COUNTY OF SAN DIEGO

GUIDELINES FOR DETERMINING SIGNIFICANCE

CULTURAL RESOURCES:
ARCHAEOLOGICAL AND HISTORIC RESOURCES

LAND USE AND ENVIRONMENT GROUP

Department of Planning and Land Use
Department of Public Works

First Revision
December 5, 2007

APPROVAL

I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and were considered by the Director of Planning and Land Use, in coordination with the Director of Public Works on the 5th day of December, 2007.

ERIC GIBSON
Interim Director of Planning and Land Use

JOHN SNYDER
Director of Public Works

I hereby certify that these **Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources** are a part of the County of San Diego, Land Use and Environment Group's Guidelines for Determining Significance and Technical Report Format and Content Requirements and have hereby been approved by the Deputy Chief Administrative Officer (DCAO) of the Land Use and Environment Group on the 5th day of December, 2007. The Director of Planning and Land Use is authorized to approve revisions to these Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources, except any revisions to the Guidelines for Determining Significance presented in Section 4.2 must be approved by the Deputy CAO.

Approved, December 5, 2007

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CHANDRA WALLAR
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EXPLANATION

These Guidelines for Determining Significance for Cultural Resources: Archaeological and Historic Resources and information presented herein shall be used by County staff for the review of discretionary projects and environmental documents pursuant to the California Environmental Quality Act (CEQA). These Guidelines present a range of quantitative, qualitative, and performance levels for particular environmental effects. Normally, (in the absence of substantial evidence to the contrary), non-compliance with a particular standard stated in these Guidelines will mean the project will result in a significant effect, whereas compliance will normally mean the effect will be determined to be "less than significant." Section 15064(b) of the State CEQA Guidelines states:

> "The determination whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on factual and scientific data. An ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting."

These Guidelines assist in providing a consistent, objective and predictable evaluation of significant effects. These Guidelines are not binding on any decision-maker and should not be substituted for the use of independent judgment to determine significance or the evaluation of evidence in the record. The County reserves the right to modify these Guidelines in the event of scientific discovery or alterations in factual data that may alter the common application of a Guideline.

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List of Acronyms

AB	Assembly Bill
CC	Civil Code
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
DPLU	Department of Planning and Land Use
DPR	Department of Parks & Recreation
DPW - ESU	Department of Public Works – Environmental Services Unit
GC	Government Code
HSC	Health and Safety Code
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
PC	Penal Code
PRC	Public Resource Code
RPO	County of San Diego Resource Protection Ordinance
RTC	Revenue and Tax Code
SB	Senate Bill
USC	United States Code

INTRODUCTION

This document provides guidance for evaluating adverse environmental effects that a proposed project may have on cultural resources. Cultural resources are the tangible or intangible remains or traces left by prehistoric or historical peoples who inhabited the San Diego region. Cultural resources can also include traditional cultural places, such as gathering areas, landmarks, and ethnographic locations. Criteria established in these Guidelines are based on the California Environmental Quality Act (CEQA), and the Federal, State, and Local Registers of Historical Resources. These Guidelines should be consulted during the evaluation of any cultural resource pursuant to CEQA.

Specifically, this document addresses the following questions listed in the State CEQA Guidelines, Appendix G, V. Cultural Resources:

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

d) Disturb any human remains, including those interred outside of formal cemeteries.

In order to determine the "significance" of a potential impact to cultural resources, the *importance* of the resource in question must be first be assessed, and then the *severity* of potential impacts to that resource must be measured. These are both addressed under existing regulations and policies as summarized in Section 2.0. Guidance for the assessment of importance is provided in Section 3.0, and guidance on the evaluation of the severity of impacts is provided in Section 4.0.

1.0 GENERAL PRINCIPLES AND EXISTING CONDITIONS

Cultural resources are found throughout the County of San Diego and are reminders of the County's 10,000 year old historical record. They are typically located in protected areas near water sources and multiple ecoregions. Landform does not always equate to the presence of cultural resources; however, landform does provide clues to the potential for resources. For example, gently sloping topography and bedrock outcropping in combination with a local water source and two or more ecoregions should be scrutinized more closely than steeply sloping topography for the presence of prehistoric sites. However, steep hillsides may contain historic sites such as mines, and prehistoric sites such as rock art, quarries, rock shelters, and caches.

