

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 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 CFR 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement (PA) among the FHWA, the ACHP, the California State Historic Preservation Officer (SHPO), and the Department went into effect for Department 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 the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Program (23 USC 327).

CEQA requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as “unique” archaeological resources. California 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, 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 the Department to inventory State-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require State agencies to provide notice to and consult with the SHPO before altering, transferring, relocating, or demolishing State-owned historical resources that are listed on or are eligible for inclusion in the NRHP or are registered or eligible for registration as California Historical Landmarks.

Procedures for compliance with PRC Section 5024 are outlined in a MOU¹ between the Department and SHPO, Affected Environment effective January 1, 2015. For most federal-aid projects on the State Highway System, compliance with the Section 106 PA will satisfy the requirements of PRC Section 5024.

2.7.2 Affected Environment

This section summarizes information from the *Historic Property Survey Report* (HPSR) (March 2019; signed April 2019). The section also compiles information from technical studies that accompany the HPSR, including the *Archaeological Survey Report* (ASR) (March 2019) and the *Historical Resources Evaluation Report* (HRER) (March 2019).

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 covers an area approximately 7.5 miles in length along SR 55 between I-5 and SR 91. The area is generally urban and suburban in nature. The APE includes both the direct archaeological study area (Area of Direct Impact [ADI] or Direct APE) and the historic architectural study (Area of Indirect Impact [AII] or Indirect APE) area. The archaeological study area consists of the area bounded by the ADI. This ADI became the study area used for archaeological studies because it represents the maximum amount of potential ground disturbances. The proposed project does not require permanent acquisition of new right-of-way, and the ADI currently includes only the existing Caltrans right-of-way to account for staging and an approximate 200-foot temporary construction easement as described in detail in Section 2.3.2.3 (hereinafter called Direct APE). The historic architectural study consists of the areas bounded by the ADI and the area of AII. To account for indirect effects, the APE was expanded to include the entirety of legal parcels, generally within 1,000 feet of proposed improvements on SR 55 (hereinafter called Indirect APE). In areas where no improvements are proposed, both the direct and indirect APEs are shared and are located on the right-of-way to allow for potential construction staging. Additionally, within the majority of these shared APE locations, existing sound walls are in place between the highway; and adjacent development and will not be impacted by project construction.

In addition, the vertical APE was extended up to 32 feet below grade in areas south of 17th Street to account for excavations associated with relocation of retaining walls along SR 55 that are below grade. If relocated walls require foundations, pile excavation within these areas would be drilled or driven to extend an additional 45 feet below the freeway surface or up to 77 feet below the original ground surface. Relocation of the southbound Lincoln Avenue off-ramp would require construction of new bridge pilings that would extend up to 60 feet below original ground surface. If storm drain relocation is required, excavation would extend up to 10 feet below the freeway. All other ground disturbance is not anticipated to exceed 5 feet below the ground surface.

¹ The MOU is located on the SER at http://www.dot.ca.gov/ser/vol2/5024mou_15.pdf.

Records Search

On November 6 and 8, 2017, a records 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 records search included a review of all recorded prehistoric and historic cultural resources within a 1-mile radius of the project APE.

The records search reviewed reports, site records, historic maps, and the Historic Property Data File (HPDF) for Orange County on file at the SCCIC. The HPDF provides information about resources listed in or determined eligible for listing in the NRHP and the CRHR. It also provides information on resources that have been designated as California Historical Landmarks and California Points of Historical Interest.

Numerous post-World War II residential tracts are located within the project APE. Post-war residential tracts were evaluated in accordance with *Tract Housing in California, 1945-1973: A Context for National Register Evaluations* (Caltrans 2011). In order to assess post-war residential tracts, tract maps were reviewed to determine the developers of the tracts, research was conducted regarding both the developers and neighborhoods, and an assessment of integrity was made of the tracts located within the APE. Properties determined to meet the exemption criteria defined in Attachment 4 of the PA were not evaluated for this HRER. The following additional sources of information were consulted in the process of completing this report (March 2019):

