

3.5 CULTURAL RESOURCES

This section of the Program Environmental Impact Report (PEIR) describes the existing cultural resources within the SCAG region, identifies the regulatory framework with respect to laws and regulations that govern cultural resources, and analyzes the potential impacts of the Connect SoCal Plan (“Connect SoCal”; “Plan”). In addition, this PEIR provides regional-scale mitigation measures as well as project-level mitigation measures to be considered by lead agencies for subsequent, site-specific environmental review to reduce identified impacts as appropriate and feasible.

Tribal Cultural Resources are addressed in **Section 3.18, Tribal Cultural Resources**.

3.5.1 ENVIRONMENTAL SETTING

3.5.1.1 Definitions

Definitions of terms used in the regulatory framework, characterization of baseline conditions, and impact analysis for cultural resources are provided.

AD: The term Anno Domini (AD or A.D.) is used to label calendar years and is intended to be in relation to the beginning of the life of Jesus as a reference date.

Alluvium: An unconsolidated accumulation of stream-deposited sediments, including sands, silts, clays or gravels.

Archaeological site: Defined by the National Register of Historic Places (NRHP) as the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains. Archaeological remains usually take the form of artifacts (e.g., fragments of tools, vestiges of utilitarian, or non-utilitarian objects), features (e.g., remnants of walls, cooking hearths, or midden deposits), and ecological evidence (e.g., pollen remaining from plants that were in the area when the activities occurred). The Office of Historic Preservation (OHP) defines an archaeological “site” as consisting of three or more related resources discovered in one locality. In the event of archaeological discovery, the resources are collected, documented, and curated at an educational institution, such as a school or a museum. These can include prehistoric (pre-European contact), historic (post-contact), or combination thereof.

BCE: The term BCE is the abbreviation for Before the Common Era, and is used to label calendar years, prior to the demarcation of AD.

BP: “Before present,” which is defined as before 1950 and is used by archaeologists in conjunction with the commonly used term, AD.

Cretaceous: An interval of time relating to, or denoting the last period of the Mesozoic era, between the Jurassic and Tertiary periods.

CE: The term Common Era (CE) is an alternative naming of the calendar era AD.

Formation: A laterally continuous rock unit with a distinctive set of characteristics that make it possible to recognize and map from one outcrop or well to another. The basic rock unit of stratigraphy.

Holocene: An interval of time relating to, or denoting the present epoch, which is the second epoch in the Quaternary period, including the time period from approximately 11,000 years ago to the present.

Historic period: The period that begins with the arrival of the first nonnative population and thus varies by area. In 1769, Gaspar de Portolá became the first European to enter the San Fernando Valley, initiating the historic period in the SCAG region.

Historical resource: Defined by CEQA as any object, building, structure, site (including archaeological sites), area, place, record, or manuscript that is listed in, or is eligible for listing in, the California Register of Historical Resources (CRHR); officially designated or recognized as historically significant by a local government pursuant to a local initiative or resolution; or identified as significant in a historic resource survey conducted in accordance with the requirements of the CRHR statute (PRC Section 5024.1(g)). Properties listed in, or determined eligible for listing in, the NRHP are automatically listed in the CRHR and are therefore historical resources under CEQA.

Isolate: An isolated artifact or small group of artifacts that appear to reflect a single event, loci, or activity. It may lack identifiable context but has the potential to add important information about a region, culture, or person. Isolates are not considered under CEQA to be significant and, thus, do not require avoidance or mitigation under CEQA. All isolates located during the field effort, however, are recorded, and the data are transmitted to the appropriate California Historical Resources Information System (CHRIS) Information Center.

Miocene: An interval of time relating to or denoting the fourth epoch of the Tertiary period, between the Oligocene and Pliocene epochs, from approximately 23 to 5.5 million years ago.

Native American sacred site: An area that has been, and often continues to be, of religious significance to Native American peoples, such as an area where religious ceremonies are practiced or an area that is

central to their origins as a people. They also include areas where Native Americans gather plants for food, medicinal, or economic purposes.

Oligocene: An interval of time relating to or denoting the third epoch of the Tertiary period, between the Eocene and Miocene epochs, from approximately 34 to 23 million years ago.

Outcrop: A rock formation that is visible on earth's surface.

Paleocene: An interval of time, relating to, or denoting the earliest epoch of the Tertiary period, between the Cretaceous period and the Eocene epoch.

Phase I archaeological resources survey: A literature review (background research), consultation with the NAHC, and fieldwork. Fieldwork consists of a physical inspection of the cultural resources survey area, generally through pedestrian surveys, or by other means when appropriate. The purpose of the Phase I survey is to identify the cultural resources known or likely to be present in the initiative's impact area and in the immediate vicinity.

Phase II archaeological investigation: Consisting of testing and evaluation, is conducted when the results of a Phase I investigation indicate the presence of potentially significant cultural resources. Phase II investigations are intended to evaluate the historical significance of historic and prehistoric archaeological sites and require a comprehensive and detailed scope of work, a research design, and fieldwork. Surface and subsurface testing is conducted during Phase II investigations to collect the data necessary to establish historical significance of archaeological sites.

Phase III data recovery: Implemented on those archaeological sites that are determined to be significant as a result of the Phase II investigations and that cannot feasibly be avoided or preserved with initiative implementation. Phase III efforts typically involve the collection of data intended to answer scientific or research questions that have been formulated during Phase II testing and formalized by a comprehensive Phase III research design. Most commonly, Phase III data collections are implemented on sites determined to be significant as a means of mitigating the effects of an initiative through salvage, recordation, and archiving of scientific data associated with the site.

Pleistocene: An interval of time, relating to or denoting the first epoch of the Quaternary period, between the Pliocene and Holocene epochs, from approximately 2.6 million years ago to 11,000 years ago.

Pliocene: An interval of time, relating to or denoting the last epoch of the Tertiary period, between the Miocene and Pleistocene epochs, from approximately 5.5 to 2.6 million years ago.

Plutonic igneous rocks: Igneous rocks that have crystallized beneath the earth's surface.

Prehistoric period: The era prior to AD 1769. The later part of the prehistoric period (post-AD 1542) is also characterized as the protohistoric period in some areas, which marks a transitional period during which native populations began to be influenced by European presence resulting in gradual changes to their lifeways.

Quaternary: The most recent Period in geological time; includes the Pleistocene and Holocene Epochs.

Secretary of the Interior’ Standards and Guidelines: The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The Guidelines offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property. The Standards and Guidelines can be applied to historic properties of all types, materials, construction, sizes, and use. They include both the exterior and the interior and extend to a property’s landscape features, site, environment, as well as related new construction. Federal agencies use the Standards and Guidelines in carrying out their historic preservation responsibilities. State and local officials use them in reviewing both federal and nonfederal rehabilitation proposals. Historic district and planning commissions across the country use the Standards and Guidelines to guide their design review processes. The Standards offer four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction with Guidelines for each. The Standards for the Treatment of Historic Properties are regulatory for all grant-in-aid projects assisted through the national Historic Preservation Fund. The Standards for Rehabilitation, codified in 36 CFR 67, are regulatory for the review of rehabilitation work in the Historic Preservation Tax Incentives program. The Guidelines are advisory, not regulatory.

Unique Archeological Resource: Pursuant to Section 21083.2 of the PRC, a unique archaeological resource includes artifacts or sites that meet any one or all the following criteria:¹

- It has made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to California’s past;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or
- It has yielded, or may be likely to yield, information important to the prehistory or history of California.

¹ California Legislative Information. 1972. *Chapter 2.6. General [21080-21098], Section 21083.2*. Available online at: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=21083.2, accessed August 27, 2019.

3.5.2 EXISTING CONDITIONS

3.5.2.1. Cultural Context

A brief context statement is provided below. The cultural context is organized by three broad temporal-cultural periods: Prehistoric, Protohistoric, and Historic. The Prehistoric and Historic periods are further divided into chronological sequences. The Prehistoric period is discussed in terms of four “horizons” that were established in the mid-twentieth century and continue to be developed by archaeologists. The Prehistoric and Protohistoric periods are intended to reflect Native American history prior to Spanish presence in the SCAG region (Prehistoric period) and shortly after (Protohistoric period). The Prehistoric horizons are based primarily on archaeological data, whereas information from the Protohistoric period also includes oral history and historical records. The divisions within the Historic period are based strictly on the years of Spanish, Mexican, and American government administration. As a result, the Protohistoric period has some overlap with the Spanish period, the former being affiliated exclusively with Native Americans, the latter with Europeans or other non-Native Americans.

Prehistoric

In the last several decades, researchers have devised numerous prehistoric chronological sequences to aid in understanding cultural changes in southern California. Building on early studies and focusing on data synthesis, Wallace (1955, 1978) developed a prehistoric chronology for the southern California coastal region that is still widely used today and is applicable to near-coastal and many inland areas. Four horizons are presented in Wallace’s prehistoric sequence: Early Man, Milling Stone, Intermediate, and Late Prehistoric. The summary of prehistoric chronological sequences for southern California coastal and near-coastal areas presented below is a composite of information in Wallace (1955) and Warren (1968), as well as more recent studies using radiocarbon dates obtained by researchers in the last three decades, including Koerper and Drover (1983).

