

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), 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 are described below.

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 (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 that 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 (ROWs).

2.7.2 Affected Environment

This section summarizes information from the *Historic Property Survey Report* (HPSR) (May 2023). The section also compiles information from technical studies that accompany the HPSR, including the *Archaeological Survey Report* (ASR) (April 2023) and the *Historical Resources Evaluation Report* (HRER) (May 2023).

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 the proposed Project totals approximately 1,037 acres and extends vertically from a range of 2 to 25 feet along the Interstate (I) 5 Managed Lanes Project corridor. In addition, the APE incorporates areas of both direct (physical) and indirect (changes to setting) effects to allow for the analysis of archaeological and built environment resources.

Record Search

A record search of the preliminary Project footprint, which was larger than the APE, and a 0.5-mile radius was conducted at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) by SCCIC staff on October 4, 2022. The CHRIS is maintained under the direction of the California Office of Historic Preservation. For a detailed description of the record search results, refer to the ASR (April 2023). Additionally, the following inventories were examined during the SCCIC record search:

- NRHP
- CRHR
- 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. Based on this research, the cultural setting and historic contexts were developed in which cultural resources could be evaluated for significance. For details of the cultural setting and historic context of the APE, refer to the ASR (April 2023) and HRER (May 2023), respectively. The following repositories and resources were contacted and utilized to access historical information pertinent to the parcels within the APE and the Project vicinity:

- Anaheim Historical Society
- Buena Park Historical Society
- Fullerton Heritage
- Irvine Historical Society
- Orange County Historical Society
- Preserve Orange County
- Santa Ana Historical Preservation Society
- Tustin Area Historical Society & Museum
- Caltrans Structure Maintenance & Investigations, Historical Significance – State Agencies Bridges list (2023)
- County of Orange Historic Aerial Imagery
- Aerial photographs of the Project vicinity obtained from HistoricAerials.com

Field Surveys

On January 17, 2023, a qualified archaeologist completed a pedestrian survey of portions of the direct APE, which is described in the ASR (April 2023). Most of the APE is paved, so the survey focused on safely accessible, unpaved areas along shoulders and ramps. Areas that could not be safely accessed were observed while driving through the paved section of the APE. The survey began at the northernmost extent of the APE at the I-5 south on-ramp at Alondra Boulevard and continued south to Red Hill Avenue. The northbound side of I-5 was then surveyed from Red Hill Avenue to Alondra Boulevard.

On February 21, 2023, intensive-level, pedestrian surveys of the two historic-period buildings (45 years of age or older) in the APE that require evaluation were conducted. During the survey, digital photographs of the exteriors of the historic-period buildings were taken from the public ROW and detailed notations were made regarding their current conditions, integrity levels, physical characteristics, and setting. The five properties that were previously evaluated in the mid-1980s were also observed and brief notations were made regarding their current conditions and integrity levels. In addition, the locations of the four previously documented buildings that are no longer extant were surveyed and photographed. For detailed information regarding their structural and architectural characteristics and current conditions, as well as their settings and associated features, refer to the HRER (May 2023).

Native American Consultation

In conjunction with the proposed 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 July 5, 2022, to conduct a Sacred Lands File (SLF) search of the APE. On August 15, 2022, the NAHC responded by stating that the SLF review identified no Native American cultural resources within the Project APE. The NAHC also recommended that 19 Native American individuals representing the Diegueño, Gabrieleño/Gabrieliño, Juaneño, Cupeño, Luiseño, and Cahuilla groups be contacted for information regarding cultural resources that could be affected by the proposed 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 December 5, 2022, and again by two rounds of follow-up emails or telephone calls in January 2023, depending on whether the previous contact was successful:

- Campo Band of Diegueño Mission Indians, Ralph Goff, Chairperson
- Ewiiapaayp Band of Kumeyaay Indians, Michael Garcia, Vice Chairperson
- Ewiiapaayp Band of Kumeyaay Indians, Robert Pinto, Chairperson
- Gabrieleño Band of Mission Indians – Kizh Nation, Andrew Salas, Chairperson
- Gabrieleño/Tongva San Gabriel Band of Mission Indians, Anthony Morales, Chairperson
- Gabrieliño/Tongva Nation, Sandonne Goad, Chairperson

- Gabrieliño Tongva Indians of California Tribal Council, Christina Conley, Tribal Consultant and Administrator
- Gabrieliño Tongva Indians of California Tribal Council, Robert Dorame, Chairperson
- Gabrieliño-Tongva Tribe, Charles Alvarez
- Juaneño Band of Mission Indians, Acjachemen Nation – Belardes, Matias Belardes, Chairperson
- Juaneño Band of Mission Indians, Acjachemen Nation 84A, Heidi Lucero, Chairperson
- La Posta Band of Diegueño Mission Indians, Gwendolyn Parada, Chairperson
- La Posta Band of Diegueño Mission Indians, Javaughn Miller, Tribal Administrator
- Manzanita Band of Kumeyaay Nation, Angela Elliott Santos, Chairperson
- Mesa Grande Band of Diegueño Mission Indians, Michael Linton, Chairperson
- Pala Band of Mission Indians, Shasta Gaughen, Tribal Historic Preservation Officer
- Santa Rosa Band of Cahuilla Indians, Lovina Redner, Tribal Chair
- Soboba Band of Luiseño Indians, Isaiah Vivanco, Chairperson
- Soboba Band of Luiseño Indians, Joseph Ontiveros, Cultural Resource Department

