ (in place), a final mitigation method must be selected. These methods may include the following:

1.C.4.1 Capping or fencing of the site.

1.C.4.2 Relocation of the cultural resource for preservation.

1.C.4.3 Total excavation of the site.⁷

1.C.4.4 Partial excavation of the site.⁸

1.C.4.5 Renovation or reconstruction of historic or archaeological structures.

1.D. Archaeological Advisory Committee. The Seal Beach City Council shall create a standing Archaeological Advisory Committee. Membership shall be by the appointment of the Seal Beach City Council and members shall serve without pay for a term not to exceed one year unless reappointed. Members of the Archaeological Advisory Committee shall be deemed to have a “need to know” site specific information.

⁶ See full Definition in Appendix A-5, Definitions.

⁷ Per Federal Guidelines, in the case of a cemetery.

⁸ By scientific probability sampling.



Appendix A-2 Research Design

A Research Design document⁹ is a document written by a City Council appointed Archaeologist that presents a scientific, precise, and well-defined strategy for the investigation of archaeological resources on a subject site. The Research Design document shall contain a clear discussion of the methodology, methods, and research questions that will be used in the investigation. It shall provide an explicit, scientific, precise, and well-defined plan for the possible excavation of archaeological sites and for the analysis of all recovered data, with the exception of Native American remains, which shall not be analyzed or excavated unless prior permission has been given by the Most Likely Descendants.

Whenever archaeological materials are to be excavated, The Seal Beach City Council shall require that a formal Research Design Document be written and presented to the Council. The proposed Research Design document shall be forwarded to the Representative of the affected Native American tribes, as defined herein¹⁰, the Archaeological Information Center at CSUF, and shall be posted in a prominent location in the Seal Beach City Hall, and at all libraries located within the City. These actions shall take place at least 30 days prior to formal approval of the Research Design document by the Seal Beach City Council. Staff recommendations, if any, shall have been received by the Seal Beach City Council at least two weeks prior to agendizing the vote to approve the Research Design document by the Seal Beach City Council, and shall include all comments on the proposed Research Design document received from the representatives of the affected Native American tribes, the Archaeological Information Center, and individuals and organizations.

- 2.A Research Design Document Requirement. The Research Design document shall include a number of well-defined research problems. The relevance of those research problems to local chronological or cultural development or other questions useful to testing propositions of method and theory must be justified.

The problems must be formulated into testable hypotheses. The data required to test the hypotheses must be relevant and justified. The methods and techniques used to quantify and test the

⁹ See Appendix A-5, Definitions.

¹⁰ See Appendix A-3, Native American Representatives, Section 3.C.



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hypotheses must be specified. Unless an archaeological site is completely excavated, probability sampling must be used. The specific probability sampling technique must also be justified.

Other data acquisition methods must also be discussed if they are to be used in the research program.¹¹

The Research Design document shall propose research questions or hypotheses directed toward the provision of new information about the history of Seal Beach.

In addition, the Research Design document must conform to the standards for Research Design documents set forth in *Archaeological Research Management Reports (ARMR): Recommended Contents and Format*, (12-89 or most recent edition), a publication of SOHP; *Statwide Interpretative Guidelines*, page 92, Research Design, (12-16-81 or most recent edition), a publication of the California Coastal Commission; and *Draft Guidelines for Archaeological Research Designs*, (8-21-90 or most recent edition), a publication of SOHP.

¹¹ See Appendix A-7, Research Methods.



Appendix A-3 Native American Consultants

This section contains identification requirements to ensure legitimate Native American representation and involvement in the development of a sound strategy for archaeological and historical resource management. These requirements provide methods to identify the legitimate Native American Representatives who shall contribute to the proper management of Native American Cultural and Religious Resources. The proposed Native American Representative(s) must provide the following documentation:

Identification Requirements

- 3.A Federal. Bureau of Indian Affairs Documentation of the proposed Representative(s)' Native American ancestry.
- 3.B State. Written confirmation of the proposed Representative(s)' tribal ancestry from the Native American Heritage Commission.
- 3.C Regional. Letter of concurrence from the elected Tongva (Gabrielino) Tribe Representative stating that the proposed Representative is qualified and has been designated or elected to represent all tribal members.
 - 3.C.1. Each proposed Native American Representative must be duly elected by the members of a Pan-Tribal Council, such as, and including, the Native American Coalition.
- 3.D Native American Monitors and/or Fieldwork Consultant Requirements. Monitors must complete a 20-hour course in archaeological monitoring methods from an accredited archaeologist as defined below in “Archaeological Consultants” prior to their official appointment.