- NRHP website (<https://www.nps.gov/subjects/nationalregister/index.htm>), through March 2018
- California Historical Landmarks (CHLs)
- California Points of Historical Interest (CPHI)
- City of Anaheim public records, Office of the City Clerk, City of Anaheim
- City of Anaheim public library
- Anaheim Historical Society, City of Anaheim
- City of Santa Ana public records
- City of Santa Ana public library
- Santa Ana Historical Preservation Society, City of Santa Ana
- City of Orange public records, City Clerk Office, City of Orange
- City of Orange public library
- Orange Community Historical Society, City of Orange
- City of Tustin public records, City Clerk Office, City of Tustin
- Orange County public library (Tustin branch), City of Tustin
- Tustin Area Historical Society and Museum, City of Tustin
- Orange County public records, Hall of Records, City of Santa Ana
- Orange County Historical Society, City of Santa Ana

Letters requesting information on cultural resources were sent to relevant local government, local public libraries, and local historical society/historic preservation groups were sent via U.S. Postal Service (USPS) on January 26, 2018, or emailed to listed addresses. Organizations contacted included (March 2019):

- Planning & Zoning Department, 200 Anaheim Boulevard, Anaheim

- Anaheim Central Public Library, 500 West Broadway, Anaheim
- Anaheim Historical Society, P.O. Box 927, Anaheim
- Planning and Building Agency, 20 Civic Center Plaza, Santa Ana
- Santa Ana Public Library, 26 Civic Center Plaza, Santa Ana
- Santa Ana Historical Preservation Society, 120 West Civic Center Drive, Santa Ana
- Planning Division, 300 East Chapman Avenue, Orange
- Orange Public Library, 407 East Chapman Avenue, Orange
- Orange Community Historical Society, P.O. Box 5484, Orange
- Planning and Zoning Division, 300 Centennial Way, Tustin
- Orange County Public Library (Tustin branch), 345 East Main Street, Tustin
- Tustin Area Historical Society and Museum, 395 El Camino Real, Tustin
- Orange County Planning Department, 300 North Flower Street, Santa Ana
- Orange County Historical Society, P.O. Box 10984, Santa Ana

The City of Orange provided a pre-historic archaeological sensitivity map for the County, including some areas within the APE. The Anaheim Historical Society provided information on three listed historical resources and eight potential historical resources near the APE. No known cultural resources located within the APE were identified as a result of this public participation process.

Field Surveys

An intensive-level survey was conducted on December 14, 2017, and January 10, 2018, of all properties within the APE. Each parcel was observed from the public right-of-way. Digital photographs and notes were taken for all buildings, groups of buildings, and/or structures visible from the public right-of-way. Subdivisions were informally surveyed to determine common architectural styles and alterations.

In addition, a pedestrian survey was conducted for archaeological resources along and adjacent to accessible and unpaved areas of the APE on December 20, 2017. Because the entire APE of the project is situated mostly within the SR 55 right-of-way, the survey was conducted primarily along the unpaved areas immediately adjacent to the APE, allowing sufficient observation of all exposed ground surface, including those adjacent to freeway ramps and roads. The survey consisted of less than 1 percent intensive survey and nearly 100 percent visual observation from a distance due to access and safety restrictions. Survey transects in all accessible, unpaved areas, were conducted at 3- to 5-meter intervals. In unpaved areas, ground visibility within the APE ranged from 80 percent to 100 percent, limited by native and introduced landscaped vegetation, which consisted of eucalyptus trees (*Eucalyptus* spp.), California buckwheat (*Eriogonum fasciculatum*), chamise (*Adenostoma fasciculatum*), black sage (*Salvia mellifera*), white sage (*Salvia apiana*), and other native plants. Observed native soils consist of light to medium-brown coarse silt and exposed sedimentary bedrock.

Native American Consultation

The Native American Heritage Commission (NAHC) was contacted on February 1, 2018, to request a search of the Sacred Lands File (SLF) and a list of Native American contacts with traditional or historical ties to the project area under AB 52. In a letter dated February 2, 2018,

the NAHC reported that a search of the SLF was completed with negative results. The NAHC also provided a list of Native American contacts who should be consulted regarding the project.