Cultural resources encompass both the built (post-1769) and the archaeological environments as well as traditional cultural properties. They require an understanding of basic concepts before a determination of significance can be made. The following subsections provide a cultural background for San Diego County and the components of the cultural environment.

1.1 San Diego County Cultural Background

Archaeological evidence reveals that San Diego County has a long cultural history beginning approximately 10,000 years ago. The following cultural background discusses the characteristics of each cultural period of prehistory and history. The information that follows (subsections 1.1.1 and 1.1.2, and Table 1) is reproduced with the permission of the author, *Dennis Gallegos*[1].

1.1.1 Pre-Contact Background

The body of current research of Native American (Pre-Contact) occupation in San Diego County recognizes the existence of at least two major cultural traditions, discussed here as Early Period/Archaic and Late Period, based upon general economic trends and material culture (Table 1). Within San Diego County, the Early Period/Archaic includes the period from 10,000 to 1,300 years ago, while the Late Period is from 1,300 years ago to historic (Spanish) contact. The Post-contact/Historic Period covers the time from Spanish contact to present. Terminology used for the past 10,000 year history of San Diego County includes a mixture of ideas of ordering archaeological sites using terms for peoples, collections of artifacts, and temporal time frames. The first ordering was by Malcolm Rogers who used the terms: Shell-Midden people, Scraper-Maker culture (scraper-makers), and Yuman (Rogers 1929). He later revised his chronology to use the terms San Dieguito (Scraper-Maker), La Jolla culture (Shell-Midden people) and Yuman (Rogers 1945). Claude Warren characterized the San Dieguito Tradition as: "… a wide range of scraper types made on side-struck flakes and finished by well-controlled percussion flaking, leaf-shaped knives or large points of several varieties, leafshaped, lanceolate and slightly shouldered points in small number. Chipped stone crescents, often eccentric in form, hammerstones and flaked tools are few in number. Milling stones and manos are noticeably absent" (Warren 1968). Warren's revision to Rogers' La Jolla culture, was called the Encinitas Tradition wherein he identifies: "…the majority of flaked stone tools being percussion flaked and made from local macrocrystalline rock. A large percentage of the tool assemblage is composed of chopping, scraping and cutting tools and hammerstones. Projectile points are rare and

[1] Further readings pertinent to the Luiseño and Kumeyaay (Diegueño) Native Americans include: Almstedt (1974); Barrows (1900); Bean (1972); Bean and Saubel (1972); Bean and Shipek (1978); Burrus (1967); Cuero (1968); Drucker (1939); Dubois (1908); Gifford (1918); Harrington (1978); Hedges and Beresford (1986); Heizer and Almquist (1971); Heizer and Whipple (1957); Hooper (1920); Keneally (1965); Kroeber (1925); Langdon (1970); Merrill (1973); Pourade (1960); Priestley (1937); Rudkin (1956); Shipek (1977, 1980, 1986a, 1986b, 1987, 1988, 1989a, 1989b, 1991, 1993); Sparkman (1908); Spicer (1962); Spier (1923); Strong (1929); Tibesar (1955); Underhill (1941); White (1963); Wolcott (1929); and Woodward (1934).

rather large, suggesting the use of darts, rather than bow and arrow. Ground stone items include large numbers of manos and milling stones usually shaped through use, and occasional items such as doughnut stones, discs and cogstones…Bone tools are rare but include awls, antler flakers, beads…Shell items are also limited, but include beads, pendants…Basketry is represented…Loosely flexed burials are found throughout the area…" (Warren et al. 1968). Warren has more recently updated his chronology and for the San Dieguito Tradition (Initial Occupation) has since included milling tools and a wider range of tools and food sources, and now discusses the potential of Transitional and intermediate stages of occupation to cover the past 10,000 years of Native American occupation in San Diego County (Warren 1998). Early Man in San Diego County was discussed by George Carter in the 1950s; however little to no evidence of Pleistocene human occupation supports this hypothesis (Carter 1957).