Appendix A-4 Archaeological Consultants

All archaeological consultants, seeking to conduct archaeological investigations within the jurisdiction of the City of Seal Beach, shall be appointed by the Seal Beach City Council, according to the following standards. Each potential archaeological consultant must agree to comply with:

- 1) Register of Professional Archaeologists (RPA) Code of Conduct (formerly known as the Society of Professional Archaeologists (SOPA) Code of Ethics), most recent edition. See Appendix A-9.
- 2) *RPA Standards of Research Performance*, most recent edition. See Appendix A-9.

These standards shall apply to all Archaeological Consultants working in the City of Seal Beach, regardless of whether the proposed archaeologist currently holds RPA membership.

- 4.A Professional Qualifications for Archaeological Consultants. Expertise in prehistoric archaeology, historic archaeology, or historic preservation shall be required during cultural resource studies. The more detailed qualifications for Archaeological specialists are as follows:

4.A.1 Prehistoric/Ethnohistoric Archaeology

- 4.A.1.1 Principal investigator, Project Director or Specialist in Prehistoric Archaeology shall possess a Ph.D or at least an M.A. in Anthropology or Archaeology from an accredited College or University. In addition, he/she shall meet the requirements for certification in field research by RPA and shall demonstrate familiarity with the prehistoric and ethnohistoric archaeology of Southern California.
- 4.A.1.2 Field Supervisor or Crew Chief shall possess at least a B.A. in anthropology or archaeology and at least two months' accumulated field experience in archaeological reconnaissance or excavation on projects where prehistoric or ethnohistoric archaeological resources were under investigation.



4.A.2 Historic Archaeology/Research

4.A.2.1 Principal Investigator, Project Director or Specialist in Historic Archaeology shall possess a Ph.D or at least a M.A. in Anthropology or Archaeology from an accredited College or University. In addition, he/she shall meet the requirements for certification in field research by RPA and shall demonstrate familiarity with the historic archaeology and research of Southern California.

4.A.2.2 Field Supervisor, Crew Chief, or Research Assistant shall possess at least a B.A. in Anthropology or Archaeology or History, and at least two months' accumulated field experience in archaeological reconnaissance or excavation on projects where historic archaeological resources were under investigation, or two months accumulated experience in archival research on projects where historic resources were under investigation.

4.A.3 Historic Preservation. A specialist in historic preservation must possess a Ph.D. or at least a M.A. in historic preservation and demonstrate experience in the application of preservation techniques to historic structures.

4.B Appointment Procedures for Archaeological Consultants

4.B.1 Archaeological consultants shall be appointed by the Seal Beach City Council.

4.B.2 The Seal Beach City Council may rescind the appointment of an archaeological consultant prior to the completion of the contract.

4.B.3 The Seal Beach City Council shall require that the following documents be written and presented by its appointed archaeological consultants:

- a. A Research Design document as described above in Research Design.



- b. Only in the event that excavation is deemed necessary¹², an Excavation Plan shall be prepared in accordance with the specifications set forth in Archaeological Research Management Reports (ARMR): Recommended Contents and Format, (12-89 or most recent edition), a publication of SOHP; and CEQA Guideline §15064.5.
 - c. A Final Report, written to the specifications set forth in Archaeological Research Management Reports (ARMR): Recommended Contents and Format, (12-89 or most recent edition), a publication of SOHP; and CEQA Guidelines §15064.5.
- 4.B.4 The Seal Beach City Council may reject an archaeological consultant's final report if it is deemed inadequate, inaccurate, or incomplete.
- 4.B.5 In the event the consultant presents a final report that is rejected, an acceptable report must be submitted before final formal approval of the requested development entitlements shall be granted by the Seal Beach City Council.

¹² By the City Council acting on the advice of its appointed archaeological consultant and any other information.



Appendix A-5 Definitions

For the purposes of the Cultural Resources Element, the following terms are defined below:

ACOE shall mean the United States Army Corps of Engineers.

Archaeological Place shall mean a location of ancient human habitation containing natural objects used by humans.

