

2.1.7 Cultural Resources

2.1.7.1 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 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).

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties (in Section 4(f) terminology—historic sites). See Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f): No-Use Determination, for specific information about Section 4(f).

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. 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. Procedures for compliance with PRC Section 5024 are outlined in a

Memorandum of Understanding (MOU)¹ between Caltrans and SHPO, 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.

2.1.7.2 Affected Environment

The following cultural resource studies completed for the project include the Historic Property Survey Report (HPSR) (October 2017); Historic Resources Evaluation Report (HRER) (October 2017); Archaeological Survey Report (ASR) (September 2017); and Extended Phase I Report for Shell Scatter on the Western Side of I-605/Katella Avenue Interchange Improvements Projects (August 2017).

The methods used to support these studies include intensive-level pedestrian field surveys conducted on March 20, 2017 and March 30, 2017; geoarchaeological analysis; and a literature search with the (SCCIC) of the California Historical Resources Inventory System (CHRIS) conducted on January 27, 2017. In addition to the records at the SCCIC, a variety of sources were consulted in March 2017 to obtain information regarding the Area of Potential Effects (APE) including the National Register of Historical Places (NRHP), California Register of Historical Resources (CRHR), California Historical Resources Inventory (CHRI), California Historical Landmarks (CHL), California Points of Historical Interest (CPHI) and local historical registers.

The process of Native American consultation has also been initiated as part of the cultural resources investigation for the project. A Sacred Lands File search was requested from the Native American Heritage Commission (NAHC) on January 24, 2017. The NAHC responded on January 26, 2017, stating that there are no known sacred lands within the APE. The NAHC recommended that eight representatives from local Native American tribal organizations be contacted for further information regarding the general project vicinity. Letters were sent via certified mail to the eight contacts on August 11, 2017, requesting information related to cultural resources or heritage sites within the APE. Additional attempt at contact was made by email or phone call on August 23, 2017 and August 30, 2017. To date, three responses have been received and all have expressed no concerns regarding the project. All consultation correspondence and a contact log are provided as Attachment C to the HPSR.

2.1.7.2.1 Area of Potential Effects (APE)

The APE for the proposed project was established in accordance with Section 106 Programmatic Agreement Stipulation VIII.A. The APE maps are located in Attachment A in the HPSR. The proposed project is composed of both a Direct and Indirect APE. The Direct APE measures 49.0 acres and encompasses all areas that may be directly and physically impacted by the project. The Indirect APE is 93.1 acres and consists of the Direct APE, as well as adjacent parcels containing buildings or structures which may be affected indirectly by project-related activities. Properties included in the Indirect APE may be affected by visual, audible, or atmospheric intrusions, shadow effects, vibrations from construction activities, or changes in access or use.

Permanent ROW acquisition of approximately 4,500 square feet of vacant landscaped land would be required on the north side of Katella Avenue within the study area limits, at 3131 Katella Avenue. No other permanent ROW acquisitions are anticipated as part of the project. The vertical extent of the proposed project, also known as the vertical APE, is the maximum

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

depth of any project-related ground-disturbing work. Excavation depth for the ramp taper will be approximately 6 feet (1.8 meters), and the excavation depth for the retaining wall will be approximately 7 feet (2.1 meters). The maximum depth of ground disturbance is approximately 15 feet (4.6 meters) for drainage/culvert work. Outside of the drainage/culvert work, ground disturbance associated with construction of the project would typically extend approximately 8 feet (2.4 meters) below the existing ground surface.

2.1.7.2.2 Historic Resources

According to the HPSR and HRER prepared for the proposed project, there are 46 properties in the direct and indirect APE. Five buildings located on five parcels were newly-recorded and evaluated for historic significance. On 19 other parcels, there are 23 more buildings that had been previously recorded and these were re-evaluated and their site records updated. Within the Rossmoor subdivision, seven houses within the indirect APE were exempted per Attachment 4, as Property Type 7 (Caltrans 2014). Included in the newly-recorded buildings are two single-family houses in the Rossmoor subdivision and two city government buildings (Los Alamitos City Hall and Council Chambers). The 23 updated buildings include 12 Rossmoor single-family houses and 11 school buildings, all part of one school. All the structures are 45 years of age or more. The Rossmoor subdivision houses have been evaluated as contributing elements to the Rossmoor District; the 11 school buildings have been evaluated as one complex on one site form. All other buildings have been evaluated as individual resources on Department of Parks and Recreation (DPR) 523 forms; refer to Appendix C, SHPO Letter of Concurrence, in the HRER. None of the buildings or structures appear eligible for listing on the NRHP or on the CRHR. In addition, there are no Section 4(f) historic resource types within the project vicinity.

Therefore, Caltrans has determined a *Finding of No Historic Properties Affected* for the purpose of Section 106 of the NHPA or historical resources in accordance with CEQA, either individually or as a historic district. Caltrans has notified the State Historic Preservation Officer (SHPO) of its determination that no properties within the APE are eligible for inclusion in the NRHP, and has received concurrence in its determination of *Finding of No Historic Properties Affected* on February 15, 2018.

