

## 4.5 CULTURAL RESOURCES

This section describes the potential impacts on cultural resources within the project study area. Information contained in this section is based on the *SR-22/West Orange County Connection Historic Property Survey Report (HPSR)* (December 2000). As summarized in the HPSR, an Historic Architectural Survey Report (HASR) and Negative Archaeological Survey Report (NASR) were prepared. For a more detailed analysis, these documents are available under a separate cover for review at Caltrans and OCTA. (Note: The NASR contains information that may be disclosed only to credentialed archaeologists to protect sensitive archaeological resources. Those with proper credentials may view these reports at Caltrans and OCTA.)

In preparation for the cultural investigations for the SR-22/West Orange County Connection, an Area of Potential Effects (APE) was established and approved by Caltrans and FHWA on September 10, 1999 (see Appendix C of the HPSR).

The APE for all archaeological investigations is inclusive of all existing and proposed right-of-way and all direct impacts. In previously undeveloped areas of new right-of-way acquisition, the APE includes a 50-meter-wide (160-foot-wide) buffer area to accommodate the unanticipated discovery of cultural resources. In areas where existing rights-of-way extend well beyond the limits of improvements, such as highway interchanges and ramps, boundaries located 50 meters (160 feet) beyond work areas are considered adequate to encompass the potential effects. In the area north of the I-5/SR-22 interchange, an additional buffer has been provided to allow for an HOV connector ramp as part of the I-5/SR-22 Connector segment of the Full Build Alternative. The APE for the Historic Architectural Survey is inclusive of all direct and indirect project impacts associated with the Full Build Alternative or Reduced Build Alternative, the maximum right-of-way required, and a 50-meter (160-foot) buffer as discussed above.

In several locations on the APE maps, construction lines are seen to extend beyond the APE boundaries. In these locations, the construction indicated is either a) related to a separate and previously approved project; or b) limited to non-constructive activities within the previously paved area, such as pavement restriping. These activities are excluded under 36 CFR 800.3(a)(1), as an undertaking with no potential to cause effects on historic properties, and entail no further obligations under Section 106.

### 4.5.1 No Build Alternative

Because there would be no construction associated with the No Build Alternative, other than that addressed in other environmental documents, this alternative would not result in impacts to cultural resources.

### 4.5.2 TSM/Expanded Bus Service Alternative

Since there would be only minor construction associated with the TSM/Expanded Bus Service Alternative, this alternative would not result in impacts to known cultural resources. This minor construction would occur within existing roadways, completely in areas previously disturbed.

### 4.5.3 Full Build Alternative

Under the Full Build Alternative, a new arterial would be placed in the former Pacific Electric right-of-way and a new bridge would be built across the Santa Ana River. This construction would require the removal of the Pacific Electric Santa Ana River Bridge, which has been determined to be eligible for the National Register of Historic Places. This would be an adverse effect under Section 106 of the National Historic Preservation Act of 1966, as amended, which states:

*An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (36 CFR 800.5 [a][1]).*

The adverse effects listed in the National Historic Preservation Act that would occur include:

- Physical destruction of or damage to all or part of the property (if the bridge were simply demolished), or
- Removal of the property from its historic location (if the bridge were moved to another location).

A Determination of Finding of Adverse Effect (FAE) (Appendix E.2) was prepared in accordance with 36 CFR 800.5. It was submitted to the State Historic Preservation Office (SHPO), who concurred on February 9, 2001 that if the Full Build Alternative is selected as the preferred alternative, there would be adverse effects on the Pacific Electric/Santa Ana Bridge. FHWA would develop a draft Memorandum of Agreement (MOA) for review by SHPO in order to address the proposed project's effects on historic properties. (Refer to Appendix E of Volume II of the DEIR/EIS for the concurrence letter.)

During construction, there is a potential for unknown buried cultural materials to be unearthed.

#### **4.5.4 Reduced Build Alternative**

The only cultural resource identified during the archaeological, historical, and historic architecture evaluations is located in the former Pacific Electric right-of-way, which is not part of the Reduced Build Alternative. Thus, the Reduced Build Alternative would not result in impacts to known cultural resources.