Early Period/Archaic

The Early Period/Archaic includes the San Dieguito, La Jolla and Pauma complexes, which are poorly defined, as are the interrelationships between contemporaneous inland, desert, and coastal assemblages (Gallegos 1987). Initially believed to represent big game hunters, the San Dieguito people are better typified as a hunting and gathering society. These people had a relatively diverse and non-specialized economy wherein relatively mobile bands accessed and used a wide range of plant, animal, and lithic resources. Movement of early groups from the California desert may have been spurred by the gradual desiccation of the vast pluvial lake system that dominated inland basins and valleys during the early to middle Holocene. This hypothesis is supported by the similarity between Great Basin assemblages and those of Early Holocene Archaic sites in San Diego County. Several researchers recognized the regional similarity of artifacts and grouped these contemporaneous complexes under the nomenclature of either the Western Pluvial Lakes Tradition or the Western Lithic Co-tradition (Bedwell 1970; Davis et al. 1969; Moratto 1984; Rogers 1939; Warren 1967).

Early migrations into San Diego County may have come from the north. Recent work on the northern Channel Islands near Santa Barbara demonstrates island occupation dating back to the terminal Pleistocene, roughly 11,600 years ago (Erlandson et al. 1996; Johnson et al. 2000). At this early date, a fully maritime-adapted population exploited shellfish and used seaworthy boats to ply channel waters. Fish were captured using bone gorges by 10,000 years ago (Rick et al. 2001). Such early dates are lacking for the adjacent Santa Barbara mainland; presumably because the rise in sea level brought about by post-Pleistocene deglaciation would have inundated sites along the late Pleistocene/early Holocene coastlines. At this time in San Diego County, the shoreline stood two to six kilometers (km) farther seaward than today's coast (Masters and Gallegos 1997). Therefore, any evidence for early coastal adaptation coeval with that of the northern Channel Islands may have been destroyed within this two to six km paleo-shoreline area by sea encroachment thousands of years ago.

The origin of coastal populations in San Diego County and subsequent interaction between these populations and Great Basin/desert groups is a subject of some debate (Gallegos 1987). Whether they migrated into San Diego County from the coast or inland, the first occupants immediately exploited coastal and inland resources of plants, animals, shellfish, and fish (Gallegos 1991; Moriarty 1967; Kaldenberg 1982; Kyle et al. 1998).

The development of a generalized economic system indicates that the initial occupation, referred to here as San Dieguito can be placed within the general Archaic pattern. Archaic cultures occur within North America at slightly different times in different areas, but are generally correlated with local economic specialization growing out of the earlier Paleo-Indian Tradition (Willig et al. 1988). Archaic cultures are often represented by more diverse artifact assemblages and more complex regional variation than Paleo-Indian traditions. This is generally thought to have resulted from the gradual shift away from a herd-based hunting focus to a more diverse and area specific economy.

The earliest known sites are found near coastal lagoons and river valleys of San Diego County. These sites are the Harris Site (CA-SDI-149), Agua Hedionda sites (CA-SDI-210/UCLJ-M-15 and CA-SDI-10695), Rancho Park North (CA-SDI-4392/SDM-W-49), and Remington Hills (CA-SDI-11069), dating from 9,500 to 8,000 years ago. The northern San Diego County coastal lagoons supported large populations, circa 6,000 years ago, as shown by the numerous radiocarbon-dated sites adjacent to these lagoons. After 3,000 to roughly 1,500 years ago, there are fewer archaeological sites in northern San Diego County. This reduction in number of archaeological sites can be attributed to the slowing of the rise in sea level and concomitant siltation of coastal lagoons causing the depletion of shellfish and other lagoon resources (Gallegos 1985; Miller 1966; Warren and Pavesic 1963). Archaeological sites dated to circa 2,000 years ago are found in the Camp Pendleton area (Byrd and Reddy 2002), wherein shellfish (*Donax gouldii*) were collected from open-shore sandy beach habitat; and bay species were still abundant in San Diego Bay, and present but not as dominate in other lagoons. Batiquitos Lagoon and perhaps other lagoons reopened circa 1,500 years ago, therein producing shellfish, but not in the quantity, size or variety of shellfish as documented for the early to middle Holocene (Miller 1966, Gallegos 1985).