Horizon I: Early Man (ca. 10,000–6,000 BC)

The earliest accepted dates for archaeological sites on the southern California coast are from two of the northern Channel Islands, located off the coast of Santa Barbara. On San Miguel Island, Daisy Cave clearly establishes the presence of people in this area approximately 10,000 years ago (Erlandson 1991:105). On Santa Rosa Island, human remains have been dated from the Arlington Springs site to approximately 13,000 years ago (Johnson et al. 2002). Present-day Orange and San Diego counties contain several sites dating from 9,000 to 10,000 years ago (Byrd and Raab 2007:219; Macko 1998:41; Mason and Peterson 1994:55–57; Sawyer and Koerper 2006). Although the dating of these finds remains controversial, several sets of human remains from the Los Angeles Basin (e.g., “Los Angeles Man,” “La Brea Woman,”

and the Haverty skeletons) apparently date to the Middle Holocene, if not earlier (Brooks et al. 1990; Erlandson et al. 2007:54).

Recent data from Horizon I sites indicate that the economy was a diverse mixture of hunting and gathering, with a major emphasis on aquatic resources in many coastal areas (e.g., Jones et al. 2002), and a greater emphasis on large-game hunting inland.

Horizon II: Milling Stone (6,000–3,000 BC)

Set during a drier climatic regime than the previous horizon, the Milling Stone horizon is characterized by subsistence strategies centered on collecting plant foods and small animals. The importance of the seed processing is apparent in the dominance of stone grinding implements in contemporary archaeological assemblages, namely milling stones (metates) and handstones (manos). Recent research indicates that Milling Stone horizon food procurement strategies varied in both time and space, reflecting divergent responses to variable coastal and inland environmental conditions (Byrd and Raab 2007:220).

Horizon III: Intermediate (3,000 BC–AD 500)

The Intermediate horizon is characterized by a shift toward a hunting and maritime subsistence strategy, along with a wider use of plant foods. An increasing variety and abundance of fish, land mammal, and sea mammal remains are found in sites from this horizon along the California coast. Related chipped stone tools suitable for hunting are more abundant and diversified, and shell fishhooks became part of the toolkit during this period. Mortars and pestles became more common during this period, gradually replacing manos and metates as the dominant milling equipment and signaling a shift away from the processing and consuming of hard seed resources to the increasing importance of the acorn (e.g., Glassow et al. 1988).

Horizon IV: late Prehistoric (AD 500–Historic Contact)

In the Late Prehistoric horizon, there was an increase in the use of plant food resources in addition to an increase in land and sea mammal hunting. There was a concomitant increase in the diversity and complexity of material culture during the Late Prehistoric horizon, demonstrated by more classes of artifacts. The recovery of a greater number of small, finely chipped projectile points suggests increased use of the bow and arrow rather than the atlatl (spear thrower) and dart for hunting. Steatite cooking vessels and containers are also present in sites from this time, and there is an increased presence of smaller bone and shell circular fishhooks; perforated stones; arrow shaft straighteners made of steatite; a variety of bone tools; and personal ornaments such as beads made from shell, bone, and stone. There was also an increased use of asphalt for waterproofing and as an adhesive.

By AD 1000, fired clay smoking pipes and ceramic vessels were being used at some sites (Drover 1971, 1975; Meighan 1954; Warren and True 1961). The scarcity of pottery in coastal and near-coastal sites implies that ceramic technology was not well developed in that area, or that occupants were trading with neighboring groups to the south and east for ceramics. The lack of widespread pottery manufacture is usually attributed to the high quality of tightly woven and watertight basketry that functioned in the same capacity as ceramic vessels.

During this period, there was an increase in population size accompanied by the advent of larger, more permanent villages (Wallace 1955:223). Large populations and, in places, high population densities are characteristic, with some coastal and near-coastal settlements containing as many as 1,500 people. Many of the larger settlements were permanent villages in which people resided year-round. The populations of these villages may have also increased seasonally.

In Warren's (1968) cultural ecological scheme, the period between AD 500 and European contact, which occurred as early as 1542, is divided into three regional patterns: Chumash (Santa Barbara and Ventura counties), Takic/Numic (Los Angeles, Orange, and western Riverside counties), and Yuman (San Diego County). The seemingly abrupt introduction of cremation, pottery, and small triangular arrow points in parts of modern-day Los Angeles, Orange, and western Riverside counties at the beginning of the Late Prehistoric period is thought to be the result of a Takic migration to the coast from inland desert regions. Modern Gabrielino, Juaneño, and Luiseño people in this region are considered the descendants of the Uto-Aztecan, Takic-speaking populations that settled along the California coast in this period.

Protohistoric

The Protohistoric period does not have a clear chronological timeline but may be defined by the boundaries of 500 to approximately 1600. Although early Spanish explorers and mission fathers recorded information on the local Native American populations, professional anthropological studies did not begin until the end of the 19th century after most of the Indian groups had been decimated by genocide, mixed with other Indigenous groups, were assimilated by Spanish, Mexican, and American cultures, or were forced to relocated to reservations.

The SCAG region once was the home to at least 11 distinct Native American groups. These include the Cahuilla, Chumash, Gabrielino, Halchidhoma, Kitanemuk, Luiseno, Mohave, Quechan, Serrano, Southern Paiute, Tataviam, and Tipai. The territorial boundaries of the Native Americans who were residing in Southern California at the time of first European contact do not coincide with today's political boundaries. Moreover, many tribal boundaries overlapped, and most groups migrated within their general boundaries throughout the years.

Between 1851 and 1852 federal agents, negotiated 18 treaties that included 139 tribes, to establish reservation lands across almost a third of California. The treaties were not ratified by Congress, and as a rule, Congress no longer negotiated with American Indians from 1871. However, the federal government continued the policy of forced migration and established a number of reservations in Southern California between 1875 and 1891. In all 17 reservations were established within the SCAG region, within Imperial, Riverside, and San Bernardino Counties. Riverside County holds the most, including Chemehuevi, Fort Mojave, Torres, Cabazon, Augustine, Santa Rosa, Ramona, Pechanga, Soboba, Agua Caliente, Mission Creek, and Morongo. Within Imperial County are the Martinez, Fort Yuma, and Colorado River reservations. The two reservations in San Bernardino County are the San Manuel and Twentynine Palms reservations. No reservations were established in Los Angeles, Ventura, or Orange Counties as it was believed that the local Native American groups in those counties had become extinct.

Historic

Post-contact history for the state of California is generally divided into three periods: the Spanish period (1769–1822), the Mexican period (1822–1848), and the American period (1848–present). Although there were brief visits by Spanish, Russian, and British explorers from 1529 to 1769, the Spanish period in California began with the establishment of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain marks the beginning of the Mexican period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American period, when California became a territory of the United States.

Spanish Period (1769–1821)

Spanish explorers made numerous expeditions into California between the mid-1500s and mid-1700s. In the process of delivering supplies to another expedition, Hernando de Alarcon followed the Colorado River in 1540 and reached what is now Andrade in Imperial County. Two years later, in search of the legendary Northwest Passage, Juan Rodríguez Cabrillo stopped in 1542 at present-day San Diego Bay. With his crew, Cabrillo explored the shorelines of present Catalina Island as well as San Pedro and Santa Monica Bays. Much of the present California and Oregon coastline was mapped and recorded in the next half-century by Spanish naval officer Sebastián Vizcaíno. Vizcaíno's crew also landed on Santa Catalina Island and at San Pedro and Santa Monica Bays, giving each location its long-standing name. The Spanish crown laid claim to California based on the surveys conducted by Cabrillo and Vizcaíno (Bancroft 1886:96–99; Gumprecht 2001:35).

More than 200 years passed before Spain began the colonization and inland exploration of Alta California. With the renewed interest into the area by other European nations, such as Britain, France,

and Russia, who all sent expeditions into the area, Spain officially moved to settle the territory. The 1769 overland expedition by Captain Gaspar de Portolá marks the beginning of California's Historic period, occurring just after the King of Spain installed the Franciscan Order to direct religious and colonization matters in assigned territories of the Americas. With a band of 64 soldiers, missionaries, Baja (lower) California Native Americans, and Mexican civilians, Portolá established the Presidio of San Diego, a fortified military outpost, as the first Spanish settlement in Alta California. In July 1769, while Portolá was exploring Southern California, Franciscan Fr. Junípero Serra founded Mission San Diego de Alcalá at Presidio Hill, the first of the 21 missions that would be established in Alta California by the Spanish and the Franciscan Order between 1769 and 1823.

These missions were part of the Spanish plan that included the settlement of three pueblos and four presidios, that would provide Spain control over Alta California. While one of the pueblos, Branciforte would fail, the other aspects of this plan would be successful.

Mexican Period (1822–1848)

A major emphasis during the Spanish period in California was the construction of missions and associated presidios to integrate the Native American population into Christianity and communal enterprise. Incentives were also provided to bring settlers to pueblos or towns, but just three pueblos were established during the Spanish period, only two of which were successful and remain as California cities (San José and Los Angeles). Several factors kept growth within Alta California to a minimum, including the threat of foreign invasion, political dissatisfaction, and unrest among the indigenous population. After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade, and decreed California ports open to foreign merchants.

