

3.5 CULTURAL RESOURCES

This section of the 2024 PEIR describes cultural resources within the SCAG region, sets forth the regulatory framework that addresses cultural resources, and analyzes the potential impacts of Connect SoCal 2024. In addition, this 2024 PEIR provides regional-scale mitigation measures as well as project-level mitigation measures that can and should be considered and implemented by lead agencies for subsequent, site-specific environmental reviews to reduce identified impacts as appropriate and feasible. Records search results, data tables, and other supporting information utilized in this section are provided in **Appendix D-1, Properties Listed on the National Register of Historic Places in the SCAG Region**, **Appendix D-2, National Historic Landmarks within the SCAG Region**, **Appendix D-3, California State Historical Landmarks in the SCAG Region**, and **Appendix D-4, California Points of Historical Interest in the SCAG Region**, of this 2024 PEIR. Tribal Cultural Resources are addressed in Section 3.18, *Tribal Cultural Resources*.

3.5.1 ENVIRONMENTAL SETTING

DEFINITIONS

Definitions of terms used in the regulatory framework, characterization of baseline conditions, and impact analysis for cultural resources follow:

- *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:
 - 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.

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 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 time periods 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 SETTING

The chronology of Southern California is typically divided into three general time periods: the Early Holocene (11,000 to 7,600 Before Present [B.P.]), the Middle Holocene (7,600 to 3,600 B.P.), and the Late Holocene (3,600 B.P. to A.D. 1769). This chronology is manifested in the archaeological record by particular artifacts and burial practices that indicate specific technologies, economic systems, trade networks, and other aspects of culture.

EARLY HOLOCENE

While it is not certain when humans first came to California, their presence in southern California by about 11,000 B.P. has been well documented. At Daisy Cave, on San Miguel Island, cultural remains have been radiocarbon dated to between 11,100 and 10,950 B.P. (Byrd and Raab 2007). During the Early Holocene (11,000 to 7,600 B.P.), the climate of southern California became warmer and more arid and the human population, residing mainly in coastal or inland desert areas, began exploiting a wider range of plant and animal resources (Byrd and Raab 2007).

MIDDLE HOLOCENE

During the Middle Holocene (7,600 to 3,600 B.P.), there is evidence for the processing of acorns for food and a shift toward a more generalized economy. The first evidence of human occupation in the Los Angeles area dates to at least 9,000 years B.P. and is associated with the Millingstone cultures (Wallace 1955; Warren 1968). Millingstone cultures were characterized by the collection and processing of plant foods, particularly acorns, and the hunting of a wider variety of game animals (Byrd and Raab 2007; Wallace 1955). Millingstone cultures also established more permanent settlements that were located primarily on the coast and in the vicinity of estuaries, lagoons, lakes, streams, and marshes where a variety of resources, including seeds, fish, shellfish, small mammals, and birds, were exploited. Early Millingstone occupations are typically identified by the presence of handstones (manos) and millingstones (metates), while those Millingstone occupations dating later than 5,000 B.P. contain a mortar and pestle complex as well, signifying the exploitation of acorns in the region.

LATE HOLOCENE

During the Late Holocene (3,600 B.P. to A.D. 1769), many aspects of Millingstone culture persisted, but a number of socioeconomic changes occurred (Erlandson 1994; Wallace 1955; Warren 1968). The native populations of southern California were becoming less mobile, and populations began to gather in small sedentary villages with satellite resource-gathering camps. Increasing population size necessitated the intensified use of existing terrestrial and marine resources (Erlandson 1994). Evidence indicates that the overexploitation of larger, high-ranked food resources may have led to a shift in subsistence towards a focus on acquiring greater amounts of smaller resources, such as shellfish and small-seeded plants (Byrd and Raab 2007). Around 1,000 B.P., there was an episode of sustained drought, known as the Medieval Warm Period, occurred. While this climatic event did not appear to reduce the human population, it did lead to a change in subsistence strategies in order to deal with the substantial stress on resources. The Late Holocene marks a period in which specialization in labor emerged, trading

networks became an increasingly important means by which both utilitarian and non-utilitarian materials were acquired, and travel routes were extended. Although the intensity of trade had already been increasing, it now reached its zenith, with asphaltum (tar), seashells, and steatite being traded from southern California to the Great Basin. Major technological changes appeared as well, particularly with the advent of the bow and arrow, which largely replaced the use of the dart and atlatl.

PROTOHISTORIC SETTING

The Protohistoric period does not have a clear timeline; however, this time period is generally thought to have begun with the first interactions between foreigners (Spanish, Mexicans, and American cultures) and native peoples in 1542 and ended in 1769 with the establishment of Spanish colonial settlements (Lightfoot and Simmons 1998). The native cultures in the protohistoric period evolved from traditions that date back to as early as A.D. 1000, and in most areas much earlier. Archaeological data has shown that native cultures in California were more complex in the protohistoric period than after their populations had been decimated by disease and their economic resources had been taken away by non-native settlers in the historic period (King 1978). The SCAG region was once inhabited by least 11 different Native American groups, including: Mohave, Halchidhoma, Southern Paiute/Chemehuevi, Kawaiisu, Kitanemuk, Cahuilla, Tataviam, Gabrielino, Juaneño (Luiseño), Chumash, and Serrano.