Archaeologist shall mean a scientist with a Doctorate or Masters Degree in Archaeology or Anthropology from an accredited university or college.

Artifact shall mean an object made by humans.

Baseline Survey shall mean a review of all known literature pertaining to cultural sites for a given area and an inventory of all known site locations and their documentation up to date of study (for Seal Beach, Stickel, 1990).

Cabrillo, Juan (?-1543) shall mean the Spanish explorer whose arrival in 1542 signaled the beginning of the historical period in Southern California.

CCC shall mean the California Coastal Commission, a State agency.

CEQA shall mean the California Environmental Quality Act, State legislation.

CSUF shall mean the California State University at Fullerton campus

Chumash shall mean the Native American tribe whose territory range is from Malibu through Santa Barbara to the San Luis Obispo area and the Channel Islands.

Cultural Resources shall mean human-made or utilized sites, artifacts and ecofacts, as well as human remains.

Cultural Resource Management shall mean local, state or federal governmental control of cultural resources.

CRM shall mean Cultural Resource Management.



Dedicated Cemetery shall mean an area containing burials considered to be a dedicated cemetery by Native Americans.

Development Entitlement shall mean any approval granted by the City to allow for a change of current land use on an undeveloped site (e.g., General Plan Amendment, Specific Plan, Specific Plan Amendment, Zone Change, Conditional Use Permit, Variance, Subdivision Map Approval [Vesting, Tentative, Parcel], Minor Plan Review, Minor Height Variation, Grading Permit, Building Permit, etc.).

Ecofacts shall mean natural objects or substances utilized by humans – e.g., unaltered crystals, deer bones, or midden shells found on (a) site(s).

EIR shall mean an Environmental Impact Report.

EQCB shall mean the Environmental Quality Control Board, a City of Seal Beach commission.

Ethnohistoric Archaeology shall mean for Southern California, the study of Native American sites that post-date Cabrillo's arrival in 1542.

Excavation shall mean formal digging of archaeological research units on a subject site, done according to a formal Research Design document.

Gabrielino (or Gabrieleno), also known as Tongva shall mean the Native American tribe whose territory includes Topanga Canyon, the San Fernando Valley, and the greater Los Angeles basin, south to Aliso Creek.

Grading shall mean earth removal stage of the construction process.

Historian shall mean a professional with a Ph.D. or at least a Masters degree in History or Historic Preservation from an accredited University or College.

Historical Archaeology shall mean for Southern California, the study of Euro-American sites that post-date Cabrillo's arrival in 1542.

Juaneño shall mean the Native American tribe whose territory includes the Mission San Juan Capistrano area.



Literature Search shall mean a review of all relevant information pertaining to cultural resources on a subject site.

Midden shall mean a cultural deposit indicating prior human utilization of a resource.

Monitor, Native American shall mean a consultant hired to observe work on a cultural site or resource.

NAC shall mean the Native American Coalition, an organization of Native American Tribes.

NAHC shall mean the Native American Heritage Commission, a California board.

NEPA shall mean the National Environmental Policy Act, federal legislation.

Prehistoric Archaeology shall mean for Southern California, the study of cultural resources that predate Cabrillo's arrival in 1542.

Representative, Native American shall mean the Chairperson or other leader legitimately elected by a Pan-Tribal organization of Native American Tribes.

Research Design document shall mean a formal written document that describes the scientific plan of research for an archaeological project.

RPA shall mean the Register of Professional Archaeologists, an organization of professional archaeologists. Members must adhere to the *Code of Conduct* and *Standards of Performance*.

Site shall mean a place that yields archaeological/historical evidence of past human activity.

Site Survey shall mean an archaeological/historical inspection of a site. The survey is conducted on foot or by remote sensing techniques.

SOHP shall mean the State Office of Historic Preservation, a California governmental department.

SOPA shall mean the Society of Professional Archaeologists, an organization of professional archaeologists which is now



known as the Register of Professional Archaeologists (RPA).

South Central Coastal Archaeological Information Center (SCCIC) shall mean the designated Archaeological Information Center for the South Central Coastal region of California, an agency of SOHP, currently located at CSUF.

Test Phase shall mean that stage of research during which the entire site is tested to determine archaeological site boundaries, depth of deposits, aboriginal historical materials represented, time sequence represented, and “*significance*,” which is defined in *CEQA Guidelines §15064.5*.