Extensive land grants were established in the interior during the Mexican period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated their colonization efforts. The secularization of the missions following Mexico's independence from Spain resulted in the subdivision of former mission lands and establishment of many additional ranchos.

During the supremacy of the ranchos (1834–1848), landowners largely focused on the cattle industry and devoted large tracts to grazing. Cattle hides became a primary southern California export, providing a commodity to trade for goods from the east and other areas in the United States and Mexico. The number of nonnative inhabitants increased during this period because of the influx of explorers, trappers, and ranchers associated with the land grants. Many newcomers were Americans that had traveled west and

married into landed families. The rising California population contributed to the introduction and rise of diseases foreign to the Native American population, who had no associated immunities.

An attempted northern California revolt in 1846, was quickly stopped, but the American Navy arrived soon after, and on January 13, 1847, Governor Pio Pico and Commander Jose Maria Flores officially surrender to US Captain John C. Fremont. The Treaty of Guadalupe Hidalgo in 1848 was the end of Mexican rule in California.

American Period (1848–Present)

The Mexican–American War officially ended with the Treaty of Guadalupe Hidalgo in 1848, which resulted in the annexation of California and much of the present-day southwest, ushering California into its American period. While gold was first found by Francisco Lopez in 1842 within Placerita Canyon, it wasn't until James Marshall's gold find in 1848 that the Gold Rush began, drastically changing California.

California officially became a state with the Compromise of 1850, which also designated Utah and New Mexico (with present-day Arizona) as U.S. territories. With Statehood and the population boom, legal battles over the land rights of the rancho's were prevalent. By the time American courts decided upon each case, many of the ranches had already be lost by their original Mexican landowners, through deceit, debt, or marriage.

With the huge influx of people seeking gold, the cattle industry flourished as cattle were no longer desired mainly for their hides, but also as a source of meat and other goods. During the 1850s cattle boom, rancho vaqueros drove large herds from southern to northern California to feed that region's burgeoning mining and commercial boom. Cattle were at first driven along major trails or roads such as the Gila Trail or Southern Overland Trail, then were transported by trains when available. The cattle boom ended for southern California as neighbor states and territories drove herds to northern California at reduced prices. Operation of the huge ranchos became increasingly difficult, and droughts severely reduced their productivity (Cleland 1941). With that, many of the rancho lands were transformed to agricultural fields.

The connection of California to the rest of the United States by rail in the 1870s resulted in another population boom, as well as a land boom. Towns began to be established along rail lines, and with them additional mineral deposits were identified and mined. These mining camps existed for only short periods of time before being abandoned.

3.5.2.2. Existing Conditions

This section characterizes the existing conditions related to cultural resources in the SCAG region, which encompasses an area of more than 38,000 square miles within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The discussion of cultural resources includes archaeological resources associated with various time periods, as well as non-archaeological resources such as buildings, structures, and other elements of the historical built environment.

Historical and Archeological Resources

Historical resources are defined in Section 15064.5(a) of the *State CEQA Guidelines* and are evaluated according to the provisions of Section 15126.4 of the *State CEQA Guidelines*. Furthermore, AB 52 requires that CEQA lead agencies consider the effects of projects on tribal cultural resources. Such resources may be underrepresented in the record and archival information available in the information centers, existing in developed areas of a community, where development occurred prior to enactment of CEQA.

Archaeological resources consist of the physical remains of past human activity, and the occupation of Southern California by humans for thousands of years has created innumerable such resources. If an archeological resource is determined to be a historical resource as defined in Section 15064.5(a) of the *State CEQA Guidelines*, it is evaluated in light of the provisions of Section 15126.4 of the *State CEQA Guidelines*. If the resource is not a historical resource but meets the definition of a unique archeological resource as established in Section 21083.2 of the PRC, the site is required to be treated in accordance with the provisions of Section 21083.2 of the PRC. For projects that are subject to the provisions of AB 52 (i.e., when a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report are prepared), consideration must include archeological resources that are determined to be tribal cultural resources. Such resources may be underrepresented in the record and archival information available in the information centers, as they may be present in existing developed areas, developed prior to enactment of CEQA.

As of July 2019, over 109,000 archaeological resource locations have been identified in the SCAG region (**Table 3.5-1, Archeological Resources Listed in the California Historical Resources Information System [CHRIS]**). In order to protect these archaeological sites, and the artifacts contained within their boundaries, from scavenging and looting, their locations are confidential. Under state law, detailed information about these sites, especially their location, is considered confidential.

**Table 3.5-1
Archeological Resources Listed in the California Historical Resources Information System (CHRIS)**

County	Archeological Resources	Archeological Resources Listed in CHRIS
Imperial*	12,398	16,500 (approx.)
Los Angeles	4,886	18,599
Orange	1,775	5,498
Riverside**	20,200 (approx..)	28,612
San Bernardino	8,236	36,924
Ventura	1,864	3,226
SCAG Region Total	49,359	109,359

Source:

SWCA Environmental Consultants, Inc. (2019).

* The SCIC database is currently being revised and the count of total resources is an approximation based on current listings. The number of resources with archaeological components is taken from the 2016 General Plan, Open Space & Conservation Element. The total number of resources was approximated by SCIC staff and provided to SWCA via email on July 1, 2019.

** The EIC database is not currently configured to distinguish historic-period archaeological resources from non-archaeological historic resources (i.e., buildings, structures, etc.). Instead, the EIC provided tallies of resources with components dating to the respective periods as follows: 13,993 Prehistoric archaeological sites; 1 Protohistoric archaeological site; 15,313 Historic period cultural resources (archaeological sites and historic resources); 202 sites of unknown cultural or temporal affiliation. Because an individual resource may have components that fall into multiple periods, the sum of all resources listed for each period is greater than the total number of resources. The total number of archaeological sites was estimated for Riverside County to allow for comparison with other counties across the SCAG region. This was done for Riverside County by taking the 13,994 archaeological sites listed as Prehistoric and Protohistoric (because these resources can only be archaeological sites) and adding an estimated fraction of those listed as Historic and Unknown Period, which could consist of historic resources (i.e., non-archaeological). The estimate provided here assumes 40 percent of those resources listed as Historic or Unknown Period have archaeological components that are not multi-component resources (and already tallied as Prehistoric or Protohistoric).

Due to the proprietary nature of archaeological information, the exact location of most of these locales cannot be discussed. However, some of the sites have been made public in county, regional, state, and federal parks, or listed on public registers:

- The site of the Puvunga India Village (NR) Los Angeles County
- Vasquez Rocks (NR) Los Angeles County
- Black Star Canyon Indian Village Site (CHL-217) Orange County
- Fairview Indian Site (NR) Orange County
- Desert Intaglios (CHL-101) Riverside County
- Site of the Indian Village of Pochea (CHL-104) Riverside County
- Carved Rock (CHL-187) Riverside County
- Painted Rock (CHL-190) Riverside County
- The Hemet Maze (CHL-557) Riverside County
- The Calico “Early Man” Site San Bernardino County
- Anacapa Island Archaeological District (NR) Ventura County

The SCAG region was occupied during both the prehistoric and protohistoric periods; therefore, archaeological sites are widespread and numerous. Rock outcrops, river and stream drainages, and coastal strips were often prime locations for Native American village sites or processing camps. These locations now include highly urbanized locations, such as cities, and undeveloped areas of the high desert. Often archaeological sites are covered by three feet or more of topsoil; however, it is possible that construction may not disturb the surface soils by more than a foot or two, thereby protecting remains even after an area has been fully urbanized. In 1998, a large undisturbed Native American burial ground, dating from the Protohistoric Period, was exposed during construction at the ARCO Refinery in Los Angeles. The refinery had been there for 75 years, yet the burial level was located under three to five feet of flood deposits from the nearby Los Angeles River.²

There are numerous historical resources that have been listed or determined eligible for listing in the National Register of Historic Places and/or the California Register of Historical Resources. These historical sites are generally open to the public. Additionally, registries are maintained by counties, cities, and local historical societies within the SCAG region. There are more than 85,000 listings in the NRHP, of which 1,123 are located in the SCAG region (**Table 3.5-2, National Register of Historic Places Properties within the SCAG Region**). A complete listing is provided in **Appendix 3.5, Cultural Resources Technical Report**.

**Table 3.5-2
National Register of Historic Places Properties within the SCAG Region**

County	Listed	Approved	Accepted	Eligible	Total
Imperial	10	0	0	13	23
Los Angeles	564	2	1	142	709
Orange	124	0	0	17	141
Riverside	87	0	0	7	94
San Bernardino	69	0	0	34	103
Ventura	37	0	0	16	59
Total	891	2	1	229	1,123

Source:

National Park Service, National Historic Landmarks Program. Accessed August 2019. National Historic Landmarks Survey. Available at: <https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm>

Also recognized by the federal government are NHLs. These are districts, sites, buildings, structures, and objects that the Secretary of the Interior has determined to be significant to the nation's history and

² Bonner, Wayne H. Human Burials. *W.H. Bonner and Associates*. Available online at: <https://scahome.org/publications/proceedings/Proceedings.13BonnerW1.pdf>, accessed August 27, 2019.

culture or illustrate events or places that were important contributions to the historical development of the United States. There are currently over 2,500 listings in the NHL Database of which 29 are located in the SCAG region (**Table 3.5-3, National Historic Landmarks within the SCAG Region**). A full accounting of these landmarks is located within **Appendix 3.5**.