Native American territorial limits in Southern California during the first European contact are different than today's political boundaries. It is known that boundaries between tribes overlapped and migrated within their general borders. Between 1851 and 1852, the United States Army mandated California's tribes to sign 18 treaties renouncing rights to their traditional lands in exchange for reservations. The treaties were not approved, were lost, and forgotten. In 1891, small, scattered reservations were created in Southern California (Miller 2013). A total of 17 reservations were established within Imperial (Martinez and Fort Yuma,) Riverside (Torres-Martinez, Cabazon, Cahuilla, Augustine, Santa Rosa, Ramona, Pechanga, Soboba, Agua Caliente, Colorado River, and Morongo) and San Bernardino Counties (Fort Mojave, San Manuel, Colorado River, Chemehuevi, and Twentynine Palms) in the SCAG region. No reservations were created in Los Angeles, Ventura, or Orange Counties.

HISTORIC SETTING

SPANISH PERIOD (A.D. 1769 TO 1821)

Sustained European exploration in the region began in 1769, when Gaspar de Portolá and a small Spanish contingent began their exploratory journey along the California coast from San Diego to Monterey. The expedition passed through present-day Castaic Junction in August of 1769 (Worden, Undated). This was followed in 1776 by the expedition of Father Francisco Garcés (Johnson and Earle 1990).

In the late 18th century, the Spanish began establishing missions in California and forcibly relocating and converting native peoples. Within the SCAG region, a total of four missions were established, including San Buenaventura in Ventura County, San Fernando Rey de España and San Gabriel [Arcángel](#) in Los Angeles County, and San Juan Capistrano in Orange County. Mission San Buenaventura was founded on March 31, 1872, by Father Junipero Serra in the city of Ventura. Mission San Fernando Rey de España was founded on September 8, 1797, by Father Lasuén in the neighborhood of Mission Hills, in the city of Los Angeles. Mission San Gabriel [Arcángel](#) was founded on September 8, 1771, by Father Serra in the city of San Gabriel. Mission San Juan Capistrano was originally founded on October 30, 1775, by Father Lasuén. However, a few weeks later an Indian revolt took place in San Diego, so the founding padres and soldiers left San Juan Capistrano to aid with the fight. As soon as the

fighting had decreased, Father Serra re-founded Mission San Juan Capistrano on November 1, 1776 (California Missions Foundation.org 2023).

MEXICAN PERIOD (A.D. 1821 TO 1848)

After Mexico gained its independence from Spain in 1821, Los Angeles became the capital of the California territory in 1835 (Gumprecht 2001). Mexico continued to promote settlement of California with the issuance of land grants. In 1833, Mexico began the process of secularizing the missions, reclaiming most mission lands and redistributing them as land grants. According to the terms of the Secularization Law of 1833 and Regulations of 1834, at least a portion of the lands would be returned to the Native populations, but this did not always occur (Milliken et al. 2009).

Many ranchos continued to be used for cattle grazing by settlers during the Mexican Period. Hides and tallow from cattle became a major export for Californios (native Hispanic Californians), many of whom became wealthy and prominent members of society. The Californios led generally easy lives, leaving the hard work to vaqueros (Hispanic cowhands) and Indian laborers (Pitt 1994; Starr 2007).

AMERICAN PERIOD (A.D. 1848 TO PRESENT)

Mexico ceded California to the United States as part of the Treaty of Guadalupe Hildalgo in 1848. California officially became a state in 1850. While the treaty recognized right of Mexican citizens to retain ownership of land granted to them by Spanish or Mexican authorities, the claimant was required to prove their right to the land before a patent was given. The process was lengthy and generally resulted in the claimant losing at least a portion of their land to attorney's fees and other costs associated with proving ownership (Starr 2007).

When the discovery of gold in northern California was announced in 1848, gold seekers and settlers began to pour into California leading to confrontation between native groups and the newcomers. In response to increasing hostilities between non-local, desert region Native American tribes and local tribes and incoming American settlers, President Fillmore sent Edward F. Beale, Superintendent of Indian Affairs for California, to investigate and devise a solution in 1852. Beale suggested a two-pronged approach: establish a reservation for local tribes and establish a military presence.

As the population of California increased, the price of beef skyrocketed and Californios reaped the benefits. However, a devastating flood in 1861, followed by droughts in 1862 and 1864, led to a rapid decline of the cattle industry; over 70 percent of cattle perished during these droughts (McWilliams 1946; Dinkelspiel 2008). These natural disasters, coupled with the burden of proving ownership, caused many Californios to lose their lands during this period. Former ranchos were subsequently subdivided and sold for agriculture and residential settlement (Gumprecht 2001; McWilliams 1946).

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.

PREVIOUSLY RECORDED CULTURAL RESOURCES

Records searches for Connect SoCal 2024 were conducted through the South Coastal Information Center (SCIC) on October 17, 2022, South Central Coastal Information Center (SCCIC) on December 2, 2022, and Eastern Information Center (EIC) on October 18, 2022, see Appendix D. The records searches included acquiring a count of all recorded cultural resources, including archaeological and historic-architectural/built-environment resources. In addition, the SCCIC and EIC also have a category in their records for “unknown resources” for San Bernardino County and Riverside County, respectively. The EIC also has a category in their records for protohistoric resources within Riverside County. A total sum of all cultural resources is provided by county in **(Table 3.5-1, Cultural Resources Listed in the California Historical Resources Information System [CHRIS])**. The results of the records searches indicate that a total of 112,860 cultural resources have been identified within the SCAG region. Of the 112, 860 resources, approximately 18,817 are located within Imperial County; approximately 18,120 are located within Los Angeles County; approximately 5,392 are located within Orange County; approximately 28,787 are located within Riverside County; approximately 38,566 are located within San Bernardino County; and approximately 3,178 are located within Ventura County.