During construction, there is a potential for unknown buried cultural materials to be unearthed.

The February 9, 2001 letter from SHPO to FHWA concurred that the Reduced Build Alternative will have no effect on historic properties. This letter can be referenced in Appendix E in Volume II of the DEIR/EIS.

#### ***Thresholds of Significance for CEQA:***

- Potential for unearthing of unknown buried cultural materials and the potential disturbance of human remains and associated artifacts

#### **A. NO BUILD ALTERNATIVE**

The No Build alternative would not result in impacts to unearthing of unknown buried cultural materials and the potential disturbance of human remains and associated artifacts.

#### **B. TSM/EXPANDED BUS SERVICE ALTERNATIVE**

The TSM/Expanded Bus Service Alternative would not result in impacts to cultural resources. This minor construction would occur within existing roadways, completely in areas previously disturbed.

#### **C. FULL BUILD ALTERNATIVE**

Under the Full Build Alternative, a new arterial would be placed in the former Pacific Electric right-of-way and a new bridge would be built across the Santa Ana River. This construction would require the removal of the Pacific Electric Santa Ana River Bridge, which has been determined to be eligible for the National Register of Historic Places. As previously discussed, this would be an adverse effect under Section 106 of the National Historic Preservation Act of 1966.

The adverse effects listed in the National Historic Preservation Act that would occur include:

- Physical destruction of or damage to all or part of the property (if the bridge were simply demolished), or
- Removal of the property from its historic location (if the bridge were moved to another location).

A Determination of Finding of Adverse Effect (FAE) (Appendix E.2) was prepared in accordance with 36 CFR 800.5. It was submitted to the State Historic Preservation Office (SHPO), who concurred on February 9, 2001 that if the Full Build Alternative is selected as the preferred alternative, there would be adverse effects on the Pacific Electric/Santa Ana Bridge. FHWA would develop a draft Memorandum of Agreement (MOA) for review by SHPO in order to address the proposed project's effects on historic properties.

During construction, there is a potential for unknown buried cultural materials to be unearthed. The impacts to unearthing buried cultural materials the potential disturbance of human remains and associated artifacts is unknown at this time. A Qualified Native American personnel will be appointed and authorized to monitor earthmoving activities associated with project construction in the vicinity of previously recorded archaeological resources. If human remains and associated artifacts are encountered during ground-disturbing activities, the provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code will be followed (See CUL-FB-1 & CUL-FB-3 for further details).

#### D. REDUCED BUILD ALTERNATIVE

The only cultural resource identified during the archaeological, historical, and historic architecture evaluations is located in the former Pacific Electric right-of-way, which is not part of the Reduced Build Alternative. Thus, the Reduced Build Alternative would not result in impacts to known cultural resources.

During construction, there is a potential for unknown buried cultural materials to be unearthed. The impacts to unearthing buried cultural materials the potential disturbance of human remains and associated artifacts is unknown at this time. However, the actions similar to that of the Full Build will be implemented which include appointing a Qualified Native American personnel to monitor earthmoving activities and provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code will be followed (See CUL-FB-1 & CUL-FB-3 for further details).

The February 9, 2001 letter from SHPO to FHWA concurred that the Reduced Build Alternative, if selected as the preferred alternative, will have no effect on historic properties. This letter can be referenced in Appendix E in Volume II of the DEIR/EIS.

#### **Thresholds of Significance for CEQA:**

- Removal of the Pacific Electric Santa Ana River Bridge, which is eligible for the National Register of Historic Places

#### A. NO BUILD ALTERNATIVE

The No Build Alternative would not result in impacts to the Pacific Electric Santa Ana River Bridge, which is eligible for the National Register of Historic Places.

#### B. TSM/EXPANDED BUS SERVICE ALTERNATIVE

Since there would be only minor construction associated with the TSM/Expanded Bus Service Alternative, this alternative would not result in impacts to the Pacific Electric Santa Ana River Bridge. This minor construction would occur within existing roadways, completely in areas previously disturbed.