**Table 3.5-3
National Historic Landmarks within the SCAG Region**

County	Structure	Building	Site	District	Total
Imperial	0	0	0	0	0
Los Angeles	13	5	2	3	23
Orange	2	0	0	0	2
Riverside	2	0	0	0	2
San Bernardino	0	1	0	0	1
Ventura	0	0	0	1	1
Total	17	6	2	4	29

Source:

National Park Service, National Historic Landmarks Program. Accessed August 2019. National Historic Landmarks Survey. Available at: <https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm>

The State of California keeps a record of districts, places, sites, and buildings determined to hold historic or prehistoric significance. Two registers, administered by the California OHP and the SHRC, are part of the California Department of Parks and Recreation. There are over 1,000 listings in the register of CHL, of which 226 are located in the SCAG region (**Table 3.5-4, California Historical Landmarks within the SCAG Region**), and with the CPHI, there are 850 listings, of which 284 are located in the SCAG region (**Table 3.5-5, California Points of Historical Interest within the SCAG Region**).

**Table 3.5-4
California Historical Landmarks within the SCAG Region**

County	Prehistoric, Protohistoric	Prehistoric, Protohistoric, Spanish	Prehistoric, Protohistoric, Mexican	Prehistoric, American	Protohistoric	Spanish	Mexican	American	Total
Los Angeles	0	0	0	0	0	4	1	9	14
Orange	1	1	0	1	0	17	13	71	104
Riverside	0	1	0	0	0	2	4	19	26
San Bernardino	5	1	1	0	1	3	4	12	27
Imperial	1	1	1	0	0	4	7	27	41
Ventura	0	0	0	0	0	7	4	3	14
Total	7	4	2	1	1	37	33	141	226

Source: OHP, 2019

**Table 3.5-5
California Points of Historical Interest within the SCAG Region**

County	Points of Historical Interest
Imperial	4
Los Angeles	64
Orange	21
Riverside	72
San Bernardino	119
Ventura	4
Total	284

Source: OHP, 2019

Historic places are also recorded and can be identified in county, city, and local registers. These resources are also under various ordinances specific to the county, city, or locality. City and county registers may also be maintained by various county and city commissions. Examples of these types of organizations include the Riverside County Historical Commission, the Santa Ana Historic Resources Commission, and the Santa Monica Landmarks Commission. Local groups have also created registries within their area of interest, generally at the community level. An example of such local registers is the Ontario Heritage, a local non-profit organization that aims to protect the historic and cultural resources of Ontario, California. Furthermore, several local cities and counties maintain historic districts. Projects within the borders of these districts are often subject to additional conditions and review by planning staff and historic commissions. A full detailing of these resources is located in **Appendix 3.5** (Tables C-1 through C-4) and (Table D-1).

Human Remains

Human remains in the SCAG region occur within the nearly 200 formal cemeteries in the six-county area and those interred outside of formal cemeteries. In the SCAG region, there are many circumstances in which human remains outside formal cemeteries could be encountered. In addition to existing formal cemeteries, many cemeteries have been relocated. While the goal of such relocation projects is to repatriate human remains to a new location, there have been instances where human remains have been encountered at the original location of a relocated cemetery during subsequent ground-disturbing activities. There is also a potential to find human remains that are the result of foul play. There are also burial features associated with historic settlements and other indigenous people. Burial features can range in complexity from a simple isolated inhumation (burial or cremation) to more elaborate interments containing numerous bodies. These features may represent specially designated interment areas or

remnants of larger archaeological sites. Burial associations can include shell beads and ornaments as well as ground and polished stone artifacts. In some areas, human burials are expected to be found in raised earthen mounds. Native American groups within the SCAG region varied in their burial practices with respect to interment and cremation.

3.5.3 REGULATORY FRAMEWORK

3.5.3.1 Federal

Antiquities Act of 1906

The Antiquities Act of 1906 (16 U.S. Code [USC] 431–433), which aimed to protect important historic and archaeological sites, initiated historic preservation legislation. It established a system of permits for conducting archaeological studies on federal land, as well as setting penalties for noncompliance. This permit process controls the disturbances that may be caused to archaeological sites.³ New permits are currently issued under the Archaeological Resources Protection Act (ARPA) of 1979. The purpose of ARPA is to enhance preservation and protection of archaeological resources on public and Native American lands.⁴

Historic Sites Act of 1935

The Historic Sites Act (16 USC 461–467) became law on August 21, 1935, and declared that it is national policy to “Preserve for public use historic sites, buildings, and objects of national significance.”⁵ The National Historic Preservation Act (NHPA) expanded the scope to include important state and local resources. Provisions of NHPA established the National Register maintained by the National Park Service, advisory councils on Historic Preservation, State Historic Preservation Offices, and grants-in-aid programs. Section 106 of the NHPA requires all federal agencies to consult the Advisory Council before continuing any activity affecting a property listed on or eligible for listing on the National Register.⁶ The

³ National Park Service. *American Antiquities Act of 1906*, 16 USC 431-433. Available online at: <https://www.nps.gov/history/local-law/anti1906.htm>, accessed August 27, 2019.

⁴ National Park Service. *Archaeological Resources Protection Act*. Available online at: https://www.nps.gov/history/local-law/FHPL_ArchRsrcsProt.pdf, accessed August 27, 2019.

⁵ National Park Service. *Historic Sites Act of 1935*, 16 USC sec. 461-467. Available online at: <https://www.nps.gov/history/local-law/hsact35.htm>, accessed August 27, 2019.

⁶ National Park Service. *National Historic Preservation Act of 1966*, Public Law 102-575. Available online at: <https://www.nps.gov/history/local-law/nhpa1966.htm>, accessed August 27, 2019.

Advisory Council has developed regulations for Section 106 to encourage coordination of agency cultural resource compliance requirements (Executive Order 11593).⁷

United States Department of Transportation Act of 1966 (Section 4[f])

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 affords special protection to public recreational lands and facilities, including: local parks and school facilities that are open and available to the general public for recreational purposes; significant cultural resources; historical resources; and natural wildlife refuges. Federally funded transportation improvement projects are prohibited from the encroachment (direct or constructive use, or a take) of Section 4(f) lands unless it can be demonstrated that no feasible and prudent alternative exists.⁸

National Register of Historic Places (National Register)

The National Register recognizes properties that are significant at the national, state, and/or local levels. Although administered by the National Park Service, the federal regulations explicitly provide that National Register listing of private property “does not prohibit under federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.” Listing in the National Register assists in preservation of historic properties through: recognition that a property is of significance to the nation, the state, or the community; consideration in the planning for federal or federally-assisted projects; eligibility for federal tax benefits; consideration in the decision to issue a surface coal mining permit; and qualification for federal assistance for historic preservation, when funds are available. In addition, for projects that receive federal funding, a clearance process must be completed in accordance with Section 106 of the NHPA. Furthermore, state and local regulations may apply to properties listed in the National Register.⁹

The criteria for listing in the National Register follow the standards for determining if properties, sites, districts, structures, or landscapes of potential significance are eligible for nomination. In addition to meeting any or all of the following criteria, properties nominated must also possess integrity of location,

⁷ Federal Register. *Executive Order 11593 – Protection and enhancement of the cultural environment*. Available online at: <https://www.archives.gov/federal-register/codification/executive-order/11593.html>, accessed August 27, 2019.

⁸ U.S. Department of Transportation. *Section 4(f) of the Department of Transportation Act*. Available online at: <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/section-4f-department-transportation-act>, accessed August 27, 2019.

⁹ Government Publishing Office. 2019. *Title 36: Parks, Forests, and Public Property, Part 60 – National Register of Historic Places*. Available online at: <https://www.ecfr.gov/cgi-bin/text-idx?SID=c5a07c14e9b695af2ef0cae29b4b4f23&mc=true&node=pt36.1.60&rgn=div5>, accessed August 27, 2019.

design, setting, feeling, workmanship, association, and materials that¹⁰ a property is eligible for the NRHP if it is significant under one or more of the following criteria:

Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history;

Criterion B: It is associated with the lives of persons who are significant in our past;

Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; and/or

Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, and properties that are primarily commemorative in nature, are not considered eligible for the NRHP, unless they satisfy certain conditions. In general, a resource must be 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

In addition to meeting these criteria, a property must retain historic integrity, which is defined in National Register Bulletin 15 as the “ability of a property to convey its significance” (NPS 1990). In order to assess integrity, the NPS recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, which are defined in the following manner in National Register Bulletin 15:

Location: the place where the historic property was constructed or the place where the historic event occurred;

Design: the combination of elements that create the form, plan, space, structure, and style of a property;

Setting: the physical environment of a historic property;

Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;

¹⁰ Ibid.