TABLE 3.5-1 Cultural Resources Listed in the California Historical Resources Information System (CHRIS)

COUNTY	CHRIS CENTER	APPROXIMATE COUNT OF CULTURAL RESOURCES (COMBINED ARCHAEOLOGICAL, HISTORIC ARCHITECTURAL, UNKNOWN, AND PROTOHISTORIC)
Imperial*	SCIC	18,817
Los Angeles**	SCCIC	18,120
Orange**	SCCIC	5,392
Riverside***	EIC	28,787
San Bernardino**	SCCIC	38,566
Ventura**	SCCIC	3,178
SCAG Region Total		112,860

Source: SCIC 2022; SCCIC 2022; EIC 2022)

Table Notes:

- * The SCIC’s system does not differentiate between archaeological resources (historic and prehistoric) and historic architectural resources. So, a total number of resources was provided by the SCIC to ESA.
- ** The SCCIC provided total numbers of archaeological and non-archaeological resources (historic architectural) within Los Angeles, Orange, and Ventura counties – the sum of these two types of resources is provided in the table for each county. The SCCIC also provided a count of archaeological, non-archaeological (historic architectural), and unknown resources – the sum of these three types of resources is provided in the table under San Bernardino County.
- *** The EIC provided a total count of resources in Riverside County, as well as a total of sites marked as unknown, total of sites marked as prehistoric, total of sites marked as historic, and total sites marked as protohistoric. The total count of resources in Riverside County is used and provided in the table. The EIC also indicated that some sites overlap, whereas the recorder marked a site, both prehistoric and historic, or any other combination.

The NRHP is a register that serves as the official list of buildings, structures, objects, sites, and districts considered by the federal government as worthy of preservation. There are currently over 95,000 listings in NRHP, of which 1,631 are in the SCAG region **(Table 3.5-2, National Register of Historic Places Properties within the SCAG Region)**. A complete list of these resources can be found in Appendix D-1 of this 2024 PEIR.

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	595	2	0	145	742
Orange	544	0	0	31	575
Riverside	96	0	0	7	103
San Bernardino	99	0	0	34	133
Ventura	39	0	0	16	55
Total	1,383	2	1	246	1,631

Source: NPS 2022

Also recognized by the federal government are National Historic Landmarks (NHL). 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 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 in the SCAG region (**Table 3.5-3, National Historic Landmarks within the SCAG Region**). A full accounting of these landmarks can be found in Appendix D-2.

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: NPS 2023e

The State of California maintains 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 there are 285 CPHI listings 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 2022c

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

COUNTY	POINTS OF HISTORICAL INTEREST
Imperial	4
Los Angeles	64
Orange	22
Riverside	72
San Bernardino	119
Ventura	4
Total	285

Source: OHP 2022c

The Built Environment Resources Directory (BERD) offers information, organized by county, concerning non-archaeological resources in the OHP's inventory. The OHP inventory has information only for cultural resources that have been processed through the office, including those reviewed for eligibility to the NRHP and the CHL programs through federal and state environmental compliance laws, and resources nominated under federal and state registration programs. There are a total of 84,178 resources listed in the BERD within the SCAG region (OHP 2023b).

TABLE 3.5-6 Built Environment Resources Directory

COUNTY	TOTAL
Imperial	348
Los Angeles	50,309
Orange	12,004
Riverside	8,638
San Bernardino	8,821
Ventura	4,058
Total	84,178

Source: OHP 2023b

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 jurisdictions 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 D-3 and Appendix D-4.

NATIVE AMERICAN SACRED SITES

Within the SCAG region there are 16 federally recognized tribes (84 FR 1200) with lands administered as federal Indian reservations, also known as pueblos, rancherias, missions, villages, communities, etc. (Indian Affairs 2023):

- Agua Caliente Band of Cahuilla Indians
- Augustine Band of Mission Indians
- Cabazon Band of Mission Indians
- Cahuilla Band of Indians
- Chemehuevi Indian Tribe
- Colorado River Indian Tribe
- Fort Mojave
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Indian Reservation
- Pechanga Band of Luiseño Indians
- Ramona Band of Cahuilla Mission Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians
- Twenty-Nine Palms Band of Mission Indians

The NAHC is responsible for identifying, cataloging, and protecting Native American cultural resources, which can include ancient places of special religious, traditional, or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. A search of the SLF files through the NAHC for the SCAG region was requested by ESA on October 13, 2022. The NAHC responded to the

request on December 8, 2022, and indicated that the results were positive. The NAHC provided a list of tribes that are traditionally and culturally affiliated with the SCAG region. On December 8, 2022, ESA requested for the NAHC to provide a count of Sacred Lands listings by county within the SCAG region. The NAHC replied on December 28, 2022, indicating that the NAHC is unable to provide counts of Sacred Lands by county (see Attachment B in **Appendix G, Assembly Bill 52 Consultation Summary Report**, of this 2024 PEIR).

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 (see **Table 3.5-7, Formal Cemeteries in the SCAG Region Listed by County**). In the SCAG region, there are many circumstances in which human remains outside formal cemeteries could be encountered.

TABLE 3.5-7 Formal Cemeteries in the SCAG Region Listed by County

COUNTY	NUMBER OF FORMAL CEMETERIES
Imperial	9
Los Angeles	77
Orange	18
Riverside	37
San Bernardino	37
Ventura	15
Total	193

Source: ESRI (2022)

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 and can be associated with a variety of items including shell beads and ornaments as well as ground and polished stone artifacts non-indigenous burials are typically associated with caskets or coffins.