Tongva (also known as Gabrielino or Gabrieleno) shall mean the Native American tribe whose territory includes Topanga Canyon, the San Fernando Valley, the southern Channel Islands, and the greater Los Angeles basin, south to Aliso Creek. Tongva means “people of the earth” in the Tongva native language.



Appendix A-6
“Cultural Resources Records Search Quick Check” Form

| | | |
|---|---|-----------------------------------|
| California Archaeological Inventory |  | Regional Information Center |
| Cultural Resources Records Search Quick Check | | |
| Lead Agency: _____ | | |
| Permit/Project #: _____ | | Date: _____ |
| Case Planner: _____ | | Attached USGS Quad: _____ |
| Brief Project Description: _____ | | |
| * UCLA ARCHAEOLOGICAL INFORMATION CENTER INITIAL RECORDS SEARCH | | |
| / / The project area has been surveyed by a professional archaeologist and no cultural resources were found. | | |
| / / The project area has been surveyed by a professional archaeologist and cultural resources were found. | | |
| / / The project area has not been surveyed by a professional archaeologist but cultural resources are likely to be in the area. | | |
| / / The project area has not been surveyed by a professional archaeologist and cultural resources are not likely to be in the area. | | |
| RECOMMENDATIONS | | |
| / / A Phase I ** archaeological survey should be done by a professional archaeologist prior to approval of project plans. | | |
| / / A Phase II ** testing program for determination of significance. | | |
| / / A professional archaeologist should be retained to monitor any earth moving operations. | | |
| / / No archaeological work is needed prior to approval of the project plans but a halt-work condition should be in place in the event of cultural resources being discovered during construction. | | |
| COMMENTS | | |
| _____ | | |
| _____ | | |
| _____ | | |
| * This Quick Check does not cover cultural heritage sites, either listed pending, such as historic buildings or points of interest. | | |
| ** Phase I survey and Phase II testing includes a complete records search field evaluation, and a final report with results and recommendations. | | |
| Date Completed: _____ | | Signature: _____ |
| Letter attached / / | | Staff Archaeologist |



Appendix A-7 Research Methods

1. ***Absolute Dating*** shall mean the dating of an archaeological site or artifact by using a known calendar system (e.g., a coin with a date) or a chronometric method which yields an age-date in calendar years.
2. ***Auguring*** shall mean the use of a small hand tool for drilling sample holes for archaeological sites.
3. ***Chronometric Dating*** shall mean the dating of sites or artifacts using scientific methods that directly quantify the age-date in calendar years (e.g., radiocarbon dating, tree-ring dating).
4. ***Magnetometry*** shall mean a technique used to search for buried archaeological features (e.g., fire pits, house structures), using an instrument that records small variations in the intensity of the earth's magnetic field.
5. ***Mineralization Analysis*** shall mean a relative dating technique based on the physical-chemical change of artifacts over time.
6. ***Pollen Sampling*** shall mean the collection of preserved, minute pollen grains from sites or artifacts. Because each plant species has its own unique form of pollen, archaeological grains can be identified as belonging to each species represented.
7. ***Probability Sampling*** shall mean scientifically established methods used to obtain accurate samples of data from which the nature of an entire population can be described by probability. For archaeology, the excavation of pits or units selected randomly, so as to represent the entire site.
8. ***Radar*** shall mean a technique in which an instrument called a Ground Penetrating Radar (G.P.R.) is used to search for buried archaeological features.
9. ***Relative Dating*** shall mean the dating of an archaeological site or artifact by placing its age relative to other sites or artifacts.
10. ***Remote Sensing Techniques*** shall mean techniques that use various instruments to detect archaeological sites or data from a distance. Commonly used instruments include Air-borne Cameras, Sonar, and Magnetometer units.
11. ***Soil Chemistry Analysis*** shall mean the analysis of soil samples from archaeological sites which records the chemical facts used



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to define features, including site boundaries and areas of ancient human activity.

12. ***Trenching*** shall mean the excavation of long rectangular holes across a site to explore the data, used today, to help define stratigraphy.