Feeling: a property's expression of the aesthetic or historic sense of a particular period of time;

Association: the direct link between an important historic event or person and a historic property.

Procedures for listing a property in the NRHP are outlined in Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR 61) and in Determinations of Eligibility for Inclusion in the National Register (36 CFR 63). The Secretary of the Interior's Professional Qualifications Standards for who is allowed to conduct cultural resources studies and evaluations are outlined in 36 CFR 61.

Procedures for artifact curation are noted in Curation of Federally Owned and Administered Archeological Collections (36 CFR 79) for artifacts recovered under the authority of the Antiquities Act (16 USC 431- 433), the Reservoir Salvage Act (16 USC 469-469c), Section 110 of the NHPA (16 USC 470h-2), or the ARPA (16 USC 470aa-mm).

National Landmarks Program

36 CFR 65 identifies and designates NHLs and encourages the long-range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. The NPS administers the National Historic Landmarks Program on behalf of the Secretary of the Interior. Properties designated as NHLs are listed in the NRHP upon designation. All NHLs are NRHP Properties but not all NRHP Properties are NHLs. The criteria for designation as an NHL are similar to those for inclusion in the NRHP but are more stringent and have a greater emphasis on national significance. The Landmark Program Criterion 3, which does not have a counterpart in the NRHP regulations, applies to a resource that represents some great idea or ideal of the American people. Agencies should, to the maximum extent possible, minimize harm to NHLs affected by undertakings.

Archeology and Historic Preservation: Secretary of the Interior Standards and Guidelines

As established by 36 CFR 67, one recognized method for generally avoiding adverse effects to historic properties is following the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings (Secretary's Standards). Created under Sections 101(f), (g), and (h), and Section 110 of the amended NHPA of 1966, the Secretary's Standards offer guidelines and approaches for preserving, maintaining, repairing, and replacing historical materials and features, as well as designing additions or making alterations. Guidance is also provided for new construction adjacent to historic properties, in order to avoid adverse impacts to neighboring properties through a change in setting and feeling. In this way, the Secretary's Standards outline common-sense approaches that allow

for the retention of and/or sensitive changes to the distinctive materials and features that lend a historical resource its significance. These standards and guidelines are not regulatory in nature, nor do they set of interpret policy. Instead that serve as technical advice regarding archaeological and historic preservation procedures.

State CEQA Guidelines Section 15126.4(b)(1) states that a project determined to conform with the Secretary's Standards can generally be considered to be a project that will not cause material impairment to a historical resource. Nonconformance with the Secretary's Standards, however, does not uniformly result in material impairment to a historical resource, and some projects that do not comply with the Secretary's Standards do not cause a significant adverse impact. Project elements must be studied on a case-by-case basis, depending upon the resource and the reasons for its significance. However, projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would have a less-than-significant adverse impact on historic resources.

National Historic Preservation Act of 1966 (NHPA)

The NHPA, as amended (54 U.S.C. section 470 *et seq.*), established guidelines to "preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice." The NHPA includes requirements (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. Under the Section 106 consultation process (36 CFR section 800 *et seq.*), federal agencies taking such actions are required to consult with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), local agencies, and Indian tribes, and avoid or mitigate adverse effects on National Register-listed or -eligible properties. Provisions of NHPA establish a National Register of Historic Places (National Register); see above for details.¹¹

Archaeological and Historic Preservation Act of 1974

Passed and signed into law in 1974, The Archaeological and Historic Preservation Act of 1974 (AHPA), 16 USC Section 469 *et seq.*) amended and expanded the Reservoir Salvage Act of 1960. The AHPA as amended requires that federal agencies provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of

¹¹ National Park Service. *National Historic Preservation Act of 1966 as amended through 1992*. Available online at: <https://www.nps.gov/history/local-law/nhpa1966.htm>, accessed August 27, 2019.

any alteration of the terrain caused by any federal construction project or federally-licensed activity or program.¹²

Archaeological Resources Protection Act of 1979

The ARPA (16 USC Section 470aa *et seq.*) applies when a project may involve archaeological resources located on federal or tribal land. ARPA requires that a permit be obtained before excavation of an archaeological resource on such land can take place.¹³

American Indian Religious Freedom Act

AIRFA establishes U.S. policy to protect and preserve American Indian, Eskimo, Aleut, and Native Hawaiian freedom to believe, express, and exercise traditional religions and ways. This includes access to religious sites and the freedom to worship through ceremonial and traditional rites. Federal agencies must determine if policy and procedure changes are needed to protect such rights and freedoms. The act is aligned with the First Amendment guarantee of religious freedom. It is not implemented with regulations.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 USC 3001 *et seq.*) protects human remains, funerary objects, sacred objects, and items of cultural patrimony of indigenous peoples on federal lands. NAGPRA stipulates priorities for assigning ownership or control of such cultural items excavated or discovered on federal or tribal lands, or in the possession and control of an agency that has received federal funding.

NAGPRA also provides for the repatriation of human remains and associated items previously collected from federal lands and in the possession or control of a federal agency or federally funded repository. Implementing regulations are codified in 43 CFR Part 10. In addition to defining procedures for dealing with previously collected human remains and associated items, these regulations outline procedures for negotiating plans of action or comprehensive agreements for treatment of human remains and associated items encountered in intentional excavations, or inadvertent discoveries on federal or tribal lands.

¹² National Park Service. *Archeological and Historic Preservation Act as Amended*. Available online at: https://www.nps.gov/history/local-law/FHPL_ArchHistPres.pdf, accessed August 27, 2019.

¹³ National Park Service. *The Archaeological Resources Protection Act of 1979 (ARPA)*. Available online at: <https://www.nps.gov/archeology/tools/Laws/ARPA.htm>, accessed August 27, 2019.

This regulation (last amended March 21, 2007) provides a Plan of Action (POA) for NAGPRA. To prevent work stoppages that last 30 days each time cultural items (as defined by NAGPRA) are encountered, it allows the responsible federal agency to create a POA to follow if these cultural items (as defined by NAGPRA) are encountered. POAs require consultation with the *appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971*[43 USC 1601 *et seq.*], *the appropriate corporation or group* (25 USC 3002d).

3.5.3.2 State

California Implementation of Federally and State-Mandated Historic Preservation Program

The California OHP is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), a gubernatorial appointee, and the State Historical Resources Commission.

OHP's responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Ensuring compliance with federal and state regulatory obligations;
- Encouraging the adoption of economic incentives programs designed to benefit property owners; and
- Encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

OHP reviews and comments on thousands of federally sponsored projects annually pursuant to Section 106 of the National Historic Preservation Act and state programs and projects pursuant to Sections 5024 and 5024.5 of the Public Resources Code (PRC). OHP also reviews and comments on local government and state projects pursuant to CEQA.

The purpose of OHP's project review program is to promote the preservation of California's heritage resources by ensuring that projects and programs carried out or sponsored by federal and state agencies comply with federal and state historic preservation laws and that projects are planned in ways that avoid any adverse effects to heritage resources. If adverse effects cannot be avoided, the OHP assists Lead Agencies in developing measures to minimize or mitigate such effects.

OHP administers the NRHP, the CRHR, the CHL, and the CPHI programs. Each program has different eligibility criteria and procedural requirements; all register nominations must be submitted to the Commission for review and approval.¹⁴

California Register of Historical Resources (California Register)

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Sections 21083.2 and 21084.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP and CHL numbered 770 and higher, are automatically included in the CRHR.

Other properties recognized under the CPHI program, identified as significant in historical resources surveys, or designated by local landmarks programs may be nominated for inclusion in the CRHR. According to PRC Section 5024.1(c), a resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.

Criterion 2: It is associated with the lives of persons important in our past.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

Criterion 4: It has yielded, or may be likely to yield, information important in history or prehistory.

Resources nominated to the CRHR must retain enough of their historic character or appearance to convey the reasons for their significance. Resources whose historic integrity does not meet NRHP criteria may still be eligible for listing in the CRHR.

¹⁴ Office of Historic Preservation. *About the Office of Historic Preservation*. Available online at: http://ohp.parks.ca.gov/?page_id=27961, accessed August 27, 2019.

California Historical Landmarks

CHL are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. The specific standards now in use were first applied in the designation of Landmark #770. CHL #770 and above are automatically listed in the CRHR.

To be designated as a CHL, a resource must meet at least one of the criteria listed below; have the approval of the property owner(s); be recommended by the State Historical Resources Commission; and be officially designated by the Director of California State Parks.

Criteria for Designation. To be eligible for designation as a Landmark, a resource must meet at least one of the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

Effects of Designation:

- Limited protection: Environmental review may be required under CEQA if property is threatened by a project. Contact your local planning agency for more information.
- Local assessor may enter into contract with property owner for property tax reduction (Mills Act).
- Local building inspector must grant code alternative provided under State Historic Building Code. Registration will be recorded on the property deed.
- Automatic listing in CRHR.
- Bronze plaque at site (underwritten by local sponsor) ordered through OHP; highway directional sign available through local Department of Transportation (Caltrans) district office.