3.5.2 REGULATORY FRAMEWORK

FEDERAL

ANTIQUITIES ACT

The Antiquities Act of 1906 (16 U.S. Code [USC] 431–433), was the first United States law to provide overall protection for any general kind of cultural or natural resource (NPS 2023a). The act gave the executive branch the authority to identify and protect cultural resources on federal lands in an expeditious manner. Under this act, the president of the United States is authorized to proclaim national monuments on federal lands that contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” This act also provides for permitting the examination, excavation, and collection of archaeological resources or other objects of antiquity on federal lands to qualified institutions. The act requires that the collections of materials from investigations be placed in public museums for preservation and public benefit. The act also provides for criminal penalties, including fines and/or imprisonment, for the unlawful excavation, removal, damage, or destruction of archaeological resources on federal lands.

HISTORIC SITES ACT

The Historic Sites Act of 1935 (16 USC 461–467) established a national policy on historic preservation. The act outlined a policy to “preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.” The act also gave the Secretary of the Interior the authority to develop a program aimed at identifying and evaluating cultural resources. The act assigned the National Park Service the primary responsibility for administering federal historic preservation activities (NPS 2023d). In 2014, the act was repealed and restated as four sections in Title 54 (54 USC 320301-320306, 54 USC 102303, 54 USC 102304, and 54 USC 039101).

UNITED STATES DEPARTMENT OF TRANSPORTATION ACT (SECTION 4[F])

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966 protects publicly owned parks, recreational areas, wildlife and waterfowl refuges, and public and private historic sites. Transportation improvement projects that are federally funded are forbidden from the encroachment (direct or constructive use, or a take) of Section 4(f) lands unless it can be proven that no feasible and prudent alternative exists (NPS 2023e; US Department of Transportation 2023).

NATIONAL HISTORIC PRESERVATION ACT (NHPA)

The NHPA, as amended (54 U.S.C. section 470 et seq.), and its implementing regulations (36 CFR Part 800). Section 106 of the NHPA requires a federal agency with jurisdiction over a proposed federal action (referred to as an “undertaking”) to take into account the effects of the undertaking on historic properties, and to provide the Advisory Council on Historic Preservation an opportunity to comment on the undertaking.

The term historic properties refers to “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register” (36 CFR Part 800.16(l)(1)). The implementing regulations (36 CFR Part 800) describe the process for identifying and evaluating historic properties, for assessing the potential adverse effects of federal undertakings on historic properties, and seeking to develop measures to avoid, minimize, or mitigate adverse effects. The Section 106 process does not require the preservation of historic properties;

instead, it is a procedural requirement mandating that federal agencies take into account effects to historic properties from an undertaking prior to approval.

The steps of the Section 106 process are accomplished through consultation with the State Historic Preservation Officer (SHPO), federally recognized Indian tribes, local governments, and other interested parties. The goal of consultation is to identify potentially affected historic properties, assess effects to such properties, and seek ways to avoid, minimize, or mitigate any adverse effects on such properties. The agency also must provide an opportunity for public involvement (36 CFR 800.3(e)). Consultation with Indian tribes regarding issues related to Section 106 and other authorities (such as NEPA and Executive Order No. 13007) must recognize the government-to-government relationship between the Federal Government and Indian tribes, as set forth in Executive Order 13175, 65 FR 87249 (November 9, 2000), and Presidential Memorandum of November 5, 2009.

NATIONAL REGISTER OF HISTORIC PLACES (NATIONAL REGISTER)

The National Register was established by the NHPA of 1966, as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment” (36 CFR 60.2) (U.S. Department of the Interior 2002). The NRHP recognizes a broad range of cultural resources that are significant at the national, state, and local levels and can include districts, buildings, structures, objects, prehistoric archaeological sites, historic-period archaeological sites, traditional cultural properties, and cultural landscapes. As noted above, a resource that is listed in or eligible for listing in the NRHP is considered “historic property” under Section 106 of the NHPA.

To be eligible for listing in the NRHP, a property must be significant in American history, architecture, archaeology, engineering, or culture. Properties of potential significance must meet one or more of the following four established 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.

In addition to meeting one or more of the criteria of significance, a property must have integrity. Integrity is defined as “the ability of a property to convey its significance” (U.S. Department of the Interior 2002). The NRHP recognizes seven qualities that, in various combinations, define integrity. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance.

Ordinarily religious properties, moved properties, birthplaces or graves, cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years are not considered eligible for the NRHP unless they meet one of the Criteria Considerations (A-G), in addition to meeting at least one of the four significance criteria and possessing integrity (U.S. Department of the Interior 2002).

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, to avoid adverse effects to historic properties the Secretary of the Interior's Standards for Rehabilitation (Secretary of the Interior's Standards) should be followed. Created under Sections 101(f), (g), and (h), and Section 110 of the amended NHPA of 1966, the Secretary of the Interior's Standards offer guidelines and approaches for preserving, rehabilitating, restoring, and reconstructing historic buildings. The Secretary of the Interior's Standards also include guidance for new construction adjacent to historic properties, in order to avoid adverse impacts to neighboring properties through a change in setting and feeling. Consequently, the Secretary of the Interior's Standards outline 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 or interpret policy. Instead, these serve as technical advice regarding archaeological and historic preservation procedures.

CEQA Guidelines Section 15126.4(b)(1) states that a project determined to follow the Secretary of the Interior's Standards can generally be considered to be a project that will not cause material impairment to a historical resource. Noncompliance with the Secretary' of the Interiors Standards; however, does not consistently result in material impairment to a historical resource, and some projects that do not act in accordance with the Secretary' of the Interiors Standards do not cause a significant adverse impact. Project elements must be planned on a case-by-case basis, depending upon the resource and the explanations for its significance. However, projects that comply with the Secretary of the Interior's Standards benefit from a regulatory deduction that they would have a less-than-significant adverse impact on historic resources.