Appendix A-8 Federal and State Laws and Policies, and Tribal Guidelines Concerning Archaeological and Historical Resources

Following is a summary of various Federal and State mandates and legislation and preferred Native American policy concerning archaeological and historical resources. This is not intended to be an exhaustive listing; more recent court cases may provide clearer definition for some of the laws and guidelines listed.

1. “Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites,” Native American Heritage Commission, July 10, 1989.
2. “A Professional Guide for the Preservation and Protection of Native Remains and Associated Grave Goods -- Resource Guide for: Coroners, Native American Most Likely Descendants, City and County Planners, Property Owners, Developers,” Native American Heritage Commission. June 1988.
3. “Determining Significance of Impacts on Historical and Unique Archaeological Resources,” §15064.5 (formerly known as Appendix K), California Environmental Quality Act Statutes and Guidelines, Governor’s Office of Planning and Research, 2003.
4. “Antiquities Act of 1906,” (P.L. 59-209; Stat. 225; 16 U.S.C. 431-433). This law provides for the protection of historic or prehistoric remains or any object of antiquity on federal lands; established criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on federal lands, subject to permit and regulations. Paleontological resources are also considered to fall within the authority of this act.
5. “Historic Sites Act of 1935,” (P.L. 74-292; Stat. 666; 16 U.S.C. 461-467). This law authorizes the establishment of national historic sites and otherwise authorized the preservation of historic sites and/or archaeological properties of national significance; provides the basis for the designation of national historic landmarks; establishes criminal sanctions for violation of regulations pursuant to the Act; authorized interagency, intergovernmental and interdisciplinary efforts for the preservation of cultural resources.



6. “Reservoir Salvage Act of 1960,” (P.L. 86-521; 74 Stat. 220; 16 U.S.C. 469-469c). This law provides for the recovery and preservation of historical and archaeological data, including relics and specimens that might be lost or destroyed as a result of the construction of dams, reservoirs, and attendant facilities.
7. “National Historic Preservation Act of 1966,” (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470). This law declares historic preservation as a national policy and defines it as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, or culture, including the encouragement of preservation on the state, local and private levels; directs the expansion of the National Register of Historic Places to include cultural resources of state and local significance, as well as those of national significance; authorized matching federal grants to states and the National Trust for Historic Preservation for the acquisition and rehabilitation of National Register properties; establishes the Advisory Council on Historic Preservation (ACHP); provides direction in Section 106 for federal agencies to follow in the event an undertaking affects a property listed on or eligible for the National Register. As amended (P.L. 94-458, 90 Stat. 1972), the Act authorizes the Secretary of the Interior to withhold from disclosure to the public locational information on National Register listings “whenever he/she determines that the disclosure of specific information would create a risk of or harm to such sites or objects.” Section 106 of the National Historic Preservation Act is implemented by regulations Issued by the ACHE (36 C.F.R. 800; and as amended in 1980, Section 110 details Federal agency responsibilities for the identification and preservation of Historic properties).
8. “National Environmental Policy Act (NEPA) of 1969,” (P.L. 91-290; 83 Stat. 852; 42 U.S.C. 4321). This law states, among other things, that it is the policy of the federal government to preserve important historic, cultural, and natural aspects of our national heritage. Compliance with NEPA requires consideration of environmental concerns during project planning and execution. Procedural requirements of NEPA are implemented by regulations Issued by the Council on Environment Quality (40 C.F.R 1500-1508).
9. “Executive Order 11593, Protection and Enhancement of the Cultural Environment,” 13 May 1971 (36 C.F.R. 8921). Executive Order 11593 asserts that the federal government shall pro-



vide leadership in preserving, restoring and maintaining the historic and cultural environment of the nation; directs federal agencies to insure the preservation and enhancement of non-federally owned sites; directs federal agencies to locate, inventory and nominate to the National Register all properties under their control or jurisdiction that meet the criteria for nomination; directs federal agencies to exercise caution during the interim period to insure that cultural resources are not inadvertently damaged, destroyed, or transferred before the completion of inventories and evaluations of properties worthy of nomination to the National Register; and directs the Secretary of the Interior to undertake certain advisory responsibilities in compliance with the order.