#### C. FULL BUILD ALTERNATIVE

Under the Full Build Alternative, a new arterial would be placed in the former Pacific Electric right-of-way and a new bridge would be built across the Santa Ana River. This construction would require the removal of the Pacific Electric Santa Ana River Bridge. As previously discussed, this would be an adverse effect under Section 106 of the National Historic Preservation Act of 1966.

A Determination of Finding of Adverse Effect (FAE) (Appendix E.2) was prepared in accordance with 36 CFR 800.5. It was submitted to the State Historic Preservation Office (SHPO), who concurred on February 9, 2001 that if the Full Build Alternative is selected as the preferred alternative, there would be adverse effects on the Pacific Electric/Santa Ana Bridge. The removal of the Pacific Electric Santa Ana River Bridge is a significant impact under this alternative.

#### D. REDUCED BUILD ALTERNATIVE

As discussed above, the only cultural resource identified during the archaeological, historical, and historic architecture evaluations is located in the former Pacific Electric right-of-way, which is not part of the Reduced Build Alternative. Thus, the Reduced Build Alternative would not result in impacts to Pacific Electric Santa Ana River Bridge.

The February 9, 2001 letter from SHPO to FHWA concurred that the Reduced Build Alternative, if selected as the preferred alternative, will have no effect on historic properties. This letter can be referenced in Appendix E in Volume II of the DEIR/EIS.

### 4.5.5 Mitigation

#### A. NO BUILD ALTERNATIVE

None proposed.

#### B. TSM/EXPANDED BUS SERVICE ALTERNATIVE

None proposed.

#### C. FULL BUILD ALTERNATIVE

CUL-FB-1. Qualified Native American personnel will be appointed and authorized to monitor earthmoving activities associated with project construction in the vicinity of previously recorded archaeological resources. Work will be halted in the vicinity of any previously unknown buried cultural materials unearthed during construction, until a qualified archaeologist can assess the significance of the materials.

CUL-FB-2. If the Full Build Alternative is selected as the Preferred Alternative, a Memorandum of Agreement (MOA) will be prepared that stipulates how the project will be carried out to avoid, minimize, or mitigate adverse effects, or to accept such effects. The MOA will clearly and completely present specific mitigation measures to address the project's specific adverse impacts. Caltrans, FHWA, and the SHPO have concurred on the MOA. The Advisory Council on Historic Preservation (ACHP) may be asked to participate either by FHWA or SHPO. If the ACHP is a consulting party, its execution of the MOA concludes the Section 106 process. If the ACHP is not a consulting party, FHWA will submit a signed MOA for ACHP review. Once the ACHP is satisfied with the MOA, the Section 106 process is complete. The signed MOA will be included in the Final EIR/EIS. Any mitigation required as part of the MOA will be included in the Final EIR/EIS.

CUL-FB-3. If human remains and associated artifacts are encountered during ground-disturbing activities, the provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code will be followed.

**D. REDUCED BUILD ALTERNATIVE**

CUL-RB-1. Qualified Native American personnel will be appointed and authorized to monitor earthmoving activities associated with project construction in the vicinity of previously recorded archaeological resources. Work will be halted in the vicinity of any previously unknown buried cultural materials unearthed during construction, until a qualified archaeologist can assess the significance of the materials. Any mitigation required by the Archaeologist will be implemented to include a report of such activities.

CUL-RB-2. If human remains and associated artifacts are encountered during ground-disturbing activities, the provisions of Public Law 101-601, Section 5097.98 and .99 of the Public Resources Code, and Section 7050 of the Health and Safety Code will be followed.

**4.5.6 Residual Impacts After Mitigation****A. NO BUILD ALTERNATIVE**

None.

**B. TSM/EXPANDED BUS SERVICE ALTERNATIVE**

None.

**C. FULL BUILD ALTERNATIVE**

Since the Full Build Alternative would require the removal of the Pacific Electric Santa Ana River Bridge, and because there is no acceptable and economical avoidance alternative, the implementation of the Full Build Alternative would result in substantial residual impacts to cultural resources after mitigation. (See Section 9.0 of this document for more information.)

**D. REDUCED BUILD ALTERNATIVE**

Less than substantial.

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