ARCHAEOLOGICAL AND HISTORIC PRESERVATION ACT

The Archeological and Historic Preservation Act of 1974 (54 USC Sections 312501–312508) amended and expanded the Reservoir Salvage Act of 1960 and was enacted to complement the Historic Sites Act of 1935. The act amends the 1960 Reservoir Salvage Act by providing for the preservation of significant scientific, prehistoric, historic, and archaeological materials and data that might be lost or destroyed as a result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any federal construction project or federally licensed activity or program. The act expands the policy set forth in the Historic Sites Act of 1935 to provide for the preservation of sites or objects of national significance by focusing attention on significant resources and data but does not require that they be shown to be of "national" significance (NPS 2023c).

The most important contribution of this act is that it made it clear that all federal agencies were authorized to fund archeological investigations, reports, and other kinds of activities to mitigate the impacts of their projects on important archeological sites. The act provides that up to one percent of congressionally authorized funds for a project may be spent from appropriated project funds to recover, preserve, and protect archaeological and historical data.

The act is also one of the statutory authorities for the curation and care of federal archeological collections and associated records (36 CFR Section 79).

ARCHAEOLOGICAL RESOURCES PROTECTION ACT

The Archaeological Resources Protection Act of 1979 (or ARPA) (16 USC Sections 470aa-470mm) was enacted to “secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals.” Under this act, archaeological resources are defined as material remains of past human life or activities that are of archaeological interest and are over 100 years old (NPS 2023b). The primary focus of the act is to protect archaeological resources on public and Indian lands, and to prevent looting and destruction of archaeological resources. The statute provides for stiff civil and criminal penalties, including fines up to \$100,000 and/or 5 years in prison for second-time offenders. The act also governs archaeological excavation and disposition of collections from sites on public and Indian lands and requires researchers to obtain a permit prior to excavating or removing any archaeological materials on federal lands. The act further requires that the nature and location of archaeological resources be kept confidential unless providing the information would further the purposes of the statute and not create a risk of harm to such resources.

AMERICAN INDIAN RELIGIOUS FREEDOM ACT

The American Indian Religious Freedom Act of 1978 (42 USC Section 1996) makes it the policy of the United States to “protect and preserve for the American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians.” These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT OF 1990

Requirements for responding to discoveries of Native American human remains and associated funerary objects on federal land are addressed under the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 USC Sections 3001–3013) and its implementing regulations (43 CFR Part 10). If human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered on federal or tribal lands, the federal agency must determine and consult with the lineal descendants and culturally affiliated Indian tribes and carry out appropriate treatment and disposition of the discovered remains, including transfer of custody. Indian tribe is defined as any tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. NAGPRA does not require federal agencies to consult with non-federally recognized tribes. However, there are some cases in which non-federally recognized tribes may be appropriate claimants for cultural items. Federal agencies that wish to return Native American human remains and cultural items to non-federally recognized tribes may do so after review and approval by the NAGPRA Review Committee.

NAGPRA also requires permitting of the intentional removal of, or excavation of, Native American cultural items from federal or tribal lands for purposes of discovery, study, or removal; establishes criminal penalties for trafficking in human remains or cultural objects; and requires agencies and museums that receive federal funding to inventory those items in their possession and identify the descendants of and repatriate those items.

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 2023a).

OHP's responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Certifying compliance with federal and state regulatory obligations;
- Encouraging the adoption of historic preservation incentives that can provide cost savings to properties; and
- Providing general advice and information to members of the public and organizations interested in preservation. OHP evaluates and comments on thousands of federally sponsored projects annually pursuant to Section 106 of the NHPA 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 encourage the preservation of California's heritage resources by guaranteeing that projects and programs sponsored by federal and state agencies conform with federal and state historic preservation laws and that projects are carried out 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.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES

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.

A resource eligible for the CRHR must meet one of the criteria of significance described above and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the NRHP, but it may still be eligible for listing in the CRHR.

Additionally, the CRHR consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The CRHR automatically includes the following:

- California properties listed on the NRHP and those formally determined eligible for the NRHP;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the CRHR.

Other resources that may be nominated to the CRHR include:

- Historical resources with a significance rating of Category 3 through 5 (those properties identified as eligible for listing in the NRHP, the CRHR, and/or a local jurisdiction register);
- Individual historical resources;
- Historical resources contributing to historic districts; and
- Historical resources designated or listed as local landmarks, or designated under any local ordinance, such as an historic preservation overlay zone.

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.

CALIFORNIA POINTS OF HISTORICAL INTEREST

CPHIs 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. CPHIs designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR. 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (ARCHAEOLOGICAL AND HISTORICAL RESOURCES)

CEQA is the principal statute governing environmental review of projects occurring in the state and is codified at Public Resources Code (PRC) Section 21000 et seq. CEQA requires lead agencies to determine if a proposed project would have a significant effect on the environment, including significant effects on historical or unique archaeological resources. Under CEQA (Section 21084.1), a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

The CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15064.5) recognize that historical resources include (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); and (3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. The fact that a resource does not meet the three criteria outlined above does not preclude the lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

If a lead agency determines that an archaeological site is a historical resource, the provisions of Section 21084.1 of CEQA and Section 15064.5 of the CEQA Guidelines apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated in accordance with the provisions of Section 21083, which is as a unique archaeological resource. As defined in Section 21083.2 of CEQA a “unique” archaeological resource is an archaeological artifact, object, or site, about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological site meets the criteria for a unique archaeological resource as defined in Section 21083.2, then the site is to be treated in accordance with the provisions of Section 21083.2, which state that if the lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place (Section 21083.1(a)). If preservation in place is not feasible, mitigation measures shall be required. The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5(c)(4)).

