

CULTURAL RESOURCES

2.7 Cultural Resources

2.7.1 Regulatory Setting

The term “cultural resources” as used in this document refers to the “built environment” (e.g., structures, bridges, railroads, water conveyance systems, etc.), places of traditional or cultural importance, and archaeological sites (both prehistoric and historic), regardless of significance. Under federal and state laws, cultural resources that meet certain criteria of significance are referred to by various terms including “historic properties,” “historic sites,” “historical resources,” and “tribal cultural resources.” Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on those undertakings, following regulations issued by the ACHP (36 Code of Federal Regulations [CFR] 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the Federal Highway Administration (FHWA), the ACHP, the California State Historic Preservation Officer (SHPO), and the California Department of Transportation (Caltrans) went into effect for Caltrans projects, both state and local, with FHWA involvement. The PA implements the ACHP’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. The FHWA’s responsibilities under the PA have been assigned to Caltrans as part of the Surface Transportation Project Delivery Program (23 United States Code [USC] 327).

The California Environmental Quality Act (CEQA) requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as “unique” archaeological resources. California Public Resources Code (PRC) Section 5024.1 established the California Register of Historical Resources (CRHR) and outlined the necessary criteria for a cultural resource to be considered eligible for listing in the CRHR and, therefore, a historical resource. Historical resources are defined in PRC Section 5020.1(j). In 2014, Assembly Bill 52 (AB 52) added the term “tribal cultural resources” to CEQA, and AB 52 is commonly referenced instead of CEQA when discussing the process to identify tribal cultural resources (as well as

identifying measures to avoid, preserve, or mitigate effects to them). Defined in PRC Section 21074(a), a tribal cultural resource is a CRHR or local register eligible site, feature, place, cultural landscape, or object, which has a cultural value to a California Native American tribe. Tribal cultural resources must also meet the definition of a historical resource. Unique archaeological resources are referenced in PRC Section 21083.2.

PRC Section 5024 requires state agencies to identify and protect state-owned historical resources that meet the NRHP listing criteria. It further requires Caltrans to inventory state-owned structures in its rights-of-way.

2.7.2 Affected Environment

This section summarizes information from the *Historic Property Survey Report* (HPSR) (January 2018). The section also compiles information from technical studies that accompany the HPSR, including the *Archaeological Survey Report* (ASR) (January 2018) and the *Historical Resources Evaluation Report* (HRER) (January 2018).

2.7.2.1 Methods

Area of Potential Effects

The Area of Potential Effects (APE) is established to identify the geographic area within which the proposed project may directly or indirectly cause alterations in the character or use of cultural resources. The APE for this project extends nine miles (mi) in total length along the Interstate 5 (I-5). The width of the APE generally varies from approximately 300–400 feet (ft), except in areas near major intersections (Tustin Ranch Road, Jamboree Road, Culver Drive, Jeffrey Road, and Alton Parkway) where the APE widens from 600–800 ft or more to encompass ramp and street areas. In addition, the APE incorporates areas of both direct and indirect effects in order to allow for the analysis of archaeological and built environment resources. The project APE totals 989.43 acres (ac).

The Direct APE comprises 477.27 ac of the total APE and includes areas where physical impacts from the project will occur. These are generally limited to the project's proposed and existing rights-of-way and include the horizontal and vertical limits associated with ground-disturbing activities. The vertical APE extends up to a depth of over 100 ft; generally travel lanes, shoulders, and retaining/noise barriers extend to depths of five to ten ft, while some over/undercrossing cast-in drilled-holes extend as deep as 100 ft. The project APE also includes areas of indirect effects that

encompass areas that may be indirectly affected by visual, noise, and other effects. Areas of indirect effects generally include all parcels directly adjacent to the proposed rights-of-way unless they are undeveloped or unless potential effects will be unlikely due to sufficient distance between the construction footprint and any existing development.