California Points of Historical Interest

If a site is primarily of local interest, it may meet the criteria for the CPHI program. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of Historical Interest designated after December 1997 and

recommended by the State Historical Resources Commission are also listed in the California Register. No historical resource may be designated as both a Landmark and a Point. If a Point is subsequently granted status as a Landmark, the Point designation will be retired.

Criteria for Designation. To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria:

- The first, last, only, or most significant of its type within the local geographic region (City or County).
- Associated with an individual or group having a profound influence on the history of the local area.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer or master builder.

Effects of Designation.

- Limited protection: Environmental review may be required under CEQA if property is threatened by a project. Contact your local planning agency for more information.
- Local assessor may enter into contract with property owner for property tax reduction (Mills Act).
- Local building inspector must grant code alternative provided under State Historic Building Code.
- Registration is recorded on property deed.
- A small enamel directional sign (no text) available through local Caltrans district office.
- Owner may place his or her own marker at the site.

California Public Resources Code, Sections 5097.5, 5097.9, 5097.98–99, and 50907.9

Section 5097.5 of the Public Resources Code defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands. This Section also prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. In 1987, the Code was amended to require consultation with the California Native American Heritage Commission whenever Native American graves are found. It also established that violations for taking or possessing remains or artifacts are felonies.¹⁵

¹⁵ California Legislative Information. *Chapter 1.7. Archaeological, Paleontological, and Historic Sites [5097-5097.7], Section 5097.5.* Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=5097.5, accessed August 27, 2019.

Public Resources Code Section 5097.9 establishes the California Native American Heritage Commission to make recommendations to encourage private property owners to protect and preserve sacred places in a natural state and to allow appropriate access to Native Americans for ceremonial or spiritual activities. The Commission is authorized to assist Native Americans in obtaining appropriate access to sacred places on public lands, and to aid state agencies in any negotiations with federal agencies for the protection of Native American sacred places on federally-administered lands in California.¹⁶

Public Resources Code sections 5097.98 through 5097.99 require that the Governor's California Native American Heritage Commission be consulted whenever Native American graves are found. According to these sections, it is illegal to take or possess remains or artifacts taken from Native American graves; however, it does not apply to materials taken before 1984. Violations occurring after January 1, 1988 are felonies.^{17,18}

Public Resources Code Section 50907.9 (Section 7050 of the Health and Safety Code) authorizes the Native American Heritage Commission (NAHC) to regulate Native American concerns regarding the excavation and disposition of Native American cultural resources. Among its duties, the Commission is authorized to resolve disputes relating to the treatment and disposition of Native American human remains and items associated with burials. Upon notification of the discovery of human remains by a county coroner, the Commission notifies the Native American group or individual most likely descended from the deceased. PRC 5097.98(b) requires that landowners ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards of practices) are not damaged or disturbed by further development until the landowner has discussed and conferred with most likely descendants.¹⁹

¹⁶ California Legislative Information. *Chapter 1.75. Native American Historical, Cultural, and Sacred Sites [5097.9-5097.991], Section 5097.9*. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=5097.9, accessed August 27, 2019.

¹⁷ California Legislative Information. *Chapter 1.75. Native American Historical, Cultural, and Sacred Sites [5097.9-5097.991], Section 5097.98*. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=5097.98, accessed August 27, 2019.

¹⁸ California Legislative Information. *Chapter 1.75. Native American Historical, Cultural, and Sacred Sites [5097.9-5097.991], Section 5097.99*. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=5097.99, accessed August 27, 2019.

¹⁹ California Legislative Information. *Chapter 2. General Provisions [7050.5-7055], Section 7050.5*. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7050.5, accessed August 27, 2019.

California Coastal Act

The California Coastal Act (CCA; PRC Sections 30000 et seq.) was enacted in 1976, four years after the Coastal Commission was created by Proposition 20. It requires the implementation of reasonable mitigations measures to protect archaeological resources as identified by the SHPO when development would adversely impact such resources.²⁰

California Health and Safety Code, Section 7050 and Sections 18950 through 18961

Consistent with the provisions of Section 50907.9 of the PRC, Section 7050 of the Health and Safety Code (HSC) authorizes the Native American Heritage Commission (NAHC) to regulate Native American concerns regarding the excavation and disposition of Native American cultural resources. Among its duties, the Commission is authorized to resolve disputes relating to the treatment and disposition of Native American human remains and items associated with burials. Upon notification of the discovery of human remains by a county coroner, the Commission notifies the Native American group or individual most likely descended from the deceased.²¹

The State Historic Building Code (HSC; Sections 18950–18961) provide alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.²²

California Penal Code Section 622 – Destruction of Historical Properties

Penal Code Section 622 establishes that the willful injury, disfiguration, defacement, or destruction of any object, thing, or site, of archaeological or historical interest or value, as a misdemeanor. This applies to

²⁰ *Public Resources Code Division 20 California Coastal Act (2019)*. Available online at: <https://www.coastal.ca.gov/coastact.pdf>, accessed August 27, 2019.

²¹ California Legislative Information. *Chapter 2. General Provisions [7050.5-7055], Section 7050.5*. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7050.5, accessed August 27, 2019.

²² California Legislative Information. *Part 2.7. State Historical Building Code [18950-18962]*. Available online at: https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=13.&title=&part=2.7.&chapter=&article=, accessed August 27, 2019.

resources situated on both private and public land. Furthermore, Section 622.5 sets the applicable penalties for any such damage or removal of cultural resources.²³

Senate Bill 18 – Traditional Tribal Cultural Places

Signed into law in 2004, Senate Bill (SB) 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American tribes that the NAHC has identified as having traditional lands located within the city’s boundaries. If requested by the Native American tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

Assembly Bill 52

Assembly Bill 52 of 2014 (AB 52) amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the project, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Section 4 of AB 52 adds Sections 21074(a) and (b) to the PRC, which address tribal cultural resources and cultural landscapes. Section 21074(a) defines tribal cultural resources as one of the following:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A. Included or determined to be eligible for inclusion in the CRHR.
 - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria

²³ California Legislative Information. *Title 14. Malicious Mischief [594-625c], Section 622 ½*. Available online at: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=622½, accessed August 27, 2019.

set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Section 1(a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on tribal cultural resources should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

Executive Order B-10-11

Executive Order B-10-11 establishes the states policy regarding Native American groups, including the recognition of their sovereign rights, and the states desire that all agencies subject to executive control is to encourage the communication and consultation with California Native tribes. Furthermore, in order to implement this policy, it created the position of Governor’s Tribal Advisor as part of the Office of the Governor of California. This position was established to serve as the direct link between the Governor’s Office and the numerous tribal governments regarding matters of policy, including legislation and regulation.

3.5.3.3 Local

County General Plans

In addition to federal and state regulations, cities and counties in the SCAG region may also provide regulatory protection and advisement regarding cultural resources (**Table 3.5-6, County Policies and Ordinances Relevant to the SCAG Region**). California law requires that a general plan include seven elements (land use, open space, conservation, housing, circulation, noise, and safety). Many jurisdictions incorporate policies related to cultural and historical resources into the conservation element. Other jurisdictions choose to prepare a separate (optional) element dealing with cultural and/or historic preservation issues. Many jurisdictions also prepare ordinances addressing cultural resources and historic preservation.

**Table 3.5-6
County Policies and Ordinances Relevant to the SCAG Region**

County	County Policies and Ordinances
Imperial	Conservation and Open Space Element of General Plan Policy Numbers: Only one policy, Section IV.B.2 Policies Specific to Archaeological Resources: Yes, brief Policies Specific to Paleontological Resources: No Policies Specific to Historic Resources: No
Los Angeles	Chapter 9: Conservation and Natural Resources Element of General Plan Policy Numbers: C/NR 14.1 – C/NR 14.6 Policies Specific to Archaeological Resources: Yes, very brief Policies Specific to Paleontological Resources: Yes, very brief Policies Specific to Historic Resources: Yes, very brief
Orange	Chapter VI: Resources Element of General Plan Policy Numbers: Goals 1, 2 and 3, each with multiple policy numbers Policies Specific to Archaeological Resources: Yes, extensive Policies Specific to Paleontological Resources: Yes, extensive Policies Specific to Historic Resources: Yes, extensive
Riverside	Chapter 5: Multipurpose Open Space Element of General Plan Policy Numbers: 19.1 – 19.9 Policies Specific to Archaeological Resources: Yes, brief Policies Specific to Paleontological Resources: Yes, brief Policies Specific to Historic Resources: Yes
San Bernardino	Conservation Element (Subchapter C2) of General Plan Policy Numbers: CO 3.1 – CO 3.5 Policies Specific to Archaeological Resources: No – together with historic resources, extensive Policies Specific to Paleontological Resources: Yes, extensive Policies Specific to Historic Resources: No – together with archaeological resources, extensive
Ventura	Chapter 1: Resources (Subchapter 1.8) of General Plan Policy Numbers: 1 – 6 Policies Specific to Archaeological Resources: Yes, Policies 1-3 Policies Specific to Paleontological Resources: Yes, Policies 4 & 5 Policies Specific to Historic Resources: Yes, Policy 6

City General Plans and Ordinances

In accordance with Sections 65560 (g) and (i) of the California Government Code, like the six counties in the SCAG region, all cities are required to have a conservation element and an open space element, as mandatory elements of their general plans.²⁴ Many city general plans have provisions for historic

²⁴ California Legislative Information. *Article 10.5. Open-Space Lands [65560-65570], Section 65560*. Available online at: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65560, accessed August 27, 2019.

districts and protection of locally important cultural resources that may or may not meet the criteria for eligibility for listing in the NRHP or CRHR.

