

3.3.10 Cultural Resources

Introduction

The purpose of the Cultural Resources section is to identify and evaluate the potential for the project to adversely affect paleontological, archaeological, and historical resources. The resources of concern include, but are not limited to fossils, prehistoric and historic artifacts, burials, sites of religious or cultural significance to Native American groups, and historic structures. Although the Governor's Executive Order on historic resources does not apply to the University, the University evaluates historic resources and complies with historic standards when feasible.

Responsible Agencies

The following agencies would serve as Reviewing Agencies for issues related to cultural resources:

- The California Native American Heritage Commission (NAHC) (<http://ceres.ca.gov.nahc/default.html>) is the primary agency with regard to sites (including burials), lands, and artifacts of Native American religious, historical, or cultural significance. This agency may require a Sacred Lands File check (which is completed by this agency, but must be formally requested) and consultation with Native American representatives (a list of which is provided by the agency upon request).
- The California State Office of Historic Preservation (SHPO) (<http://ohp.parks.ca.gov/>) is the primary agency with regard to historic and archaeological resources. Any final determination of eligibility of a resource for the California Register of Historic Places (CRHR) or the National Register of Historic Places (NRHP) requires the concurrence of the State Historic Preservation Officer. If a resource is determined by the State Historical Resources Commission to be eligible to the CRHR or NRHP, the resource is entitled to the same level of protection that it would enjoy if it were actually listed on either register.
- The California Coastal Commission (<http://www.coastal.ca.gov>) participates in the regulation of land uses that could affect cultural resources within the Coastal Zone (for example, a sea water line that requires trenching and may affect archaeological resources).

LRDP EIR

The significance of impacts to historical and archaeological resources is generally determined by whether the project could adversely affect resources that are listed or are eligible for listing on a local register, the CRHR, or NRHP. However, while resources that have been listed on a local, State or federal register of historical resources are generally significant, the CEQA Guidelines specifically state that a resource need not be listed to be considered significant for the purposes of a CEQA analysis (*CEQA Guidelines Section 15064.5[a][4]*). http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html.

The paleontological resources impact analysis should focus on the geological formations that underlie the campus; the nature, scientific importance, and extent of these units' previous fossil yield; their potential to yield additional fossils of scientific importance; and the potential for land use conversion to damage or

destroy these formations. Damage usually results from earth-disturbing activities (grading or excavation). A qualified paleontologist should be retained to prepare this portion of the cultural resources section

The archaeological resources impact analysis should focus on the potential disturbance or destruction of known significant archaeological resources within the LRDP area, and should also identify areas of sensitivity (i.e., the potential to yield resources) within the LRDP area that, based on the presence of resources in the surrounding area, are likely to contain additional archaeological resources that may be disturbed by development or maintenance activities. In addition to direct impacts resulting from earth-disturbing activities, indirect impacts could occur to other resources, such as rock art sites or petroglyphs, from deliberate or inadvertent damage resulting from increased human activity in the area. A qualified archaeologist should be retained to prepare this portion of the cultural resources section.

The historical resource impact analysis should focus upon the historic and/or architectural significance of structures within the LRDP area that are at least 50 years old at the time of preparation, as well as those that may reach 50 years of age during the LRDP horizon, if such structures may foreseeably be affected by the LRDP. Actions that could directly affect historic structures include demolition, seismic retrofitting, and accidents or vibration caused by nearby construction activities. This analysis should be prepared by a qualified historian or an architectural historian.

Mitigation measures should focus on protecting cultural resources through avoidance at the site planning stage, recording structures to appropriate standards, recording and collecting artifacts, and preservation in place, where feasible. Also, LRDP EIR mitigation measures should specify a process to address cultural resources, usually paleontological or archaeological, that are unexpectedly encountered during development, or during the course of normal operations. *CEQA Guidelines Section 15064.5(e)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html provides a process in the event of discovery of human remains in any location other than a formal cemetery.

Project EIR

To the extent not analyzed in the LRDP EIR, the Cultural Resources section of a Project EIR should indicate whether the project could result in any site-specific effects that were not anticipated or evaluated by the LRDP EIR. Further, it should analyze the project in relation to the current LRDP and any existing land use plans.

Standards of Significance

Public Resources Code (PRC), Section 5020.1 and *CEQA Guidelines Section 15064.5(b)(1)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html define a significant effect as one that would materially impair the significance of an historical resource. According to *CEQA Guidelines Section 15064.5(b)(2)*, http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html material impairment of a resource's historic significance could result if the project would:

- Demolish or materially alter in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historic Resources (CRHR);
- Demolish or materially alter in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to local ordinance or resolution (*PRC Section 5020.1[k]*) <http://www.leginfo.ca.gov/calaw>, or its identification in an historical resources survey meeting the requirements of *PRC Section 5024.1(g)* <http://www.leginfo.ca.gov/calaw> unless a preponderance of evidence establishes that the resource is not historically or culturally significant; or
- Demolish or materially alter in an adverse manner those physical characteristics of a resource that convey its historical significance and that justify its eligibility for its inclusion on the CRHR, as determined by the lead agency.

Generally, a project that follows the Secretary of the Interior’s guidelines will be considered mitigated to a less than significant level, according to *CEQA Guidelines Section 15064.5(b)(3)*, http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html

Other applicable thresholds of significance include whether the project would:

- Disturb any human remains, including those interred outside of formal cemeteries;
- Directly or indirectly destroy a unique paleontological resource or site; or
- Exceed an applicable LRDP or program EIR standard of significance. This enables the campus to establish campus specific significant resources which may be important to the campus culture and history, but not qualify for local, state or national listing.

