

2.2.9 Cultural Resources

2.2.9.1 Regulatory Setting

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

The National Historic Preservation Act of 1966, as amended, sets forth national policy and procedures for historic properties that are included in or eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the National Historic Preservation Act (Section 106) requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations [CFR] 800). Caltrans has entered into the *2024 Programmatic Agreement among the FHWA, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, the United States Army Corps of Engineers’ Sacramento District, San Francisco District, and Los Angeles District, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), which streamlines and delegates certain responsibilities for Section 106 compliance to Caltrans for projects with Federal Highway Administration (FHWA) involvement. FHWA’s responsibilities under the Section 106 PA have been further delegated to Caltrans under the NEPA Assignment Program.

The Archaeological Resources Protection Act applies when a project may involve archaeological resources located on federal or tribal land. The Archaeological Resources Protection Act requires that a permit be obtained before excavation of an archaeological resource on such land can take place.

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. Public Resources Code 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. In 2014, Assembly Bill (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. Defined in Public Resources

Code 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.

Public Resources Code 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. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (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. Caltrans has entered into a Memorandum of Understanding with the SHPO which streamlines and delegates certain responsibilities for Public Resources Code 5024 compliance to Caltrans for projects involving state-owned resources.

2.2.9.2 Affected Environment

This section summarizes information from the Supplemental Historic Property Survey Report (SHPSR) (Caltrans 2025a); the Supplemental Archaeological Survey Report (SASR) (Caltrans 2025b), which accompanies the SHPSR; and the Supplemental Historical Resources Evaluation Report (SHRER) (Caltrans 2025c), which also accompanies the SHPSR. A Historic Property Survey Report (HPSR) (Caltrans 2019a), Archaeological Survey Report (ASR) (Caltrans 2019b), and Historical Resources Evaluation Report (HRER) (Caltrans 2019c) were prepared in 2019 to analyze the original Project alternatives and are referenced herein. The subsequent analysis relies upon the supplemental reports.

Methods

Area of Potential Effects

The Supplemental Area of Potential Effects (SAPE) was established as the area of study for cultural resources and includes the original 2019 APE for the Project plus an expansion primarily to the east of I-5 for additional areas required for the Project's revised proposed alternatives.

The SAPE includes the horizontal and vertical extent where permanent and temporary effects may occur. The SAPE's horizontal extent would cover approximately 478.6 acres, including the existing and proposed right of way where road and bridge construction, utility and sidewalk relocation, grading and drainage installation, retaining and soundwall construction, vegetation removal and landscape activities, geotechnical borings, and striping may occur, along with any temporary construction easements (TCEs) and permanent acquisitions that would be required. Where acquisitions occur on existing private property, the entire parcel is included in the SAPE. The SAPE includes areas where construction or implementation of the Project could result in physical direct effects (e.g., ground disturbance and vibration), or non-physical effects (e.g., visual changes to setting or increased noise). Areas beyond the construction footprint were

included in the SAPE if the Project activities could affect potential aboveground built-environment historic properties.

The Project has an area of direct impact (ADI) within the SAPE boundary. The 133.6-acre ADI is the Project footprint and is where ground disturbance may occur, including proposed staging areas, TCEs, and permanent acquisitions. The ADI does not include areas where no construction improvements are proposed. For example, the ADI excludes the area along I-5 south of Post Mile (PM) 18.3 because the only work proposed is temporary construction signage (e.g., attached to concrete median).