3.5.4 THRESHOLDS OF SIGNIFICANCE

In accordance with Appendix G of the *State CEQA Guidelines*, the Plan would have a significant impact related to cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; and/or
- Disturb any human remains, including those interred outside of dedicated cemeteries.

3.5.5 METHODOLOGY

Cultural Resources have been evaluated in accordance with Appendix G of the *State CEQA Guidelines*. Cultural resources within the SCAG region were evaluated at a programmatic level of detail, in relation to the general plans of the six counties and 191 cities within the SCAG region.

The methodology for determining the significance of cultural impacts compares the existing conditions to the future (2045) Connect SoCal conditions, as required by *CEQA Guidelines* Section 15126.2(a). The known historical, and archaeological resources located within the SCAG region were evaluated using the criteria set forth by the OHP, the California Register of Historic Resources, and the *State CEQA Guidelines*. The research analysis for archeological and historic was limited to state and federally recognized resources and landmarks, consistent with the definitions provided in Section 15064.5 of the *State CEQA Guidelines*.

All of the counties within the SCAG region are rich with fossil-bearing sedimentary formations and have been documented to contain historic and archaeological sites. All areas within the region have the potential for yielding yet undiscovered paleontological and archaeological resources. The development of new transportation facilities may affect archaeological resources, primarily through the disturbance of buried resources. Frequently, these resources are previously unidentified.

Nearly 50,000 archaeological resources have been identified in the SCAG region (see **Table 3.5-1**). Each of these sites is documented at an Archaeological Information Center, which holds location information on archaeological sites for each region in California. These known resources are limited to areas that have subject to various levels of research or investigation. Areas that have been subject to pedestrian surveys

or sub-surface explorations represent only a fraction of the total area with the potential to yield such resources. Therefore, the analysis focuses on the potential for major transportation projects to necessitate ground-disturbing activities in areas where significant archeological resources have been previously recorded or require work in sediments that have not been previously investigated.

The mitigation measures in the PEIR are divided into two categories: SCAG mitigation and project-level mitigation measures. SCAG mitigation measures shall be implemented by SCAG over the lifetime of the Plan. For projects proposing to streamline environmental review pursuant to SB 375, SB 743, or SB 226 (as described in **Section 1.0 Introduction**), or for projects otherwise tiering off this PEIR, the project-level mitigation measures described below (or comparable measures) can and should be considered and implemented by Lead Agencies and Project Sponsors during the subsequent, project- or site-specific environmental reviews for transportation and development projects as applicable and feasible. However, SCAG cannot require implementing agencies to adopt mitigation, and it is ultimately the responsibility of the implementing agency to determine and adopt project-specific mitigation.

3.5.6 IMPACT ANALYSIS

Impact 3.5-1 Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

Significant and Unavoidable Impacts – Mitigation Required.

The Plan has the potential to effect more than 1,000 historical resources in the SCAG region, including the 1,123 sites listed in the NRHP (**Table 3.5-2 and Appendix 3.5**); 29 sites listed in the NHL (**Table 3.5-3 and Appendix 3.5**); 226 sites listed in the CHL (**Table 3.5-4 and Appendix 3.5**); and 284 listed in the CPHI (**Table 3.5-5 and Appendix 3.5**). In addition to historical sites that have been recognized in federal and state lists, there is the potential for the Plan to affect unrecognized historical resources (structures that exist whose historic value has not previously been assessed or documented). In more remote areas, or areas not previously subject to any type of survey, structures of historic importance may not be currently listed on state or federal registers. In urban areas some jurisdictions have not undertaken a detailed inventory of potential resources. In addition, over time, additional resources become eligible to be identified as historic. Therefore, potential exists for the Plan to affect unrecognized historical resources throughout the region.

In instances where buildings 50 years or older are located on or adjacent to a project site, it is important to evaluate these structures, in accordance with professional standards, as potential historical resources, to determine if they meet the criteria that would make them eligible for the NRHP or the CRHR. In general, it is recommended that, depending on circumstances, for new construction, the evaluation of the

potential for indirect and direct impacts to historical resources should extend 1,000 feet from new construction. However, the geography and circumstance of each site will affect the appropriate means and protocols for evaluation.

Projects that would have the potential to cause an impact to historical resources include transportation projects that entail the development of new lanes, tracks, arterials, or interchanges that may require the acquisition of new right-of-ways, as well as development projects influenced by the land use strategies in the Plan. Such projects may result in direct demolition of historical resources or more indirect impacts such as changing the aesthetic context of the resource and/or increasing levels of corrosive air contaminants that affect historical features, and/or project construction activity that can result in vibrations that damage to fragile buildings.

Transportation projects proposed in existing “rights of way,” such as high-occupancy vehicle (HOV) lanes, high- occupancy toll (HOT) lanes, bus rapid transit (BRT) and goods movement capacity enhancement projects, mixed flow lanes, and “right of way” maintenance (such as pot-hole repair) would have a limited potential to result in an impact to historic resources because they result in changes to existing facilities within an existing impact footprint. In circumstances where widening would occur, there would be greater potential for impacts, for example, by changing the view of a resource.

The Plan includes regional land use and transportation strategies that if implemented, may focus new growth in urbanized areas such as HQTAs. These include an expanded transit network, including multiple Metro Rail extensions and the first urban rail services in Orange County (OC Streetcar) and San Bernardino County (Redlands Rail/Arrow). New bus rapid transit and rapid bus routes will be implemented across Los Angeles, Orange, Riverside and San Bernardino Counties. On the land use side, the Plan includes the Regional Housing Supportive Infrastructure Initiatives that will help make it quicker and easier for local jurisdictions to plan and produce needed housing by implementing tax increment finance districts. Many urbanized areas are older urban or suburban town centers where structures of architectural or historical significance are likely to be located. Changes in visual character of a neighborhood both through increases in density and through the addition of new transportation infrastructure (such as elevated transit platforms) could alter the significance of a historical resource. Further, as development is focused in urban areas, there may be pressure to redevelop existing historical resources (or eligible resources) that may be of lower density than new development. Redevelopment of historic properties could result in significant impacts to historical resources.

In summary, construction of transportation projects and development projects anticipated to occur under the Plan could impact the physical and aesthetic integrity of historic buildings and communities. These effects would constitute a significant impact, requiring the consideration of mitigation measures.

Mitigation Measures

SCAG Mitigation Measure

SMM CULT-1: Impacts to cultural resources shall be minimized through cooperation, information sharing, and SCAG's ongoing regional planning efforts such as web-based planning tools for local governments including CA LOTS, and other GIS tools and data services, including, but not limiting to, Map Gallery, GIS library, and GIS applications; and direct technical assistance efforts such as Toolbox Tuesday series and sharing of associated online Training materials. SCAG shall consult with resource agencies such as the National Park Service, Office of Historic Preservation, and Native American Heritage Commission to identify opportunities for early and effective consultation to identify archaeological sites, historical resources, and cemeteries to avoid such resources wherever practicable and feasible and reduce or mitigate for conflicts in compatible land use to the maximum extent practicable.

Project Level Mitigation Measures

PMM CULT-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to historical resources. Such measures may include the following or other comparable measures identified by the Lead Agency:

- a. Pursuant to *CEQA Guidelines* Section 15064.5, conduct a record search during the project planning phase at the appropriate Information Center to determine whether the project area has been previously surveyed and whether historical resources were identified.
- b. During the project planning phase, retain a qualified architectural historian, defined as an individual who meets the Secretary of the Interior's (SOI) Professional Qualification Standards (PQS) in Architectural History, to conduct historic architectural surveys if a built environment resource greater than 45 years in age may be affected by the project or if recommended by the Information Center.
- c. Comply with Section 106 of the National Historic Preservation Act (NHPA) including, but not limited to, projects for which federal funding or approval is required for the individual project. This law requires federal agencies to evaluate the

impact of their actions on resources included in or eligible for listing in the National Register. Federal agencies must coordinate with the State Historic Preservation Officer in evaluating impacts and developing mitigation. These mitigation measures may include, but are not limited to the following:

- Employ design measures to avoid historical resources and undertake adaptive reuse where appropriate and feasible. If resources are to be preserved, as feasible, carry out the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction in a manner consistent with the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. If resources would be impacted, impacts should be minimized to the extent feasible.
 - Where feasible, noise buffers/walls and/or visual buffers/landscaping should be constructed to preserve the contextual setting of significant built resources.
- d. If a project requires the relocation, rehabilitation, or alteration of an eligible historical resource, the Secretary of the Interior's Standards for the Treatment of Historic Properties should be used to the maximum extent possible to ensure the historical significance of the resource is not impaired. The application of the standards should be overseen by an architectural historian or historic architect meeting the SOI PQS. Prior to any construction activities that may affect the historical resource, a report, meeting industry standards, should identify and specify the treatment of character-defining features and construction activities and be provided to the Lead Agency for review and approval.
- e. If a project would result in the demolition or significant alteration of a historical resource eligible for or listed in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or local register, recordation should take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation, and should be performed by an architectural historian or historian who meets the SOI PQS. Recordation should meet the SOI Standards and Guidelines for Architectural and Engineering, which defines the products acceptable for inclusion in the HABS/HAER/HALS collection at the Library of Congress. The specific scope and details of documentation should be developed at the project level in coordination with the Lead Agency.