Analytical Methods

As stated above, impacts must be considered when a proposed undertaking has the potential to affect cultural resources, such as those described above. CEQA associates a “substantial adverse change” in the significance of an historical resource with a significant impact on the environment. *PRC Section 5020.1* <http://www.leginfo.ca.gov/calaw> and *CEQA Guidelines Section 15064.5(b)(1)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html define the term “substantial adverse change” as demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings such that a resource’s value would be materially impaired.

CEQA Guidelines Section 15064.5(a) http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html defines the term “historical resources” to include

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (*PRC Section 5024.1* <http://www.leginfo.ca.gov/calaw>, *Title 14*

California Code of Regulations, Division 3, Chapter 11.5 Section 4850 et seq.
<http://www.calregs.com>).

- (2) A resource included in a local register of historical resources, as defined in *PRC Section 5020.1(k)* <http://www.leginfo.ca.gov/calaw>, or identified as significant in an historical resource survey meeting the requirements in *PRC Section 5024.1(g)* <http://www.leginfo.ca.gov/calaw>, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (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 may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (*PRC Section 5024.1* <http://www.leginfo.ca.gov/calaw>, *Title 14 CCR Division 3, chapter 11.5, Section 4852* <http://www.calregs.com>) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California history and colonial heritage; or
 - (B) Is associated with the lives of persons significant in our past; or
 - (C) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.

A resource may still be considered historical if it does not meet these standards: *CEQA Statutes Section 21084.1* http://ceres.ca.gov/ceqa/stat/chap2_6.html states that a resource need not be listed on any register to be historical. Further, *CEQA Guidelines Section 15064.5(a)(4)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html states that "until such time as a structure is evaluated for possible inclusion in the inventory pursuant to subdivisions (b) and (c) of *PRC Section 5024.5* <http://www.leginfo.ca.gov/calaw> [historical significance criteria], state agencies shall assure that any structure which might qualify for listing is not inadvertently transferred or unnecessarily altered."

However, according to *CEQA Guidelines Section 15064.5(c)(4)*, http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html if the study finds that an archaeological resource is neither a historical resource nor a unique archaeological resource, the project effects on the resource shall not be considered significant.

The lead agency must, therefore, resolve two questions:

- Is there a historical resource that may be affected by the proposed project; and
- Will the project result in a substantial adverse change to the extent that the resource's historical value is materially impaired or lost?

Field reconnaissance for surface indications of paleontological or archaeological resources should usually be conducted at the project level. Other appropriate investigations include evaluation of specific, potentially historic structures by an architectural historian, particularly if a structure was not evaluated in the LRDP because of its youth, but has aged to 50 years or older by the time of project implementation.

Other data sources for addressing whether resources may be present include consultation with the vertebrate paleontology sections of applicable county museums of natural history, and records checks and literature searches from the applicable California Historic Resources Inventory System (CHRIS) information center. Paleontological data may usually be obtained by environmental consultants. However, CHRIS checks will not provide site-specific data unless requested or conducted by a qualified archaeologist.

Also, as described above, information regarding Native American sacred lands or sites of significance can be obtained by consultation with Native American contacts provided by the NAHC, or by a Sacred Lands File Check.

Once the lead agency has made a determination of whether a resource is historical, and determined that a substantial adverse change will occur to the resource, then the analysis must also address ways to reduce the adverse affect on the resource.

Generally Feasible Mitigation Measures

- Appropriate recovery and study of unevaluated paleontological or archaeological resources to determine their significance and determine a further course of action.

For projects that cannot feasibly be relocated or reconfigured, excavation may also be necessary. However, for cases in which excavation of a paleontological or archaeological site that is an historical resource or unique resource of its type, excavation must be limited to the portion of the resource that would be damaged or destroyed by the project, as stated in *CEQA Statutes Section 21083.2(d)* http://ceres.ca.gov/ceqa/stat/chap2_6.html.

- Avoid siting project land uses in areas of known paleontological, archaeological, or Native American sensitivity.
- Capping or covering archaeological sites with a layer of soil before building on the sites.
- Planning parks, greenspace, or other open space (including surface parking lots) in areas where buried resources are likely to be encountered.

Where site reconnaissance, records checks, consultation, or previous investigations associated with surrounding areas or the subject site have indicated that resources are likely to be present, avoid to the extent feasible siting project uses near the areas that contain the highest density of resources. If resources are discovered during project implementation, and are determined to be historical or unique resources, attempt, to the degree feasible, to reconfigure remaining uses to avoid the resources encountered. Additionally, although the above measures are intended to mitigate or avoid impacts to sites that are historical resources or unique resources of their type, they are also adequate for sites for which no determination of significance has been made.

- Consultation with appropriate Native American groups regarding the disposition of finds, burials, or cultural materials.

When resources of significance to Native Americans are known, or likely to be present, or are unexpectedly discovered, follow the provisions of *CEQA Guidelines Section 15064.5(e)* http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html.

- For historic or potentially historic structures that will undergo seismic retrofit or other renovation, follow the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, or the *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Weeks and Grimmer, 1995).
<http://www2.cr.nps.gov/tps.tax.rhb/stand.html>

CEQA Guidelines Section 15064.5(b)(3) http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art5.html states that projects that follow the above guidelines shall generally be considered as mitigated to a level of less than significant. If a structure that is listed, or has been determined eligible for listing in, a local, State, or federal register of historic resources will be demolished, the impact would be considered significant and unavoidable. However, recording the structure to the standard established for the National Park Service's Historic American Building Record (HABS) or Historic American Engineering Record (HAER) is advisable.

- Use of architecturally complementary fixtures or building elements in historic areas or districts.

Although the U.S. Secretary of the Interior's standards and guidelines prohibit the creation of a false sense of history, the disturbance of an historic context by a project could be reduced or mitigated by the incorporation of similar architectural elements into the relevant structure, so long as a clear distinction between the historical and new elements are maintained.