10. “Archaeological and Historical Preservation Act of 1974,” (P.L. 93-291; 88 Stat. 174). This law amends the Reservoir Salvage Act of 1960 to extend provisions and provide a mechanism for funding for the protection of historical and archaeological data at dams and reservoirs to involve and include any alteration of the terrain caused by any federal construction project or federally licensed activity or program.
11. “National Register of Historic Places,” 10 February 1976, as amended (36 C.F.R. 60). Regulations promulgated by the Department of the Interior that establishes the National Register of Historic Places and outlines the process for nominating properties to it.
12. “Criteria for Comprehensive Statewide Historic Surveys and Plans,” 21 September 1977, as amended (36 C.F.R. 62). Regulations promulgated by the Department of the Interior which describes the designation and responsibilities of the State Historic Preservation Officer, the professional staffing of the state office, professional qualifications, the comprehensive statewide survey process, the state historic preservation plan, and protection of historic properties.
13. “Archaeological Resources Protection Act of 1979,” 6 January 1984 (32 C.F.R. 299). Regulations promulgated by the Departments of the Interior, Agriculture and Defense, and the Tennessee Valley Authority which establish uniform procedures for implementing provisions of the Archaeological Resources Protection Act of 1979. These regulations enable federal land managers to protect archaeological resources on public and Indian lands.



14. “National Historic Landmarks Program,” 2 February 1983 (36 C.F.R. 65). Regulations promulgated by the Department of the Interior which set forth the Secretary of the Interior’s criteria for national significance and the process used to identify, designate, recognize, and monitor the integrity of National Historic Landmarks.
15. “Determinations of Eligibility for Inclusion in the National Register of Historic Places,” 21 September 1977 (36 C.F.R. 63). This rule codifies the process through which federal agencies request and obtain a determination of a property’s eligibility for inclusion in the National Register of Historic Places, to implement Executive Order 11593 and the National Historic Preservation Act of 1966, as amended.
16. “Protection of Historic Properties,” 1 October 1986, (36 C.F.R. 800). Regulations promulgated by the Advisory Council on Historic Preservation which describe the procedure a federal agency must follow in affording the Council an opportunity to comment on its undertakings that affect National Register or eligible properties pursuant to Section 106 and Section 110 of the National Historic Preservation Act.
17. “Public Buildings Cooperative Use Act of 1976,” (90 Stat. 2505). This Act encourages the use of historic buildings as administrative facilities for federal agencies or activities.
18. “The President’s Memorandum on Environmental Quality and Water Resources Management,” 12 July 1978. Directs federal agencies with water resources and related land resources management responsibilities and programs to publish procedures implementing the ACHE’s regulations (36 C.F.R. 800).
19. “American Indian Religious Freedom Act,” 1 August 1978 (P.L. 95-341). This act establishes as policy of the United States protection and preservation for American Indians of their inherent right to freedom to believe, express, and exercise their traditional religions, and directs federal agencies to consult with native traditional religious leaders to determine appropriate policy changes necessary to protect and preserve American Indian religious cultural rights and practices.
20. “Archaeological Resources Protection Act,” 31 October 1979 (P.L. 96-95). This act clarifies and defines "archaeological resources;" prohibits the removal, sale, receipt, and interstate transport of archaeological resources obtained Illegally from



public or Indian lands; provides substantial criminal and civil penalties for those who violate the terms of the act; authorizes confidentiality of site location information; and authorizes permit procedures to enable the study and investigation of archaeological resources on public and Indian land by qualified individuals. The act supplements the Antiquities Act of 1906.

21. “Findings and Policy of National Historic Preservation Act,” 12 December 1980, (P.L. 96-515, 94 Stat. 2987). Amendments to the Historic Preservation Act of 1966; continues the National Register of Historic Places with properties of national, state, and local significance; directs the Secretary of the Interior to establish guidelines for nationally significant properties, curation of artifacts, documentation of historic properties, and preservation of federally owned historic properties, prior to alteration; designates a Preservation Officer within each federal agency; authorizes the inclusion of historic preservation, inventory, and evaluation costs in project planning costs; authorizes the inclusion of historic inventory, evaluation and data recovery in federal licenses and permits; and authorizes withholding sensitive data on historic properties when necessary.
22. “Archaeology and Historic Preservation: Secretary of the Interior’s Standards and Guidelines,” 29 September 1983. Sets forth the Secretary of the Interior’s standards and guidelines for archaeology and historic preservation and provides federal agency personnel and others with technical advice about archaeological and historic preservation activities and methods.
23. “Treatment of Archaeological Properties: A Handbook,” 5 November 1980. ACHE’s guide to principles, procedures and methods for the treatment of archaeological properties to assist federal agencies and State Historic Preservation Officers in meeting their responsibilities pursuant to 36 C.F.R. 800.
24. “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings,” revised 1983. Provides guidance to assist federal agencies and others in meeting their historic preservation responsibilities for rehabilitation of historic buildings under federal ownership and control. The guidelines provide more specific guidance and technical information.
25. “Senate Bill 297” (Garamendi), Chapter 1492, Statutes of 1982.
26. “California Coastal Act of 1976,” Section 30001.5 and 30244.