The SAPE's vertical extent would total up to 200 feet. The vertical SAPE is derived from the greatest aboveground and belowground measurements. It encompasses the depth of all pile driving and bridge construction below the ground and the bridge's superstructure, along with Project's aboveground improvements and equipment, such as signal installation and retaining and sound wall installation. For the proposed ground disturbance, most of the Project activities would be 10 feet or less in depth and would include vegetation removal and landscaping activities, trenching, excavation cut work, drainage work, retaining wall and soundwall installation, and utility relocations. Fill areas proposed may reach 20 feet. Bridge piles are anticipated to be up to 100 feet below grade and a maximum of 30 feet below surface for other bridge construction activities. For aboveground work, the equipment proposed for the Project includes a 100-foot-tall crane for bridge installation. Outside of the bridge work area, the vertical SAPE reaches a maximum height of 50 feet for utility relocation. While a flyover structure is also included under Build Alternative 1, the SHPSR evaluated Build Alternative 2, which included a higher flyover structure that has since been eliminated, as described in Chapter 1 (see Section 1.1.1 and 1.5.1). However, the vertical SAPE remains unchanged and conservatively reflects the maximum extent previously evaluated, including the flyover structure under Build Alternative 2, which would have reached approximately 62 feet above El Toro Road and 42 feet above I-5.

Records Search

On January 16, 2024, Lauren Downs, Principal Investigator – Prehistoric Archaeology (Consultant Equivalent), requested a records search at the South Central Coastal Information Center (SCCIC) in Fullerton, California. The SCCIC provided the results on February 23, 2024. The records search included a review of all available cultural resource surveys, excavation reports, and site records within 1 mile of the Project area.

In addition, the California Points of Historical Interest, California Historical Landmarks, CRHR, NRHP, and California State Historic Resources Inventory were reviewed. The SCCIC record search results indicate that 80 studies have been conducted within 1 mile of the SAPE, with 14 of those studies encompassing or intersecting portions of the SAPE. Additional Caltrans reports for the Project area, including recent construction monitoring findings along I-5, were also reviewed.

The records search identified 17 previously recorded resources within the 1-mile radius. Of the 17 resources within the 1-mile radius, one precontact site (P-30-000016/CA-ORA-16) appeared to be slightly overlapping the SAPE. However, no ground

disturbance is proposed at this location; therefore, P-30-000016/CA-ORA-16 is outside the limits of the vertical SAPE. Although not recorded at the SCCIC, two additional resources were identified in the 2019 ASR (Caltrans 2019b): the former locations of four historic-era adobes, which are located adjacent (just outside) to the southern end of the SAPE, and the Laguna Hills Leisure World Globe Foundation, which is located within the SAPE.

The original 2019 HRER (Caltrans 2019c) also evaluated three built-environment properties for the NRHP, which were determined ineligible under all criteria: Leisure World Laguna Hills, St. George's Episcopal Church, and the Chase Bank Building. These three properties received SHPO concurrence dated March 7, 2019, and the ineligibility status remains valid.

Field Survey

Archaeological Field Survey

A team of two archaeologists conducted a combination windshield/pedestrian field survey of the SAPE on February 3, 2025. A windshield survey approach was primarily used because most of the SAPE is paved. The pedestrian portion of the survey focused on unpaved areas within the Project's ADI that could be safely accessed and where the construction methods would include potential ground disturbance. Within the unpaved areas subject to pedestrian survey, the archaeologists walked transects no more than 5 meters apart, as terrain allowed. Most of these areas were very small in size, so tighter than usual transects were used. An iPad with Field Maps software was used to navigate the SAPE, track the survey coverage, and record potential cultural resources identified in the SAPE. No new cultural resources were identified.

Built Environment Field Survey

Architectural historians conducted an intensive-level architectural field survey of the built-environment properties within the SAPE on March 3 and March 7, 2025. The architectural historians completed the surveys in accordance with the guidelines presented in the *Caltrans Standard Environmental Reference*, Volume 2. The survey teams observed and recorded each parcel with built-environment resources on it from the public right of way. Each property was recorded using iPads with the Collector application/ArcGIS Field Maps application. Digital photographs were taken and field observations were documented regarding alterations and integrity of the properties.