A significant effect under CEQA would occur if a project results in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5(a). Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired” (CEQA Guidelines Section 15064.5(b)(1)). According to CEQA Guidelines Section 15064.5(b)(2), the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that:

- A. Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
- B. Account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C. Convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a Lead Agency for purposes of CEQA.

In general, a project that complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) (Grimmer 2017) is considered to have mitigated its impacts to historical resources to a less-than-significant level (CEQA Guidelines Section 15064.5(b)(3)).

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.

CALIFORNIA HEALTH AND SAFETY CODE SECTION 7050.5

See detailed discussion of this regulation in Section 3.18, *Tribal Cultural Resources*.

CALIFORNIA PUBLIC RESOURCES CODE SECTION 5097.98

See detailed discussion of this regulation in Section 3.18, *Tribal Cultural Resources*.

CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 5024 AND 5024.5

The California State Legislature enacted PRC Sections 5024 and 5024.5 as part of a larger effort to establish a state program to preserve historical resources. These code sections require state agencies to take a number of actions to ensure preservation of state-owned historical resources under their jurisdictions. These actions include evaluating resources for eligibility for listing in the National Register and designation as California Historical Landmarks; maintaining an inventory of eligible and listed resources; and managing these historical resources so that that they will retain their historic characteristics.

PRC Section 5024(f) states that a state agency shall submit to the SHPO for comment documentation for any project having the potential to affect historical resources listed in or potentially eligible for listing in the National Register or registered as or eligible for registration as a California Historical Landmark. PRC Section 5024.5 requires state agencies to notify and consult with the SHPO regarding adverse effects to historical resources and measures to eliminate or mitigate the adverse effect.

CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 5025 AND 5028

California PRC Section 5025 declared the need for state repositories dedicated to the preservation and restoration of artifacts related to the history of aviation within California and the United States. This included the designation of a state aviation museum known as the California City Museum and Restoration Facility.

PRC Section 5028 specifies that no structure that is listed on the NRHP, the CRHR, or on any local public register of historic places, and that has been damaged due to a natural disaster, including, but not limited to, an earthquake, fire, or flood, may be demolished, destroyed, or significantly altered, except for restoration to preserve or enhance its historical values, unless the structure presents an imminent threat to the public of bodily harm or of damage to adjacent property, or unless the OHP determines, that the structure may be demolished, destroyed, or significantly altered.

CALIFORNIA PUBLIC RESOURCES CODES 5097.5, 5097.9, 5097.98, AND 5097.99

See detailed discussion of these regulations in Section 3.18, *Tribal Cultural Resources*.

CALIFORNIA PENAL CODE SECTION 622, DESTRUCTION OF HISTORICAL PROPERTIES

See detailed discussion of these regulations in Section 3.18, *Tribal Cultural Resources*.

SENATE BILL 18

Senate Bill 18 (SB 18) (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to “provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places” (OPR 2005).

The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005.

According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines (OPR 2005), the following are the contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government’s jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county’s jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

ASSEMBLY BILL 52

Assembly Bill (AB) 52 was approved by California State Governor Edmund Gerry “Jerry” Brown, Jr. on September 25, 2014. The act amended California 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 applies specifically to projects for which a Notice of Preparation (NOP) or a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (MND) will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under CEQA, known as tribal cultural resources. PRC Section 21074(a)(1) and (2) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are either included or determined to be eligible for inclusion in the CRHR or included in a local register of historical resources, or a resource that is determined to be a tribal cultural resource by a lead agency, in its discretion and supported by substantial evidence. On July 30, 2016, the California

Natural Resources Agency adopted the final text for tribal cultural resources update to CEQA Guidelines Appendix G, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project's impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures (California Legislation Information 2023f). Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an Environmental Impact Report or adopt an MND (PRC Section 21082.3(d)(2) and (3)).

PRC Section 21082.3(c)(1) states that any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.

EXECUTIVE ORDER B-10-11

Executive Order B-10-11 creates the state's policy regarding Native American groups, including the acknowledgment of their sovereign rights, and the state's desire that all agencies be subject to executive control, and to encourage the communication and consultation with California Native tribes. Additionally, this executive order, created the position of Governor's Tribal Advisor as part of the Office of the Governor of California to serve as the direct link between the Governor's Office and the numerous tribal governments regarding matters of policy, including legislation and regulation.

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 3.5-8, 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 3.5-8 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 and 5 Policies Specific to Historic Resources: Yes, Policy 6

CITY GENERAL PLANS AND ORDINANCES

In accordance with California Government Code Sections 65560(g) and (i), 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. Generally, Conservation and Open Space Elements provide goals and policies for the protection and preservation of cultural resources, including archaeological, and historic resources. Cities may also designate a neighborhood as a local historic district, referred to as a Historic Preservation Overlay Zone (HPOZ) which aims to identify and protect the distinctive architectural and cultural resources within a city. HPOZs provide an additional layer of planning control during the project review process. Many city general plans have provisions for historic 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. For example, the City of Los Angeles's local historic districts program aims to identify and protect the distinctive architectural and cultural resources of Los Angeles's historic neighborhoods. Designating a neighborhood as a local historic district/HPOZ means that any new projects in that neighborhood must complement its historic character. The City currently has 35 officially designated HPOZs in its jurisdiction (City of Los Angeles 2023).

3.5.3 ENVIRONMENTAL IMPACTS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this 2024 PEIR, SCAG has determined that implementation of Connect SoCal 2024 could result in significant impacts related to cultural resources if the Plan would exceed the following significance criteria, in accordance with California Environmental Quality Act (CEQA) Guidelines Appendix G:

- 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.