Follow-up communications in January 2023, resulted in one request for consultation. On January 17, 2023, an email was sent by the Administrative Specialist with the Gabrieliño Band of Mission Indians – Kizh Nation to the consultant archaeologist, requesting to set up a time to consult on the proposed Project. The request was forwarded to Caltrans Environmental staff, who responded to the tribe via email on January 18, 2023, to request a consultation meeting and ask if there was any additional information for the proposed Project that the tribe had not received yet. Caltrans staff followed up again with the tribe on February 10, 2023, to ask if the tribe had any questions or concerns about the proposed Project. To date, no additional response has been received from the tribe.

2.7.2.2 Results

According to the record search results, 79 previous cultural resource studies have been conducted within the preliminary Project footprint, which is larger than the APE, and an additional 171 studies were identified within the 0.5-mile radius. More than 95 percent of the preliminary Project footprint has been previously studied for

cultural resources. The record search results also identified 19 previously recorded cultural resources within the preliminary Project footprint. An additional 7 cultural resources have been previously recorded within the 0.5-mile radius. Table 2.7.1 presents a summary of the resources recorded within the preliminary Project footprint and the 0.5-mile radius.

Following refinement of the APE, four historic-period residential resources (P-30-176594, P-30-176595, P-30-176596, and P-30-176597) were located within the APE boundaries; however, none of the four are extant. These resources consisted of four residences all built in 1924 and documented in 1987. In addition, three linear resources (P-30-176630/railroad tracks and associated infrastructure, P-30-176663/railroad tracks and associated infrastructure, and P-30-177624/Fullerton Creek Channel) intersect the APE, but they are not within the vertical APE and will not be impacted as a result of the proposed Project. Because these three linear resources will not be impacted by the proposed Project, they are excluded from the APE.

There are no previously recorded archaeological resources recorded within the APE. The two archaeological resources (P-30-000301 and P-30-100402) nearest to the APE (each approximately 0.1 mile away) are both isolated artifacts (a metate and pestle, and a mano). Two prehistoric sites containing burials have been recorded within 0.3 mile of the APE.

The archaeological pedestrian survey of the APE found that all unpaved areas within the APE were covered in ice plant, with some exposed sediment around electrical control boxes. Overall, ground visibility was less than 5 percent, but sediment around the control boxes was greyish-brown silt with modern trash (glass, plastic, and paper) and road base. These areas likely consist of artificial fill, but that could not be determined because no bedding was observed, even by digging a shallow hole with a trowel. Certain sections of the APE were below the surrounding road grade, with others being above. This indicates that sections below the road grade could potentially have native sediments within the excavation parameters, while sections above the surrounding road grade are engineered ramps and could contain artificial fill. No historic or prehistoric artifacts or human remains were identified in the APE as a result of the survey.

No archaeological resources were identified within the APE through archival research, Native American consultation, or field survey.

Table 2.7.1: Record Search Results (Resources)

Number	Type	Description (Year Recorded)	Distance from Preliminary Project Footprint (Miles)*
P-30-000300	Multi-component (Prehistoric and historic)	Prehistoric shell midden with stone tools and burials; no information on historic components (1971)	0.3
P-30-000301	Prehistoric	Groundstone and pestle (1971)	0.1
P-30-000352	Prehistoric	Stone bowls and pestle (1972)	0.4
P-30-000353	Prehistoric	Stone bowls, pestle, and stone tools (1972)	0.4
P-30-001598	Historic	Refuse scatter, including elements dating from the late 1800s to the 1940s (2001)	0.3
P-30-001770	Prehistoric	Burial with shell, stone tools, and broken groundstone (2017)	0.3
P-30-100402	Prehistoric	Isolated mano (2007)	0.1
P-30-161815	Historic	Melrose Abbey Mausoleum, constructed in the early 1900s (unknown)	Within
P-30-161816	Historic	Electrical substation constructed in 1917 (1988)	Within
P-30-162471	Historic	Old Town Tustin (1991)	Within
P-30-176594	Historic	Residence constructed in 1924 (1987)	Within APE
P-30-176595	Historic	Residence constructed in 1924 (1987)	Within APE
P-30-176596	Historic	Residence constructed in 1924 (1987)	Within APE
P-30-176597	Historic	Residence constructed in 1924 (1987)	Within APE
P-30-176602	Historic	Church constructed in 1924 (1987)	Within
P-30-176603	Historic	Residence constructed in 1885 (1987)	Within
P-30-176606	Historic	Residence constructed in 1925 (1987)	Within
P-30-176607	Historic	Service station constructed in 1932 (1987)	Within
P-30-176608	Historic	Orange packing plant constructed in 1920 (19887)	Within
P-30-176630	Historic	Railroad tracks and associated structures (1999)	Within
P-30-176663	Historic	Railroad tracks and associated structures (2002)	Within
P-30-176805	Historic	Residential neighborhood constructed from 1895 to 1925 (1979)	Within
P-30-177016	Historic	Apartment building constructed in the 1950s (2001)	Within
P-30-177036	Historic	Office building constructed in 1956 (2010)	Within
P-30-177624	Historic	Fullerton Creek Channel, constructed in 1956 (2016)	Within
P-30-177659	Historic	Motel constructed in the 1950s (2017)	Within

*All resources are outside the APE unless otherwise noted.