The La Jolla and Pauma complexes, which are referred to as following the San Dieguito Complex, may simply represent seasonal or geographic variations of the somewhat older and more general San Dieguito Complex. Inland Early/Archaic Period occupation sites have been reported in coastal settings, transverse valleys, sheltered canyons, benches and knolls (True 1958; Warren et al. 1961). In north San Diego County, non-coastal sites were termed “Pauma Complex” by True (1958, 1980), and were defined as containing a predominance of grinding implements (manos and metates), a general lack of shellfish remains, a greater tool variety, and express an emphasis on both gathering and hunting (True 1958, 1980; Warren et al. 1961; Waugh 1986).

Early Period/Archaic sites from 10,000 to 1,300 years ago within San Diego County include a range of sites that include coastal and inland valley habitation sites, inland hunting and milling camps, and quarry sites, usually in association with fine-grain metavolcanic material. Material culture assemblages during this long period are remarkably similar in many respects. These deposits may well represent a process of relative terrestrial economic stability and presumably slow cultural change. Though various culture traits developed or disappeared during the long span of 10,000 to 1,300 years ago, there is a clear pattern of cultural continuity during this period.

Late Period

During the Late Period (circa 1,300 to historic contact), a material culture pattern similar to that of historic Native Americans first becomes apparent in the archaeological record. The economic pattern during this period appears to be one of more intensive and efficient exploitation of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout San Diego County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase within the region. Artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semi-permanent seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast (Rogers 1966), an incursion called “the Shoshonean Wedge” (Kroeber 1925). Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors’ culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups within San Diego County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns. Archaeologists must rely heavily on ethnographic accounts of group boundaries as recorded during the historic period, although it is not known how long these boundaries had been in place or the validity of these boundaries as presently reported.

Kroeber (1925) placed the Kumeyaay and Luiseño boundary between Agua Hedionda and Batiquitos Lagoon. According to Luomala (1978) the territory of the Ipai extended along the coast from the San Luis Rey River in the north to San Diego Bay in the south with San Felipe Creek marking the eastern boundary. The territory of the Tipai, the southern group, extended south from San Diego Bay to include parts of Mexico and the southern mountains. Florence Shipek (1993) identified the northern and southern Kumeyaay/Diegueño tribal boundary as:

In 1769, the Kumeyaay national territory started at the coast about 100 miles south of the Mexican border (below Santo Tomas), thence north to the coast at the drainage divide south of the San Luis Rey River including its tributaries. Using the U.S. Geological Survey topographic maps, the boundary with the Luiseño then follows that divide inland. The boundary continues on the divide separating Valley Center from Escondido and then up along Bear Ridge to the 2240 contour line and then north across the divide between Valley Center and Woods Valley up to the 1880-foot peak, then curving around east along the divide above Woods Valley (Shipek 1993).

1.1.2 Historical Background

The history of San Diego County is commonly presented in terms of Spanish, Mexican, and American political domination. A discussion of historic land use and occupation under periods of political rule by people of European and Mexican origin is justified on the basis of characteristics associated with each period, when economic, political, and social activities were influenced by the prevailing laws and customs. Certain themes are common to all periods, such as the development of transportation, settlement, and agriculture. Robinson (1969) provides a comprehensive account of public and privately owned land in California, with a discussion of laws, activities and events related to the development of the state.

Spanish Period (1769-1821)
The Spanish Period represents exploration, the establishment of the San Diego Presidio and missions at San Diego (1769) and San Luis Rey (1798), and *asistencias* (chapels) to the San Diego Mission at Santa Ysabel (1818) and to the San Luis Rey Mission at Pala (1816). Horses, cattle, agricultural foods and weed seeds, and a new architectural style and method of building construction were also introduced. Spanish influence continued after 1821 when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

Mexican Period (1821-1848)
The Mexican Period includes the initial retention of Spanish laws and practices until shortly before secularization of the missions in 1834, a decade after the end of Spanish rule. Although several grants of land were made prior to 1834, vast tracts of land were dispersed through land grants offered after secularization. Cattle ranching prevailed over agricultural activities, and the development of the hide and tallow trade increased during the early part of this period. The Pueblo of San Diego was established and transportation routes were expanded. The Mexican Period ended in 1848 as a result of the Mexican-American War.