METHODOLOGY

Chapter 2, *Project Description*, describes the Plan's vision, goals, policies, forecasted regional development pattern, policies and strategies, and individual transportation projects and investments. The Plan aims to increase mobility, promote sustainability, and improve the regional economy. Although land use development is anticipated to occur within the region even without the Plan, the Plan could influence growth, including distribution patterns. To address this, the 2024 PEIR includes an analysis on the implementation of policies and strategies as well as potential projects and evaluates how conditions in 2050 under the Plan would differ from existing conditions. The analysis for cultural resources considered public comments received on the NOP and feedback and discussions at the various public and stakeholder outreach meetings.

Cultural Resources have been evaluated in accordance with Appendix G of the 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 the Plan's impacts to cultural impacts compares the existing conditions (2022) to the future (2050) conditions. 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 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 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.

Approximately 112,860 cultural resources (including both archeological resources and historic-architectural/built environment 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 are 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 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.

As discussed in Chapter 2, *Project Description*, and Section 3.0, *Introduction to Analysis*, Connect SoCal 2024 includes Regional Planning Policies and Implementation Strategies some of which will effectively reduce impacts in the various resource areas. Furthermore, compliance with all applicable laws and regulations (as set forth in the Regulatory Framework) would be reasonably expected to reduce impacts of the Plan (see CEQA Guidelines Section 15126.4(a)(1)(B)). As discussed in Section 3.0, *Introduction to the Analysis*, where remaining potentially significant impacts are identified, SCAG mitigation measures are incorporated to reduce these impacts. If SCAG cannot mitigate impacts of the Plan to less than significant, project-level mitigation measures are identified which can and should be considered and implemented by lead agencies as applicable and feasible.

IMPACTS AND MITIGATION MEASURES

IMPACT CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Significant and Unavoidable Impacts – Mitigation Required

The Plan has the potential to affect historical resources in the SCAG region, including the 1,383 sites listed in the NRHP (see Table 3.5-2 above and Appendix D-1); 29 sites listed in the NHL (see Table 3.5-3 above and Appendix D-2); 226 sites listed in the CHL (see Table 3.5-4 above and Appendix D-3); 285 listed in the CPHI (see Table 3.5-5 above and Appendix D-4); and 84,178 sites listed in the BERD (OHP 2023b). Note that there are many more historical resources than those officially listed. In general, any building over 50 years old has the potential to have some connection to California history; therefore, as time passes more buildings become potential resources. In addition, archeological resources have the potential to be encountered in soils especially those previously undisturbed. For the purposes of this PEIR, a historic resource refers to an architectural/built environment resource. Archeological resources are separately addressed in Impact CUL-2. 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, the Plan could affect unrecognized historical resources throughout the region.

In instances where buildings 50 years or older are located on or adjacent to a project site, such structures should be evaluated as potential historical resources, to determine if they meet the criteria that would make them eligible for the NRHP, CRHR and/or a local list. 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 rights-of-way, as well as development projects influenced by the policies and 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.

While there are substantial protections for historic resources many of the regulatory requirements only delay demolition or the substantial change that is proposed and historic resources remain vulnerable as the region develops and redevelops.

The Plan encourages new growth in PDAs and away from GRRAs which could result in a greater number of historic buildings being impacted. Transportation projects 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 Phase II). New bus rapid transit and rapid bus routes will be implemented across Los Angeles, Orange, Riverside and San Bernardino Counties. Many urbanized areas include older urban or suburban town centers where structures of architectural and/or historical significance are located. Changes in visual character of a neighborhood both through increases in density, changes in architectural styles and through the addition of new transportation infrastructure (such as elevated transit platforms) can alter the context and potentially the significance of an historical resource (including both individual resources and historic districts). Further, as new housing and employment development is emphasized in PDAs and away from GRRAs, there may be pressure to redevelop existing historical-architectural/built environment 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, implementation of the Plan could impact the physical and aesthetic integrity of historic buildings and communities. This impact is considered significant impact and mitigation measures are required.

MITIGATION MEASURES

SCAG MITIGATION MEASURE

See SMM-GEN-1.

SMM-CUL-1 SCAG shall encourage local jurisdictions to identify opportunities for early consultation with resource agencies such as the National Park Service, Office of Historic Preservation, and Native American Heritage Commission, as well as Native American tribes, for identification and avoidance of archaeological sites, historical resources, cemeteries, and tribal cultural 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-CUL-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 Plan 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 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 feasible 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 Secretary of the Interior's 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 Secretary of the Interior's PQS. Recordation should meet the Secretary of the Interior's 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 Secretary of the Interior's 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 Plan 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 Plan 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 feasible, 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 Secretary of the Interior's 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 previously discussed, the Plan's Regional Planning Policies and Implementation Strategies (see Chapter 2, *Project Description*, and Section 3.0, *Introduction to the Analysis*) and compliance with existing laws and regulations would reduce impacts; however, given the regional scale of the analysis in this 2024 PEIR, it is not possible or feasible to determine if all impacts would be fully mitigated. Therefore, this 2024 PEIR identifies SCAG and project-level mitigation measures. At the project-level, lead agencies can and should consider the identified project-level mitigation measures during subsequent review of transportation and land use projects as appropriate and feasible. While the mitigation measures will reduce the impacts related to substantial adverse changes in the significance of historical resources, unknown site conditions, the location of existing historical resources, and project-specific details, and SCAG's lack of land use authority over individual projects, SCAG finds that the impact could be **significant and unavoidable** even with mitigation.

