

**PALEONTOLOGICAL AND ARCHAEOLOGICAL
RESOURCE PROTECTION GUIDELINES**

General Policy

The City will ensure that potential impacts to paleontological and archaeological resources by public or private development are properly evaluated and mitigated in accordance with the General Plan, Local Coastal Program and the California Environmental Quality Act.

Procedures

- A. During the preparation of an initial study for a project, staff or a qualified consultant shall determine if paleontological or archaeological resources exist at or near a project site. If the site is located in the Coastal Zone, the requirements and procedures provided in Newport Beach Municipal Code Section 21.30.105(A), or any successor statute, shall be implemented.
- B. If resources are known to exist at or near a project site or that, the project could otherwise affect known resources, a preliminary investigation report shall be prepared by a qualified professional archaeologist or paleontologist.
- C. If the preliminary investigation report concludes that resources are not likely to be at the present at the project site or encountered during construction, no further analysis shall be required.
- D. If the preliminary report concludes that resources are present at the site or are likely to be present at the site or may be encountered by project construction, additional investigative work shall be prepared to identify and disclose the potential impacts of the project. The impact assessment report shall make every effort to identify the value of the resource and shall identify feasible design modifications or other methods to avoid and/or minimize project-related impacts. The impact assessment report may include a suggested excavation plan for assessing or mitigating the effect of the project on the qualities which make the resource important if avoidance is considered infeasible. The impact assessment report shall also identify feasible mitigation measures that can be either incorporated within project specifications or applied as conditions of approval.
- E. If paleontological or archaeological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor. The monitor shall

the significance of the resource recommend next steps (i.e. additional excavation, curation, preservation, etc.).

- F. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code, or any successor statute, or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or their authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code, or any successor statute. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission and the Newport Beach Building Official.

History

Adopted K-5 - 8-26-1974 ("Paleontological Guidelines")

Amended K-5 - 11-11-1974

Adopted K-6 - 1-27-1975 ("Archaeological Guidelines")

Amended K-4 - 1-24-1994 (changed to K-4)

Amended K-6 - 1-24-1994 (changed to K-5)

Amended K-4 & K-5 - 3-22-1999

Amended K-4 & K-5 - 9-27-2011

Amended K-5 - 8-8-2017 (incorporating K-4, renaming "Paleontological and Archaeological Resource Protection Guidelines")