Native American Consultation

The results of the Sacred Lands File search conducted for the Project in 2024 by the Native American Heritage Commission (NAHC) were negative. Tribal consultation under Section 106 and AB 52 had been conducted for the original 2019 ASR (Caltrans 2019b). In 2024 to 2025, Caltrans reinitiated consultation under Section 106 and AB 52 for the new Build Alternatives. Between April 14 and 17, 2024, updated Project letters with maps were prepared and sent to the 20 Tribal contacts provided by the NAHC, inviting them to formal consultation. Follow-up calls to the Tribal contacts were placed on May 22, 2024. Responses from three Tribal organizations were received: Gabrieleño Band of Mission Indians – Kizh Nation, Juaneño Band of Mission Indians – Acjachemen

Nation (Belardes), and Soboba Band of Luiseno Indians. The Gabrieleño Band of Mission Indians – Kizh Nation requested consultation and discussed the Project in a meeting with Caltrans on June 11, 2024. Caltrans provided additional materials through March 2025 and followed up on June 24, 2025, requesting cultural concerns the tribe may have with the Project. No further response was received. The Juaneño Band of Mission Indians – Acjachemen Nation (Belardes) requested monitoring for any ground disturbance affecting cultural resources. Caltrans provided additional details on June 19, 2025, including potential effects to known cultural resources, and received no further response. The Soboba Band of Luiseño Indians deferred to Tribes closer to the Project area.

Other Interested Parties Outreach

Between March 2024 and March 2025, outreach with numerous local governments/ planning departments, historical societies, and historic preservation groups was conducted. No historic or cultural concerns were identified with the Project, and no persons asked to be a consulting party.

Results

Archaeological

Results of the SHPSR prepared for this Project identified two archaeological resources within or overlapping the SAPE: previously recorded precontact site P-30-000016/ CA-ORA-16 and the Laguna Hills Leisure World Globe Foundation documented in the original 2019 ASR. No ground disturbance is proposed within or near the location of P-30-000016/CA-ORA-16, and it is not within the vertical SAPE. Additionally, construction monitoring conducted along I-5 in the area of the site for a recently completed transportation project identified no cultural resources. Given previous disturbance to the area—including construction of I-5 and development of the surrounding area since the early 1960s—has subjected the site location within the SAPE to varying degrees of alteration and no remnant along I-5 has been identified. The Laguna Hills Leisure World Globe Foundation still remains within the SAPE. Associated with Leisure World Laguna Hills, which was evaluated as ineligible for the NRHP in the original 2019 study and received SHPO concurrence, the Laguna Hills Leisure World Globe Foundation meets the criteria under the Section 106 PA Appendix 4 (Properties Exempt from Evaluation).

Built Environment

Built environment resources identified in the SAPE either met the exemption criteria in the Section 106 PA Appendix 4 (Properties Exempt from Evaluation), were previously evaluated and determined ineligible for the NRHP in the 2019 HPSR, or were evaluated for this supplemental study and determined ineligible for the NRHP with SHPO concurrence on December 9, 2025. The evaluated built-environment resources include: Laguna Hills Motel (23932 Paseo De Valencia), JCPenney Auto Store (24126 Laguna Hills Mall), Strip Mall on Bridger Road (23811 Bridger Road), and Golden Bull Restaurant (23862 Bridger Road). For these reasons, the SAPE does not include any built-environment historic properties.

Traditional Cultural Properties

The Native American consultation did not yield information about any specific traditional cultural resources in or near the SAPE.

2.2.9.3 Environmental Consequences

This section summarizes the environmental consequences of the Build Alternatives and the No-Build Alternative with regard to cultural resources. Based on the findings of the SHPSR and pursuant to the Section 106 PA, the Build Alternatives would not affect historic properties per 36 CFR 800.4, and a finding of No Historic Properties Affected is appropriate for the Build Alternatives as a whole.