IMPACT CUL-2 **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

Significant and Unavoidable Impact – Mitigation Required

The Plan could 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. Implementation of the Plan has the potential to impact archeological resources in the SCAG region primarily through ground disturbance in previously undisturbed soils. 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.

Potential impacts to archaeological resources would be more likely to occur from ground-disturbing activities associated the Plan rather than during ongoing operations, 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 Plan encourages growth in PDAs that are generally urbanized and mostly fully developed areas and therefore new ground disturbance has less potential to encounter resources. Although the majority of jobs and housing units would be in PDAs under the Plan, new housing is still expected to occur outside of PDAs which could impact previously undisturbed soils. Within PDAs, new development may go deeper than prior development and/or previously disturbed resources can be encountered in fill. In most cases the potential for discovering buried archeological resources in previously disturbed areas is low, as any resources that may have existed have been either removed or destroyed during previous excavations. Nonetheless, it is possible that some development in PDAs could occur on previously undisturbed sites. It is also possible that disturbance of archaeological resources could occur where such resources are buried and may not be visible at the ground surface, and in some instances are located below recent development. In such instances, there is the potential to disturb previously undiscovered archeological resources.

As identified in the Regulatory Framework above, regulations and policies would reduce impacts to archeological resources but given the regional scale of the analysis in this 2024 PEIR, it is not possible to determine if all impacts would be fully mitigated by existing regulations and policies.

In summary, given the complexity and scale of the region, the Plan has the potential to substantially affect archaeological resources and therefore potentially change their significance. As such, this impact is considered significant and mitigation measures are required.

MITIGATION MEASURES

SCAG MITIGATION MEASURE

See **SMM-GEN-1** and **SMM-CUL-1**.

PROJECT-LEVEL MITIGATION MEASURES

See **PMM-CUL-1**.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

As previously discussed, the Plan's Regional Planning Policies and Implementation Strategies (see Chapter 2, *Project Description*, and Section 3.0, *Introduction to the Analysis*) and compliance with existing laws and regulations would reduce impacts; however, given the regional scale of the analysis in this 2024 PEIR, it is not possible or feasible to determine if all impacts would be fully mitigated. Therefore, this 2024 PEIR identifies SCAG and project-level mitigation measures. At the project-level, lead agencies can and should consider the identified project-level mitigation measures during subsequent review of transportation and land use projects as appropriate and feasible. While the mitigation measures will reduce the impacts related to substantial adverse changes in the significance

of archaeological resources, unknown site conditions, the location of existing archaeological resources, and project-specific details, and SCAG's lack of land use authority over individual projects, SCAG finds that the impact could be **significant and unavoidable** even with mitigation.

IMPACT CUL-3 **Disturb human remains, including those interred outside of dedicated cemeteries.**

Significant and Unavoidable Impact – Mitigation Required

Implementation of the Plan would not be expected to disturb human remains within areas being operated as existing formal cemeteries. However, the Plan may result in soil disturbance associated with transportation projects and land use development that may disturb human remains interred outside of formal cemeteries or those interred in Native American sacred sites.

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.

While the Plan focuses development in PDAs and away from GRRAs, there remains the potential to encounter human remains in previously undisturbed soils. The transportation projects and anticipated growth under the Plan would result in the consumption of greenfield land. Although the majority of jobs and housing units would be in PDAs under the Plan, new housing is expected in a standard suburban pattern outside of PDAs and could impact previously undisturbed soils. As noted above in Impact CUL-2, even within PDAs there remains the potential to impact previously undisturbed soils. Under CEQA, human remains are protected along with other 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.

Implementation of the Plan could result in excavation in previously undisturbed soils and/or areas with previous disturbance to a lesser depth. In addition, some fill soils can contain archeological resources and even human remains. Therefore, excavation and soil removal especially in previously undisturbed soils, has the potential to encounter human remains. While existing law strictly governs the procedures to address how to handle such remains, due to the volume of transportation projects and anticipated growth at a regional level under the Plan, implementation of the Plan has the potential to disturb previously undiscovered human remains. As such, this impact is considered significant and mitigation measures are required.

MITIGATION MEASURES

SCAG MITIGATION MEASURE

See SMM-GEN-1 and SMM-CUL-1.

PROJECT-LEVEL MITIGATION MEASURES

PMM-CUL-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 previously discussed, the Plan's Regional Planning Policies and Implementation Strategies (see Chapter 2, *Project Description*, and Section 3.0, *Introduction to Analysis*) and compliance with existing laws and regulations would reduce impacts; however, given the regional scale of the analysis in this 2024 PEIR, it is not possible or feasible to determine if all impacts would be fully mitigated. Therefore, this 2024 PEIR identifies SCAG and project-level mitigation measures. At the project-level, lead agencies can and should consider the identified project-level mitigation measures during subsequent review of transportation and land use projects as appropriate and feasible. While the mitigation measures will reduce the impacts related to undiscovered human remains, unknown site conditions, the location of undiscovered human remains, and project-specific details, and SCAG's lack of land use authority over individual projects, SCAG finds that the impact could be **significant and unavoidable** even with mitigation.

CUMULATIVE IMPACTS

Connect SoCal 2024 is a regional-scale Plan comprised of policies and strategies, a regional growth forecast and land use pattern, and individual projects and investments. At this regional-scale, a cumulative or related project to the Plan is another regional-scale plan (such as Air Quality Management Plans within the region) and similar regional plans for adjacent regions. Because the Plan, in and of itself, would result in significant adverse environmental impacts with respect to cultural resources, these impacts would add to the environmental impacts of other cumulative or related projects. Mitigation measures that reduce the Plan's impacts would similarly reduce the Plan's contribution to cumulative impacts.

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