Record Search

On December 8 and 20, 2016, a record search was conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) located at California State University, Fullerton. The CHRIS is maintained under the direction of the California Office of Historic Preservation. The record search included a review of all recorded prehistoric and historic cultural resources within a 0.5 mi radius of the project APE, as well as a review of known cultural resource survey and excavation reports. For a detailed description of the record search results, refer to the ASR (January 2018). Additionally, the following inventories were examined during the SCCIC record search:

- National Register of Historic Places (National Register)
- California Register of Historical Resources (California Register)
- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)
- California Historic Resources Inventory (HRI)

In addition to the research conducted at the SCCIC, further background research was conducted using published literature on local and regional history, online resources regarding the history and development of the Study Area, and historic aerial photographs and historic maps of the project vicinity. On the basis of this research, a historic context was developed in which cultural resources could be evaluated for significance. This context was used during the analysis of historic archaeological resources and the historic built environment. For details of the historic context of the project APE, refer to the HRER (January 2018). The following repositories and resources were contacted and utilized to access historical information pertinent to the parcels within the project APE and the project vicinity:

- City of Tustin Building Division
- Tustin Area Historical Society
- Orange County Property Tax information

- Caltrans Historic Highway Bridge Inventory
- United States Geological Survey (USGS) topographic maps
- Historic newspaper articles obtained from Newspapers.com
- Aerial photographs of the project vicinity obtained from HistoricAerials.com

Field Surveys

On December 13 and 14, 2016, a qualified archaeologist completed a pedestrian survey of portions of the Direct APE, which is described in the ASR (March 2017). Because much of the APE is within active freeway and street rights-of-way, access was not safely available in all areas. Areas of exposed ground that could be accessed safely, even if vegetated, were surveyed by walking linear transects separated by 7.5–11 yards over larger areas and by more intensive and narrower transects over smaller areas. Inaccessible areas were visually inspected from a distance. Special attention was given to areas that exhibited exposed sediment, cut slopes, or rodent burrow back-dirt. Areas within the Direct APE that were not surveyed include existing freeways, paved roads and sidewalks, concrete-lined drainage channels, buildings, and structures. Additionally, areas that were inaccessible due to safety concerns such as the median between the northbound I-5 and State Route 133 (SR-133) interchange lanes, were not surveyed.

On January 10, 2017, a pedestrian field survey of the buildings, structures, and other architectural features located within the APE was completed by a qualified architectural historian and is described in the HRER (January 2018). During the survey, built environment resources within the APE that appeared to be 45 years of age or older were inspected and photographed, and their locational information noted on APE maps. For detailed notations of their structural and architectural characteristics and current conditions, as well as their settings and associated features, refer again to the HRER (January 2018).

Native American Consultation

In conjunction with the project, consultation was conducted with the Native American Heritage Commission (NAHC) and with a number of Native American Tribes (groups and individuals) to comply with Section 106 of the NHPA and AB 52. The NAHC was contacted on November 1, 2016, to conduct a Sacred Lands File (SLF) search of the APE. On November 9, 2016, the NAHC responded by stating that the SLF review identified no Native American cultural resources within the project APE. The NAHC also recommended that nine Native American individuals representing

the Gabrielino and Juaneño groups be contacted for information regarding cultural resources that could be affected by the project.

Chapter 4, Comments and Coordination, offers detailed information regarding Native American consultation. However, the following Native American Tribes, groups, and individuals were contacted via letter sent by certified mail on November 22, 2016, and again by two rounds of follow-up emails or telephone calls on December 7 and 13, 2016, depending on whether the previous contact was successful:

- Gabrieleno Band of Mission Indians – Kizh Nation, Andrew Salas, Chairperson
Gabrieleno/Tongva San Gabriel Band of Mission Indians, Anthony Morales,
Chairperson
- Gabrielino/Tongva Nation, Sandonne Goad, Chairperson Gabrielino Tongva
Indians of California Tribal Council, Robert F. Dorame, Tribal Chair/Cultural
Resources
- Gabrielino-Tongva Tribe, Linda Candelaria, Co-Chairperson
- Juaneño Band of Mission Indians, Sonia Johnston, Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation – Belardes, Matias
Belardes, Chairperson
- Juaneño Band of Mission Indians Acjachemen Nation – Belardes, Joyce Perry,
Tribal Manager
- Juaneño Band of Mission Indians Acjachemen Nation – Romero, Teresa Romero,
Chairperson

2.7.2.2 Results

Archaeological Results

No archaeological resources were identified within the APE through archival research, Native American consultation, or field survey. The majority of the Direct APE is within Caltrans right-of-way along both sides of I-5 from just east of State Route 55 to just north of Interstate 405.

Pedestrian surveys for archaeological resources showed that all surveyable areas in the Direct APE exhibited high levels of disturbance from the freeway, adjacent drainages, and nearby road construction. Disturbance included bulldozed local sediment mixed with gravel, asphalt, concrete, and other debris, as well as artificial fill, and recent trash. Marine shell was observed during pedestrian surveys in the vicinity of Tustin Ranch Road and Nisson Road. However, the shell found includes species that were not collected for food by peoples inhabiting the Orange County

region during prehistoric times. The observed shell was likely recently introduced, during or after construction of the I-5, and neither area requires further evaluation. The entire Direct APE has been substantially altered from previous construction activities. As such, the likelihood of encountering intact archaeological resources is very low.

Built Environment Results

Archival research and field surveys resulted in the identification of a number of built environment resources within the project APE. The entire project APE was researched and surveyed for historic-period (45 years of age or older) built environment resources. Based on a review of the Caltrans Historic Highway Bridge Inventory, all bridges within the APE for this project have been previously determined ineligible for National Register listing (designated as Category 5). Further, field surveys identified seven historic-period built environment resources within the APE and an evaluation of these structures was completed. Pursuant to the Section 106 PA, none of the built environment resources evaluated during studies associated with the proposed project are eligible for listing in the National Register or the California Register. Under Section 106 PA Stipulation VIII.C.6, Caltrans requests SHPO's concurrence in these eligibility determinations. SHPO concurrence was received on March 18, 2018. Table 2.7.1 summarizes these built environment resources and eligibility determinations.

2.7.3 Environmental Consequences

This section summarizes the environmental consequences of the Build Alternative and the No Build Alternative with regard to cultural resources.

2.7.3.1 Build Alternative (Alternative 2A and Alternative 2B [Preferred Alternative])¹

Temporary Impacts

The Build Alternative (Alternative 2A, Alternative 2B, and Design Option 3) would require ground disturbance and modification to existing freeway structures. There are no historic properties within the project APE that are eligible for inclusion in the National Register; therefore, the construction of the Build Alternative would not affect historic properties.

¹ Alternative 2B without Design Option 3 has been selected as the Preferred Alternative

Table 2.7.1: Built Resources Within the Project APE

Name	Address/Location	Community	National Register/California Register Eligibility ¹
Las Casas Apartment Homes	15491 Pasadena Avenue (APN 402-362-22)	Tustin	Determined ineligible as a historic property under Section 106 PA
King's Way Church	600 West Sixth Street (APN 401-341-01)	Tustin	Determined ineligible as a historic property under Section 106 PA
Cathedral of Christ the King	655 South B Street (APN 401-631-05)	Tustin	Determined ineligible as a historic property under Section 106 PA
El Camino Plaza	610-712 El Camino Real (APN 401-631-15)	Tustin	Determined ineligible as a historic property under Section 106 PA
N/A	1431-1439 Nisson Road (APN 432-042-01)	Tustin	Determined ineligible as a historic property under Section 106 PA
N/A	1451 Nisson Road (APN 432-042-02)	Tustin	Determined ineligible as a historic property under Section 106 PA
Al's Woodcraft	1471 Nisson Road (APN 432-042-06)	Tustin	Determined ineligible as a historic property under Section 106 PA
N/A	14061 South C Street (APN 402-371-14)	Tustin	Determined ineligible as a historic property under Section 106 PA
N/A	14072 South C Street APN 402-371-12	Tustin	Determined ineligible as a historic property under Section 106 PA