Letters requesting information about cultural resources in the project area were sent via certified, return receipt, first-class mail to all of the tribal contacts identified by the NAHC on March 14, 2018. The tribal contacts included :

- Ralph Goff, Chairperson, Campo Band of Mission Indians
- Michael Garcia, Vice Chairperson, Ewiiapaayp Tribal Office
- Robert Pinto, Chairperson, Ewiiapaayp Tribal Office
- Andrew Salas, Chairperson, Gabrieleno Band of Mission Indians - Kizh Nation
- Anthony Morales, Chairperson, Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Sandonne Goad, Chairperson, Gabrielino/Tongva Nation
- Robert Dorame, Chairperson, Gabrielino Tongva Indians of California Tribal Council
- Charles Alvarez, Chairperson, Gabrielino-Tongva Tribe
- Erica Pinto, Chairperson, Jamul Indian Village
- Sonia Johnston, Chairperson, Juaneño Band of Mission Indians
- Matias Belardes, Chairperson, Juaneño Band of Mission Indians Acjachemen Nation - Belardes
- Teresa Romero, Chairperson, Juaneño Band of Mission Indians Acjachemen Nation - Romero
- Gwendolyn Parada, Chairperson, La Posta Band of Mission Indians
- Javaughn Miller, Tribal Administrator, La Posta Band of Mission Indians
- Angela Elliott Santos, Chairperson, Manzanita Band of Kumeyaay Nation
- John Valenzuela, Chairperson, San Fernando Band of Mission Indians
- Allen F. Lawson, Chairperson, San Pasqual Band of Mission Indians
- Cody J. Martinez, Chairperson, Sycuan Band of Kumeyaay Nation
- Robert Welch, Chairperson, Viejas Band of Kumeyaay Indians

Each letter notified the tribe of the proposed project, described the project components, and summarized the investigations being conducted to identify cultural resources within the project APE. Maps of the project location and APE were included. Each letter invited the tribe to participate in consultation for the proposed project . Follow-up phone calls were made to each tribal contact upon confirmation of receipt of the letter. No response was received from 17 of the 19 contacted tribes. The two responses received were from the Viejas Band of Kumeyaay Indians and the Gabrieleno Band of Mission Indians – Kizh Nation.

Viejas Band of Kumeyaay Indians

Ray Teran, Resource Manager, in a letter dated March 21, 2018, stated that the project site has little cultural significance or ties to the Viejas but requested to be informed of any new developments such as inadvertent discoveries of cultural artifacts, cremation sites, or human remains. Cheryl Sinopoli of Caltrans acknowledged receipt of the letter and the request to be informed of new discoveries by email on March 28, 2018.

Gabrieleno Band of Mission Indians – Kizh Nation

A letter dated April 4, 2018, was received from Andrew Salas, Tribal Chairman of the Gabrieleno Band of Mission Indians – Kizh Nation. The letter states that project is within a sensitive area and may cause a substantial adverse change in the significance of the Tribe’s cultural resources; the Tribe requests consultation for the project. Cheryl Sinopoli of Caltrans replied to Chairman Salas by email on April 5, 2018, requesting a date and time to meet to discuss potential concerns. Ms. Sinopoli also provided a copy of the project description, the SLF and records search results, and project location maps.

On April 23, 2018, Chairman Salas responded regarding a different project. No comments about the SR 55 Improvements Project were provided. On April 27, 2018, Ms. Sinopoli attended a field meeting with Chairman Salas for a separate project. The SR 55 Improvements Project was briefly discussed. Chairman Salas indicated that the Lincoln Avenue and I-5/SR 22 locations had concerns for the Tribe and that he would check the Tribe’s records regarding the Katella Avenue location. He also stated that he would provide additional information. On May 1, 2018, Ms. Sinopoli sent an email to Chairman Salas requesting the additional information mentioned during the field meeting and provided maps of the project APE.

On May 16, 2018, Chairman Salas sent an email to Ms. Sinopoli regarding a resource near the Yorba Cemetery. Ms. Sinopoli responded via email on June 13, 2018, to confirm that the Yorba Cemetery is 3.4 miles away from any proposed ground disturbance associated with the proposed project and that the potential to encounter buried resources within the APE was being assessed. Chairman Salas replied on June 13, 2018, and confirmed that the resource in question is adjacent to, but not within the Yorba Cemetery and confirmed that the resource is about 3 miles away from SR 55. Ms. Sinopoli replied on June 14, 2018, thanking Chairman Salas for the clarification.

On January 15, 2019, Ms. Sinopoli sent an email to Chairman Salas summarizing the results of the archaeological sensitivity analysis and review of as-built drawings. Ms. Sinopoli requested that Chairman Salas contact her if he had any comments or wanted to discuss the project further. No further response has been received from Chairman Salas to date.

Refer to Section 4.2.1 Native American Heritage Coordination, of this document, for further information on all coordination efforts with Native American representatives to date.