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27. “Native American Graves Protection and Repatriation Act of 1990”
28. “Guidelines for Archaeological Research Designs,” State Office of Historic Preservation, 1991.



Appendix A-9
Society of Professional Archaeologists Documents

1. “Code of Conduct,” 2003.
2. “Standards of Research Performance,” 2003.



Code of Conduct

Archaeology is a profession, and the privilege of professional practice requires professional morality and professional responsibility, as well as professional competence, on the part of each practitioner.

- I. The Archaeologist’s Responsibility to the Public
 - 1.1 An archaeologist shall:
 - (a) Recognize a commitment to represent archaeology and its research results to the public in a responsible manner;
 - (b) Actively support conservation of the archaeological research base;
 - (c) Be sensitive to, and respect the legitimate concerns of, groups whose culture histories are the subjects of archaeological investigations;
 - (d) Avoid and discourage exaggerated, misleading, or unwarranted statements about archaeological matters that might induce others to engage in unethical or illegal activity;
 - (e) Support and comply with the terms of the UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property, as adopted by the General Conference, 14 November 1970, Paris.
 - 1.2 An archaeologist shall not:
 - (a) Engage in any illegal or unethical conduct involving archaeological matters or knowingly permit the use of his/her name in support of any illegal or unethical activity involving archaeological matters;
 - (b) Give a professional opinion, make a public report, or give legal testimony involving archaeological matters without being as thoroughly informed as might reasonably be expected;



- (c) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation about archaeological matters;
 - (d) Under take any research that affects the archaeological resource base for which she/he is not qualified.
- II. The Archaeologist’s Responsibility to Colleagues
- 2.1 An archaeologist shall:
- (a) Give appropriate credit for work done by others;
 - (b) Stay informed and knowledgeable about developments in his/her field or fields of specialization;
 - (c) Accurately, and without undue delay, prepare and properly disseminate a description of research done and its results;
 - (d) Communicate and cooperate with colleagues having common professional interests;
 - (e) Give due respect to colleagues’ interests in, and rights to, information about sites, areas, collections, or data where there is a mutual active or potentially active research concern;
 - (f) Know and comply with all federal, state and local laws, ordinances and regulations applicable to her/his archaeological research.
 - (g) Report violations of this Code to proper authorities.
 - (h) Honor and comply with the spirit and letter of the Register of Professional Archaeologist’s Disciplinary Procedures.
- 2.2 An archaeologist shall not:
- (a) Falsely or maliciously attempt to injure the reputation of another archaeologist;
 - (b) Commit plagiarism in oral or written communication;
 - (c) Undertake research that affects the archaeological resource base unless reasonably prompt and appropriate analysis and reporting can be expected;



- (d) Refuse a reasonable request from a qualified colleague for research data;
- (e) Submit a false or misleading application for registration by the Register of Professional Archaeologists.

III. The Archaeologist’s Responsibility to Employers and Clients

3.1 An archaeologist shall:

- (a) Respect the interests of his/her employer or client, so far as is consistent with the public welfare and this Code and Standards;
- (b) Refuse to comply with any request or demand of an employer or client that conflicts with the Code or Standards;
- (c) Recommend to employers or clients the employment of other archaeologists or other expert consultants upon encountering archaeological problems beyond her/his own competence;
- (d) Exercise reasonable care to prevent his/her employees, colleagues, associates, and others whose services are utilized by her/him from revealing or using confidential information. Confidential information means information of a non-archaeological nature gained in the course of employment which the employer or client has requested be held inviolate, or the disclosure of which would be embarrassing or would be likely to be detrimental to the employer or client. Information ceases to be confidential when the employer or client so indicates or when such information becomes publicly known.