Source: *Historical Resources Evaluation Report* (January 2018); *Historic Property Survey Report* (January 2018)

¹ These determinations are a result of studies conducted for the I-5 Widening Project.

APN= Assessor's Parcel Number

California Register = California Register of Historical Resources

CEQA = California Environmental Quality Act

I-5 = Interstate 5

N/A = not applicable

National Register = National Register of Historic Places

Section 106 = Section 106 of the National Historic Preservation Act of 1966

Permanent Impacts

There are no historic properties within the project APE that are eligible for inclusion in the National Register. Therefore, the operation of the Build Alternative would not affect historic properties. The SHPO has concurred with eligibility determinations on March 15, 2018. Based on the findings of the HPSR (January 2018), and pursuant to the Section 106 PA, the Build Alternative (Alternative 2A, Alternative 2B, and Design Option 3) would not affect historic properties per 36 CFR 800.4. A finding of No Historic Properties Affected is appropriate for the project as a whole.

Previously Undocumented Cultural Materials

There is always a potential for previously undocumented cultural materials or human remains to be unearthed during site preparation, grading, or excavation for the Build Alternative. Those potential effects will be addressed through Project Features PF-CR-1 and PF-CR-2.

PF-CR-1 **Discovery of Cultural Materials.** If cultural materials are discovered during site preparation, grading, or excavation, the construction contractor will divert all earthmoving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. At that time, coordination will be maintained with the California Department of Transportation (Caltrans) District 12 Environmental Branch Chief or the District 12 Native American Coordinator to determine an appropriate course of action. If the discovery of cultural materials occurs outside the Caltrans right-of-way, then coordination with the appropriate local agency will be conducted.

PF-CR-2 **Discovery of Human Remains.** If human remains are discovered during site preparation, grading, or excavation, California State Health and Safety Code (H&SC) Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the Orange County Coroner shall be contacted. If the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC), who pursuant to California Public Resources Code (PRC) Section 5097.98, will then notify the Most Likely Descendant (MLD). At that time, the persons who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief or the District 12 Native American Coordinator so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of California PRC 5097.98 are to be followed as applicable.

Section 4(f) Resources

As noted earlier, no National Register-listed and eligible resources were identified within the APE (HPSR January 2018). Therefore, there are no cultural resources present within the APE that would trigger the requirements for protection under Section 4(f), and no further discussion of those types of resources is provided relative to the requirements of Section 4(f).

2.7.3.2 No Build Alternative (Alternative 1)

Under the No Build Alternative, none of the proposed improvements to I-5 would be constructed. The No Build Alternative would maintain the existing conditions;

therefore, the No Build Alternative would not result in temporary or permanent impacts related to cultural resources as a result of construction activities.

2.7.4 Avoidance, Minimization, and/or Mitigation Measures

Along with the project features identified in Section 2.7.3.1, Measure CR-3 will address potential project effects to unknown cultural materials or human remains if any are discovered during construction of the Preferred Alternative.

CR-3 Construction Monitoring. If the California Department of Transportation (Caltrans) determines that monitoring is necessary, an Archaeological Monitoring Area would be delineated on project plans during the Plans, Specifications, and Estimates (PS&E) phase and incorporated into the final construction contract. Ground-disturbing activities would be monitored by a qualified Archaeologist and/or Native American monitor within the defined Archaeological Monitoring Area. A final Archaeological Monitoring Report would then be required after construction is completed to document the monitoring efforts and any resources identified.

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