2.7.2.2 Results

While the records search showed that the APE and a 1-mile radius around it has been extensively studied by 171 previous investigations, the results of these investigations show that the two previously documented resources within the APE are historic-age built environment resources which include a 1914 Craftsman Bungalow residence that is no longer extant and the Old Town Tustin historic district. Based on the proposed project activities, it was ultimately determined that the Old Town Tustin historic district is immediately adjacent to the APE, but is not located within it. Of those 402 parcels located within the APE, five were evaluated for inclusion in the NRHP and the CRHR. Two were found eligible for listing in the NRHP. One was found not eligible for listing in the NRHP and CRHR but is a locally designated resource and is considered a historical resource for the purposes of CEQA. None were found eligible for a designation as a CHL. These properties are not eligible for inclusion in the local historic district because they are

located outside of the boundary established for the historic district and are physically separated by intervening modern infill construction and substantially altered historic buildings. Additionally, the properties have been adjacent to an existing freeway that was constructed more than 50 years ago. The remaining properties were exempt from review in accordance with Attachment 4 of the Section 106 PA.

The records search and field survey resulted in no discoveries of archaeological resources within the mostly paved APE. Unpaved surfaces comprised less than 1 percent of the overall APE and were primarily confined to unpaved slopes adjacent to freeway ramps connected to SR 55. In addition, only 5 of the 171 previous investigations conducted within 1 mile of the APE included archaeological monitoring. Three of these were negative for cultural resources. The other two monitoring projects, both located near the northern end of the APE, each identified three resources. One monitoring project identified three prehistoric isolated finds (one lithic tool and two milling stones), all of which were surface finds (March 2019). The other monitoring project identified one prehistoric isolated find (a milling stone) on the surface and two historic-age refuse scatters, one of unknown depth and one at a depth of 7 to 10 feet below grade (March 2019). In summary, the previous monitoring projects conducted in the vicinity of the APE, as identified through the records search, did not encounter any subsurface prehistoric materials and encountered only one subsurface historic-age deposit.

The APE is heavily disturbed and developed. The top 5 to 20 feet of sediments throughout the APE consists of fill material or heavily disturbed soils. Although some portions of the APE have a high sensitivity to contain either prehistoric or historic-age archaeological materials, that sensitivity applies only to undisturbed, non-fill sediments. The majority of ground disturbance for the project consists of roadway widening, which is not anticipated to exceed 5 feet below the ground surface and, therefore, will primarily occur in disturbed sediments or fill material. The lane addition at the southbound off- and on-ramps at Katella Avenue will also be limited to 5 feet below the ground surface and, therefore, will primarily occur in disturbed sediments or fill material. These ground-disturbing construction activities within disturbed sediments and fill material have low potential to encounter archaeological material.

The Santiago Creek, which traverses under SR 55 and is located within the APE, is mapped as having a high potential for prehistoric resources below 5 feet, and the central portion of the project area has a high sensitivity for historic-age resources below 5 feet (see Attachment F of the HPSR); however, no construction activities that will exceed a depth of 5 feet will occur in either of these areas. In addition, most of the construction activities in the northern portion of the APE, also mapped as having a high potential for prehistoric resources below a depth of 5 feet, will not exceed 5 feet. Therefore, the majority of construction activities have a low potential to encounter archaeological resources.

Some construction will include ground-disturbing activities that exceed 5 feet in depth and will occur within areas that have a high or moderate potential to contain buried archaeological deposits in undisturbed sediments. However, previous construction, as indicated in as-built drawings, has disturbed sediments to a depth of 10 to 20 feet in all of these areas. In addition, the subsurface sediments with high to moderate archaeological sensitivity are likely underlain at greater depths by older sediments of Pleistocene, Pliocene, or Miocene age that have low archaeological sensitivity; and it is unlikely that buried archaeological deposits occur more than 10 to 15 feet below grade. In summary, the previous monitoring projects conducted in the

vicinity of the APE, as identified through the records search, did not encounter any subsurface prehistoric materials and encountered only one subsurface historic-age deposit. Therefore, it is expected that all proposed excavations would occur either within sediments that have been previously disturbed from past highway improvement projects (i.e., within the top 10 to 20 feet below grade) or within deeper, older sediments of low archaeological sensitivity (i.e., deeper than 10 to 15 feet below grade). As a result, inadvertent impacts to intact, buried archaeological resources are not expected. In the unlikely event that previously unidentified cultural materials are unearthed during construction, it is Caltrans' policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.