Archival research and field surveys resulted in the identification of a number of built environment resources within the APE. Based on a review of the Caltrans Historic Highway Bridge Inventory, a total of 111 bridges were identified in the APE and all are listed as Category 5 (not eligible for the NRHP).

Further, field surveys identified and evaluated two historic-period resources within the APE. These included one apartment complex located at 1901 N. Spurgeon Street in Santa Ana that was built in 1977 and one commercial building located at 321 E. 17th Street in Santa Ana that was constructed in 1959 within the APE. In addition, five resources previously evaluated in the mid-1980s were re-evaluated as part of the current study and four other previously evaluated resources are no longer extant. Evaluations of the extant buildings were 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 NRHP or the CRHR. Under Section 106 PA Stipulation VIII.C.6, Caltrans requests SHPO’s concurrence in these eligibility determinations. SHPO review and concurrence is pending. Table 2.7.2 summarizes these built environment resources and eligibility determinations.

Table 2.7.2: Built Resources Within the Project APE

Description	Address/Location	Community	National Register (NR)/ California Register (CR) Eligibility ¹
Apartment complex	1901 N. Spurgeon St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Commercial building	321 E. 17 th St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Not extant	123 S. Cherry St.	Anaheim	Determined ineligible as a historic property under Section 106 PA.
Not extant	119 S. Cherry St.	Anaheim	Determined ineligible as a historic property under Section 106 PA.
Not extant	117 S. Cherry S.	Anaheim	Determined ineligible as a historic property under Section 106 PA.
Not extant	1310 W. Center St.	Anaheim	Determined ineligible as a historic property under Section 106 PA.
Residential	1809 N. Spurgeon St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Residential	1911 N. Spurgeon St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Residential	1915 N. Spurgeon St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Residential	1919 N. Spurgeon St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.
Residential	219 E. 20 th St.	Santa Ana	Determined ineligible for NRHP, CRHR, or local designation through survey evaluation.

Source: *Historical Resources Evaluation Report* (March 2023); *Historic Property Survey Report* (March 2023)

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

CRHR = California Register of Historical Resources

NRHP = National Register of Historic Places

PA = Programmatic Agreement

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

2.7.3 Environmental Consequences

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

2.7.3.1 Build Alternatives (Alternatives 2, 3, and 4)

Temporary Impacts

The Build Alternatives would require ground disturbance for new or replaced roadway pavement, minor roadway grading, retaining and sound wall construction, stormwater Best Management Practices, new and reconstructed surface drainage systems, new and reconstructed overhead sign foundations, and lighting. However, impacts to archaeological resources are considered permanent as non-renewable resources and since no archaeological resources that are eligible for inclusion in the NRHP were found within the APE, a discussion on temporary impacts is not warranted. Similarly, no NRHP-eligible built-environment resources were identified in the APE, therefore, a discussion regarding temporary impacts to those resources is not warranted.

2.7.3.2 No Build Alternative (Alternative 1)

Under the No Build Alternative, none of the improvements to I-5 proposed under the Build Alternatives would be constructed. Therefore, the No Build Alternative would not result in temporary impacts related to cultural resources as a result of construction activities.

2.7.3.3 Build Alternatives (Alternatives 2, 3, and 4)

Permanent Impacts

There are no historic properties within the Project APE that are eligible for inclusion in the NRHP. In addition, no historical resources or tribal cultural resources have been identified in the APE. Therefore, there would not be a permanent impact as a result of the Build Alternatives. Review and concurrence with SHPO is pending . Based on the findings of the HPSR (May 2023), and pursuant to the Section 106 PA, the Build Alternatives would not affect historic properties per 36 CFR 800.4. A finding of No Historic Properties Affected is appropriate for the proposed Project as a whole.

2.7.3.4 No Build Alternative (Alternative 1)

Under the No Build Alternative, none of the improvements to I-5 proposed under the Build Alternatives would be constructed. Therefore, the No Build Alternative would not result in permanent impacts related to cultural resources.

Previously Undocumented Cultural Materials

Although a low potential has been determined, in general, it is possible that previously undocumented cultural materials or human remains be unearthed during site preparation, grading, or excavation for any of the Build Alternatives. Those potential effects would be avoided or minimized 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), which, 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 NRHP-listed or eligible resources were identified within the APE (HPSR [May 2023]). 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).

2.7.4 Avoidance, Minimization, and/or Mitigation Measures

As discussed above in Section 2.7.3.1, the Build Alternatives will incorporate Project Features PF-CR-1 and PF-CR-2 which would ensure impacts to cultural resources are minimal. No additional avoidance, minimization, and/or mitigation measures are required.

This page intentionally left blank