3.2 An archaeologist shall not:

- (a) Reveal confidential information, unless required to by law;
- (b) Use confidential information to the disadvantage of the client or employer;
- (c) Use confidential information for the advantage of herself/himself or a third person, unless the employer or client consents after full disclosure;



- (d) Accept compensation or anything of value for recommending the employment of another archaeologist or other person, unless such compensation or thing of value is fully disclosed to the potential employer or client;
- (e) Recommend or participate in any research which does not comply with the requirements of the Standards of Research Performance.

Standards of Research Performance

The research archaeologist has a responsibility to attempt to design and conduct projects that will add to our understanding of past cultures and/or that will develop better theories, methods, or techniques for interpreting the archaeological record, while causing minimal attrition of the archaeological resource base. In the conduct of a research project, the following minimum standards should be followed:

- I. The archaeologist has a responsibility to prepare adequately for any research project, whether or not in the field. The archaeologist must:
 - 1.1 Assess the adequacy of her/his qualifications for the demands of the project, and minimize inadequacies by acquiring additional expertise, by bringing in associates with the needed qualifications, or by modifying the scope of the project;
 - 1.2 Inform himself/herself of relevant previous research;
 - 1.3 Develop a scientific plan of research which specifies the objectives of the project, takes into account previous relevant research, employs a suitable methodology, and provides for economical use of the resource base (whether such base consists of an excavation site or of specimens) consistent with the objectives of the project;
 - 1.4 Ensure the availability of adequate staff and support facilities to carry the project to completion, and of adequate curatorial facilities for specimens and records;



- 1.5 Comply with all legal requirements including, without limitation, obtaining all necessary governmental permits and necessary permission from landowners or other persons;
 - 1.6 Determine whether the project is likely to interfere with the program or projects of other scholars and, if there is such likelihood, initiate negotiations to minimize such interference.
- II. In conducting research, the archaeologist must follow her/his scientific plan of research, except to the extent that unforeseen circumstances warrant its modification.
- III. Procedures for field survey or excavation must meet the following minimal standards:
- 3.1 If specimens are collected, a system for identifying and recording their proveniences must be maintained;
 - 3.2 Uncollected entities, such as environmental or cultural features, depositional strata, and the like, must be fully and accurately recorded by appropriate means, and their location recorded;
 - 3.3 The methods employed in data collection must be fully and accurately described. Significant stratigraphic and/or locational relationships among artifacts, other specimens, and cultural and environmental features must also be fully and accurately recorded;
 - 3.4 All records should be intelligible to other archaeologists. If terms lacking commonly held referents are used, they should be clearly defined;
 - 3.5 Insofar as possible, the interests of other researchers should be considered. For example, upper levels of a site should be scientifically excavated and recorded whenever feasible, even if the focus of the project is on underlying levels.
- IV. During accessioning, analysis, and storage of specimens and records in the laboratory, the archaeologist must take precautions to ensure that correlations between the specimens and the field records are maintained, so that provenience, contextual relationships, and the like are not confused or obscured.



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- V. Specimens and research records resulting from a project must be deposited at an institution with permanent curatorial facilities, unless otherwise required by law.
- VI. The archaeologist has responsibility for appropriate dissemination of the results of her/his research to the appropriate constituencies with reasonable dispatch:
 - 6.1 Results reviewed as significant contributions to substantive knowledge of the past or to advancements in theory, method, or technique should be disseminated to colleagues and other interested persons by appropriate means, such as publications, reports at professional meetings, or letters to colleagues;
 - 6.2 Requests from qualified colleagues for information on research results directly should be honored, if consistent with the researcher's prior rights to publication and his/her other professional responsibilities;
 - 6.3 Failure to complete a full scholarly report within 10 years after completion of a field project shall be construed as a waiver of an archaeologist's right of primacy with respect to analysis and publication of the data. Upon expiration of such 10-year period or at such earlier time as the archaeologist shall determine not to publish the results, such data should be made fully accessible to other archaeologists for analysis and publication;
 - 6.4 While contractual obligations in reporting must be respected, archaeologists should not enter into a contract which prohibits the archaeologist from including her/his interpretations or conclusions in the contractual reports, or from preserving a continuing right to use the data after completion of the project;
 - 6.5 Archaeologists have an obligation to accede to reasonable requests for information from the news media.