The HPSR was submitted to the SHPO on April 3, 2019. The SHPO responded on April 30, 2019, with concurrence on 730, 741, and 750 West First Street in Tustin, California, as not eligible for NRHP. The SHPO concurred that 14841 Yorba Street in Tustin is eligible for NRHP under Criterion C but did not comment on the property's eligibility under Criterion B at this time, due to insufficient contextual information. The SHPO also concurred that 14891 Yorba Street in Tustin is eligible for the NRHP under Criterion C but did not comment on the property's eligibility under Criterion A at this time, due to insufficient contextual information.

2.7.3 Environmental Consequences

2.7.3.1 Temporary Impacts

Build Alternative

Although considered unlikely, the Build Alternative would require ground disturbance activities and modifications to the existing freeway corridor and associated ramps which could result in impacts to previously unknown cultural resources. Although construction activities are considered temporary and short-term, the direct impacts to cultural resources are considered permanent impacts. Section 2.7.3.2, Permanent Impacts, describes these impacts and includes Project Features to address potential impacts to cultural resources associated with ground disturbance activities during construction.

No Build Alternative

Under the No Build Alternative, none of the proposed improvements would be constructed. The No Build Alternative would maintain the existing conditions; therefore, the No Build Alternative would not result in temporary adverse impacts related to cultural resources as a result of construction activities.

2.7.3.2 Permanent Impacts

Build Alternative

No archaeological resources were identified within the APE as a result of the records search or field survey. The APE is heavily disturbed and developed and is situated primarily in an area of man-made fill material and alluvial deposits. Thus, ground-disturbing construction activities that extend below the layer of existing pavement and fill within the APE have low potential to encounter archaeological material. However, the City of Orange has indicated that the central portion of the project alignment through the city has a moderate to high sensitivity for historic-age archaeological resources associated with farmstead development from the 1870s to the

1920s. In addition, the City has stated that the two portions of the project alignment south of SR 91 and just north of SR 22 have a high potential for prehistoric archaeological resources.

The Build Alternative would require ground-disturbance activities and modifications to the existing freeway corridor and associated ramps which could result in direct impacts to previously unidentified cultural resources or human remains. If previously unidentified cultural materials are unearthed during construction, it is Caltrans' policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Additional surveys will be needed if project limits are extended beyond the present survey limits.

If human remains are discovered, California Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. If the remains are thought by the Coroner to be Native American, the Coroner will notify the NAHC, who, pursuant to PRC Section 5097.98, will then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains will contact the Caltrans District 12 Environmental Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Implementation of Project Features PF-CUL-1 and PF-CUL-2 would address potential impacts to cultural resources associated with ground disturbance activities during construction.

PF-CUL-1 If cultural materials are discovered during site preparation, grading, or excavation, the construction contractor will divert all earth-moving activity within and around the immediate discovery area until a qualified archaeologist can assess the nature and significance of the find. At that time, the Caltrans District 12 Environmental Branch Chief will be coordinated with to determine appropriate course of action.

PF-CUL-2 If human remains are discovered during site preparation, grading, or excavation, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains and the County Coroner shall be contacted. Pursuant to California Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner will notify the Native American Heritage Commission, which will then notify the Most Likely Descendant (MLD). At that time, the Caltrans District 12 Environmental Branch Chief will be contacted so 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.

No archaeological resources were identified within the APE. Although two historic properties are located within the Indirect APE, the project would not result in a take or easement of these properties. Additionally, the properties have been adjacent to an existing freeway that was constructed more than 50 years ago. Therefore, no cultural resources are 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). The project would not result in a direct or indirect effect to archaeological resources and historic properties, and a finding of No Historic Properties Affected is appropriate for the proposed project.

No Build Alternative

Under the No Build Alternative, none of the proposed improvements would be constructed. The No Build Alternative would maintain the existing conditions; therefore, the No Build Alternative would not result in permanent impacts related to cultural resources as a result of construction activities. No indirect or secondary impacts on cultural resources would result from implementation of the No Build Alternative.

2.7.4 Avoidance, Minimization, and/or Mitigation Measures

The project will incorporate the project features PF-CUL-1 and PF-CUL-2, as outlined above in Section 2.7.3, Environmental Consequences, to help avoid and/or minimize potential impacts to cultural resources. No additional avoidance, minimization, and/or mitigation measures other than the Standard Project Features are required.