- f. During the project planning phase, obtain a qualified archaeologist, defined as one who meets the SOI PQS for archaeology, to conduct a record search at the appropriate Information Center of the California Historical Resources Information System (CHRIS) to determine whether the project area has been previously surveyed and whether resources were identified.
- g. Contact the NAHC to request a Sacred Lands File search and a list of relevant Native American contacts who may have additional information.
- h. During the project planning phase, obtain a qualified archaeologist or architectural historian (depending on applicability) to conduct archaeological and/or historic architectural surveys as recommended by the qualified professional, the Lead Agency, or the Information Center. In the event the records indicate that no previous survey has been conducted, the qualified professional or Information Center will make a recommendation on whether a survey is warranted based on the sensitivity of the project area for archaeological resources.
- i. If potentially significant archaeological resources are identified through survey, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation should be performed by a qualified archaeologist prior to any construction-related ground-disturbing activities to determine significance. If resources determined significant or unique through Phase II testing, and avoidance is not possible, appropriate resource-specific mitigation measures should be established by the lead agency and undertaken by qualified personnel. These might include a Phase III data recovery program implemented by a qualified archaeologist and performed in accordance with the OHP's Archaeological Resource Management Reports (ARMR): Recommended Contents and Format and Guidelines for Archaeological Research Designs. Additional options can include 1) interpretative signage, or 2) educational outreach that helps inform the public of the past activities that occurred in this area. Archaeological materials collected from a significant resource should be curated with a recognized scientific or educational repository
- j. If a record search or archaeological assessment indicates that the project is located in an area sensitive for archaeological resources, as determined by the Lead Agency in consultation with a qualified archaeologist, retain an archaeological monitor to observe ground disturbing operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property. The

archaeological monitor should be supervised by an archaeologist meeting the SOI PQS

- k. Conduct construction activities and excavation to avoid cultural resources (if identified). If avoidance is not feasible, further work may be needed to determine the importance of a resource. Retain a qualified archaeologist, and/or as appropriate, a qualified architectural historian who should make recommendations regarding the work necessary to assess significance. If the cultural resource is determined to be significant under state or federal guidelines, impacts to the cultural resource will need to be mitigated.
- l. Stop construction activities and excavation in the area where cultural resources are found until a qualified archaeologist can determine whether these resources are significant. If the archaeologist determines that the discovery is significant, it should be curated with a recognized scientific or educational repository.

Level of Significance after Mitigation

As discussed above, regulations and policies would reduce each of the impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and lack of project-specific detail, including project locations and the location of existing historical resources, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts related to substantial adverse changes in the significance of historical resources could be significant and unavoidable even with implementation of mitigation.

Impact 3.5-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

Significant and Unavoidable Impacts – Mitigation Required.

Transportation projects and anticipated growth under the Plan have the potential to cause a substantial adverse change in the significance of archaeological resources in the SCAG region, pursuant to *CEQA Guidelines* Section 15064.5, constituting a significant impact.

The OHP defines an archaeological “site” as consisting of three or more related resources discovered in one locality. In the event of archaeological discovery, the resources are collected, documented, and curated at an educational institution, such as a school or a museum. Transportation projects considered in the Plan have the potential to impact the nearly 100,000 archaeological resources in the SCAG region (**Table 3.5-1**). Many of the more than 100,000 archeological resources may also constitute tribal cultural resources (see **Section 3.18, Tribal Cultural Resources**) and be designated a Native American sacred site. In addition to the archeological sites that have been recognized and listed in federal and state lists, there are many unrecognized archaeological resources. Unrecognized archeological resources are those that have not previously been assessed or documented.

Construction of any new transportation facilities has the potential to impact archaeological resources by changing the context of the resource or directly through disturbing previously undisturbed resources. Changes to existing transportation facilities such as improvements and modifications to existing rights-of-way, such as HOV lanes, HOT lanes, bus-ways and capacity enhancement facilities, mixed flow lanes, other transportation facilities and right-of-way maintenance, would have less potential to impact archaeological resources because these project locations have previously been disturbed. However, it is possible for archaeological resources to be present within or immediately adjacent to disturbed sediments. Activities to increase roadway capacity such as the construction of additional lanes would potentially impact archaeological resources, if it would entail grading, trenching, excavation, and/or soil removal in an area not previously disturbed.

The Connect SoCal Plan also includes land use strategies that focus new growth in urbanized areas that are generally developed and therefore subject to varying levels of disturbance. In most cases the potential for discovering buried archeological resources in previously disturbed areas is low, as any resources that may have existed have likely been either removed or destroyed during previous excavations. Nonetheless, it is possible that some development pursuant to the land use strategies included in the Plan could be expected to occur on previously undisturbed sites. It is also possible that disturbance of archaeological resources could occur where such resource are buried and may not be visible at the ground surface, and in some instances are located below recent development. In such an instance, the potential to disturb previously undiscovered archeological resources would result in similar types of impacts to those described above for transportation facilities and would constitute a significant impact requiring the consideration of mitigation measures.

Construction and implementation of transportation projects contained in the Plan, as well as anticipated growth and land use development have the potential to expose and/or displace archeological resources, constituting a potentially significant impact requiring the consideration of mitigation measures.

*Mitigation Measures*SCAG Mitigation Measure

See SMM CULT-1.

Project Level Mitigation Measures

See PMM CULT-1.

Level of Significance after Mitigation

As discussed above, regulations and policies would reduce each of the impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and lack of project-specific detail, including project locations and the locations of undiscovered archeological resources, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts related to substantial adverse changes in the significance of archaeological resources could be significant and unavoidable even with implementation of mitigation.

Impact 3.5-3 Disturb human remains, including those interred outside of dedicated cemeteries.

Significant and Unavoidable Impacts – Mitigation Required.

Construction and implementation of transportation projects included in the Connect SoCal Plan would not be expected to disturb human remains within areas being operated as existing formal cemeteries. However, the Plan includes transportation projects that have the potential to disturb human remains interred outside of formal cemeteries or those interred in Native American sacred sites, constituting a significant impact.

Humans have occupied the six-county SCAG region for at least 10,000 years. Although it is not always possible to predict where human remains may occur outside of formal burials, it is possible that excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials. Earthmoving activities for transportation projects would generally be

within 150 feet on either side of any project and could result in a significant impact relative to the discovery of human remains.

Development that focuses new growth in urbanized areas while preserving natural lands may have a potential to encounter human remains as well. The transportation projects and anticipated growth under the Plan would result in 41,546 acres of greenfield land consumed. Although 60 percent of jobs and 73 percent of housing units would be in Growth Priority Areas under the Plan, 16 percent of the new housing would be in a standard suburban pattern that could disturb previously undisturbed resources. Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Human remains are also protected under NAGPRA, which was enacted to provide protection to Native American graves, as well as culturally affiliated items, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony.

Transportation projects and anticipated growth under the Plan could take place in previously undisturbed or areas with only little previous disturbance, and excavation and soil removal of any kind, irrespective of depth, has the potential to encounter human remains, implementation of the Plan has the potential to disturb previously undiscovered human remains. While existing law strictly governs the procedures to address such remains, due to the volume of transportation projects and growth anticipated to occur under the Plan, it is possible that significant impacts could occur thus requiring the consideration of mitigation measures.

Mitigation Measures

SCAG Mitigation Measure

See SMM CULT-1.

Project Level Mitigation Measures

PMM CULT-2: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to human remains. Such measures may include the following or other comparable measures identified by the Lead Agency:

- a. In the event of discovery or recognition of any human remains during construction or excavation activities associated with the project, in any location other than a dedicated cemetery, cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the

county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required.

b. If any discovered remains are of Native American origin:

- Contact the County Coroner to contact the NAHC to designate a Native American Most Likely Descendant (MLD). The MLD should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. This may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.
- If the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation within 48 hours after being notified by the commission, or the landowner or his representative rejects the recommendation of the MLD and the mediation by the NAHC fails to provide measures acceptable to the landowner, obtain a culturally affiliated Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance.

Level of Significance after Mitigation

As discussed above, regulations and policies would reduce each of the impacts but given the regional scale of the analysis in this PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies. Therefore, this PEIR identifies project-level mitigation measures consistent with applicable regulations and policies designed to reduce impacts. Lead Agencies may choose to include project-level mitigation measures in environmental documents as they determine to be appropriate and feasible. However, because of the regional nature of the analysis and lack of project-specific detail, including project locations and the location of undiscovered human remains, and SCAG's lack of authority to impose project-level mitigation measures, this PEIR finds impacts could be significant and unavoidable even with implementation of mitigation.

3.5.7 SOURCES

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