Temporary Impacts

Build Alternatives

Build Alternative 1

Implementation of Build Alternative 1 would require ground disturbance and modification of existing roadway structures. On March 7, 2019, the SHPO concurred that Leisure World Laguna Hills, St. George's Episcopal Church, and the Chase Bank Building were not eligible for the NRHP. On December 9, 2025, the SHPO concurred that the following properties are not eligible for the NRHP: Laguna Hills Motel (23932 Paseo De Valencia), JCPenney Auto Store (24126 Laguna Hills Mall), Strip Mall on Bridger Road (23811 Bridger Road), and Golden Bull Restaurant (23862 Bridger Road). There are no historical resources or historic properties in the SAPE.

Construction of Build Alternative 1 could result in effects on previously undocumented cultural resources. Any such effects during construction would be considered permanent effects, as the damage or destruction of cultural resources is not reversible; therefore, these effects are not considered temporary. Potential permanent effects on cultural resources are discussed below.

Design Variation: Build Alternative 1a

There are no historical resources or historic properties in the SAPE. However, construction of Build Alternative 1a could result in effects on previously undocumented cultural resources. Any such effects during construction would be considered permanent effects.

Build Alternative 3

Build Alternative 3 would not result in any ground disturbance or other activities that would affect cultural resources. As such, no temporary impacts on cultural resources would occur.

No-Build Alternative

The No-Build Alternative would not include construction of any of the Build Alternatives and, therefore, would not result in temporary effects on cultural resources.

Permanent Impacts

Build Alternatives

Implementation of Build Alternatives 1 and its design variation (Build Alternative 1a) (discussed individually below) would require ground disturbance and modification of existing roadway structures.

There are no historical resources or historic properties in the SAPE.

While not anticipated, if cultural materials or human remains are discovered during construction, all earthmoving activity within and around the immediate discovery area will be diverted until a qualified archaeologist or the Orange County Coroner can assess the nature of the find. Project Feature **PF-CUL-1** addresses the possibility of discovery of cultural materials during construction, and Project Feature **PF-CUL-2** addresses the possibility of discovery of human remains during construction. Additionally, Caltrans projects now require that Cultural Sensitivity Training be given to contractors prior to construction starting (**PF-CUL-3**).

PF-CUL-1 If buried cultural resources are encountered during Project activities, it is Caltrans' policy that work stop within 60 feet of the area until the Caltrans Project Archaeologist can evaluate the nature and significance of the find. *Caltrans Standard Specification 14-2.03A.*

PF-CUL-2 In the event that human remains are found, provisions of the Health and Safety Code 7050.5 apply. The county coroner shall be notified, and all construction activities within 60 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the NAHC, who will then notify the Most Likely Descendant. Further provisions of Public Resources Code 5097.98 are to be followed as applicable. *Caltrans Standard Specification 14-2.03A.*

PF-CUL-3 The Resident Engineer responsible for providing Cultural Sensitivity Training to the Contractor at the Pre-Construction Meeting will go over the requirements of Caltrans Standard Specification 14-2.03A (may request Caltrans Archaeologist assistance). *Caltrans Standard Specification 14-2.03C.*

Build Alternative 1

Construction of Build Alternative 1 could result in effects on previously undocumented cultural resources. Any such effects during construction would be considered permanent effects, as the damage or destruction of cultural resources is irreversible.

Design Variation: Build Alternative 1a

Implementation of Build Alternative 1a would result in the same effects as Build Alternative 1.

Build Alternative 3

Build Alternative 3 would not result in any ground disturbance or other activities that would affect cultural resources. As such, no permanent impacts on cultural resources would occur.

No-Build Alternative

The No-Build Alternative would not include construction of any of the Build Alternatives; therefore, there would be no effect on cultural resources.

Section 4(f) Resources

Section 4(f) of the Department of Transportation Act of 1966 provides protection for historic properties. There are no historic properties present within the SAPE; therefore, there are no Section 4(f) historic sites affected by the Project.

2.2.9.4 Avoidance, Minimization, and/or Mitigation Measures

With the incorporation of Project Features **PF-CUL-1**, **PF-CUL-2**, and **PF-CUL-3**, no project specific additional measures to avoid and/or minimize potential effects of the Build Alternatives to cultural materials or human remains are required.