2.1.7.2.3 Archaeological Resources

According to the HPSR, ASR, and Extended Phase I (XPI) Report prepared for the proposed project, no archaeological resources exist within the APE. A disturbed shell scatter was identified within the APE, heavily concentrated on the west side of a concrete drainage ditch that runs parallel to I-605 within the unpaved area beyond the shoulder. The construction of the existing concrete drainage ditch, which is approximately 0.6 meters in depth, has disturbed the shell scatter, displacing the shells. The shell scatter site was located 500 meters south of the interchange along the west shoulder of the southbound lane, from post-mile 0.75 to 1.1. The site measured approximately 226 meters long and 4.25 meters wide. No in-situ shell was identified within the APE. Shells observed included pecten, gastropods, urchin, olive shell, chione, clam and a number of pholad clam bored siltstone cobbles.

The geoarchaeological analysis resulted in a moderate potential for buried archaeological deposits within the Bolsa silty clay loam and the Hueneme soils. This moderate potential was confirmed outside the APE, approximately 6 meters (20 feet) to the west where a concentration of marine shells and at least one mammal bone fragment was discovered in a horizon 10 cm thick, approximately 250 feet long, and 2 to 3 feet below ground surface on the eastern side of the Los Alamitos Channel drainage basin. Shells were found in a light gray to tan, silty clay with dark brown to very dark-gray staining mapped as Bolsa silty clay loam (unit 123oc). The

moderate potential for buried archaeological deposits may indicate that there are undisturbed subsurface deposits of the shell scatter within the APE.

Because of the positive results of the pedestrian survey and geoarchaeological analysis, the APE was considered moderately sensitive for the presence of subsurface archaeological resources. Site investigation in conjunction with the XPI was conducted in accordance with the requirements of Section 106 and CEQA in order to determine if the shell is part of an intact subsurface shell midden within the APE. The XPI fieldwork was conducted on July 14 and August 8, 2017, with excavation of a total of seven shovel test pits and a wall profile. No intact subsurface cultural deposits, including shell midden, were identified, and the shell scatter is not considered to be a cultural resource. As such, the likelihood of encountering such deposits in the APE is considered to be low.

2.1.7.3 Environmental Consequences

The project footprint for both Build Alternatives is similar and implementation of either Build Alternative would result in similar impacts; therefore, the discussion of Alternatives 2 and 3 below is combined into a single discussion of Build Alternatives.

2.1.7.3.1 Temporary Impacts

Alternative 1 (No-Build Alternative)

No temporary impacts regarding cultural resources would occur with implementation of the No-Build Alternative since no construction activity or ground disturbance would occur with this alternative.

Alternatives 2 and 3 (Build Alternatives)

As discussed above, no historic or archaeological resources are located within the project APE. A disturbed shell scatter was identified within the APE on the west side of a concrete drainage ditch that runs parallel to I-605 within the unpaved shoulder; however, the results of the XPI determined that the shell scatter is not considered to be an archaeological resource. In addition, no intact subsurface cultural deposits, including shell midden, were identified. As such, the likelihood of encountering such deposits in the APE is considered to be low. Based on these findings, no further archaeological study, identification, or monitoring efforts are recommended for implementation of the Build Alternatives.

Implementation of either of the Build Alternatives may result in construction-related impacts to undiscovered cultural resources. The possibility exists that previous unknown buried historical and archaeological deposits could be discovered during grading and excavation work associated with construction activities. In accordance with Caltrans standard requirements, if cultural materials are discovered during construction, the project feature described below (PF-CUL-1) would be implemented, which would require that all earth-moving activity within and around the immediate discovery area be diverted until a qualified archaeologist can assess the nature and significance of the find. This project feature would minimize construction-related impacts to cultural resources.

PF-CUL-1 Unknown Buried Cultural Resources. If unknown buried cultural resources are discovered during construction, all earth-moving activity within and around the immediate discovery area shall be diverted until a qualified archaeologist can assess the nature and significance of the find.

No human remains, including those of Native American decent, are known to exist within the APE. However, the possibility exists that unknown buried human remains could be unearthed during construction. The project feature described below (PF-CUL-2) would reduce potential construction-related impacts regarding human remains.

PF-CUL-2 Human Remains. If human remains are discovered during construction, California Health and Safety Code (H&SC) 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 be contacted. If the remains are thought by the coroner to be Native American, the coroner shall notify the NAHC, who, pursuant to PRC Section 5097.98, would then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains shall contact Jonathan Wright, Associate Environmental Planner, Archaeology, so that he may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 shall be followed as applicable.

These project features would be implemented under the Build Alternatives to ensure that undiscovered sensitive cultural resources would not be adversely affected due to project implementation. Since construction staging areas would not be permitted outside of the APE, no other temporary effects on cultural resources are anticipated.

2.1.7.3.2 Permanent Impacts

Alternative 1 (No-Build Alternative)

Under the No-Build Alternative, cultural resources would not be impacted because no ground disturbance or physical changes to the existing environment would occur under this alternative.

Alternatives 2 and 3 (Build Alternatives)

Operation of either of the Build Alternatives would not result to any permanent impacts to cultural resources. Cultural resource impacts would be temporary in nature due to ground-disturbing activities occurring during construction, which are addressed above.

2.1.7.4 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are required with adherence to the project features described above.

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