American Period (1848 to Present)
The American Period began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Terms of the treaty brought about the creation of the Lands Commission, in response to the Homestead Act of 1851 that was adopted as a means of validating and settling land ownership claims throughout the state. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims. Much of the land that once constituted rancho holdings became available for settlement by immigrants to California. The influx of people to California and the San Diego region resulted from several factors including the discovery of gold in the state, the conclusion of the Civil War, the availability of free land through passage of the Homestead Act, and later, the importance of San Diego County as an agricultural area supported by roads, irrigation systems, and connecting railways. The growth and decline of towns occurred in response to an increased population and the economic boom and bust cycle in the late 1800s.

1.1.3 Native American Perspective

In addition to the point of view discussed above, the County acknowledges that other perspectives exist to explain the presence of Native Americans in the region. The Native American perspective is that they have been here from the beginning as described by their creation stories. Similarly, they do not necessarily agree with the distinction that is made between different archaeological cultures or periods, such as "La Jolla" and "San Dieguito". They instead believe that there is a continuum of ancestry, from the first people to the present Native American populations of San Diego. To acknowledge this perspective, consultation with affected Native American communities can be beneficial to fully understand the impact to cultural resources. The consultation is typically administered pursuant to Senate Bill 18 (see Section 2.2).

2.0 EXISTING REGULATIONS AND POLICIES

In the County of San Diego, adverse impacts to cultural resources are primarily addressed through the California Environmental Quality Act (CEQA), the National Register of Historic Places, California Register of Historical Resources, San Diego County Local Register of Historical Resources, San Diego County Resource Protection Ordinance (RPO), and Conservation Element (Part X) of the San Diego County General Plan. These and other local regulations are summarized below. Additional federal and state regulations that govern the assessment and protection of cultural resources can be found in Attachment A.

2.1 Federal Regulations and Standards

National Register of Historic Places, 1981[2]

[http://ecfr.gpoaccess.gov]

The National Register is an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the National Register does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

2.2 State Regulations and Standards

Traditional Tribal Cultural Places, 2004[3]

[http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_18_bill_20040930_chaptered.pdf]

The Traditional Tribal Cultural Places Bill of 2004 requires local governments to consult with Native California groups at the earliest point in the local government land use planning process. The consultation intends to establish a meaningful dialogue regarding potential means to preserve Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance. It allows for tribes to hold conservation easements and for tribal cultural places to be included in open space planning.

California Environmental Quality Act (CEQA)[4]

[http://ceres.ca.gov/ceqa/]

The California Environmental Quality Act requires that cultural resources be considered when assessing the environmental impacts of proposed projects. Specifically applicable provisions of the State CEQA Guidelines are summarized in Section 3.0.

California Register of Historical Resources, 1993[5]

[http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5020-5029.5]

The California Register's purpose is to develop and maintain, "an authoritative guide to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register, are automatically included in the California Register.

Human Remains[6]

[http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=07001-08000&file=7050.5-7055]

HSC Section 7050.5 requires that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further

[2] 36 CFR 60
[3] SB 18, CC §815.3; GC §65040.2, §65092, §65351-52, §65560, §65352.3-52.5.
[4] PRC, § 21000 et. seq. and the State CEQA Guidelines, CCR, §15000 et seq.
[5] PRC §5024.1.
[6] HSC §7050.5.

excavation or disturbance of the site or any nearby area reasonably suspected to overlay adjacent remains until the County Coroner has examined the remains. If the Coroner determines the remains to be those of an American Indian, or has reason to believe that they are those of an American Indian, the Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission. In addition, any person who mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor.

2.3 Local Regulations and Standards

Resource Protection Ordinance[7]
[http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/res_prot_ord.pdf]
The majority of development in the County is subject to RPO. This ordinance requires that cultural resources be evaluated as part of the County's discretionary environmental review process and if any resources are determined significant under RPO, they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use that may result in damage to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Conservation Element (Part X) of the San Diego County General Plan
The Conservation Element of the San Diego County General Plan provides policies for the protection of natural resources. These policies provide guidance for the preservation of cultural resource.

Mills Act (San Diego County) – Historical Property Contracts, 2002[8]
[http://www.sdcounty.ca.gov/cob/ordinances/index_2002.html and
http://www.sdcounty.ca.gov/cob/ordinances/index_2004.html]
Ordinance 9425 amended by Ordinance 9628 provides for reduced property taxes on eligible historic properties, if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

San Diego County Local Register of Historical Resources, 2002[9]
[http://www.sdcounty.ca.gov/cob/ordinances/index_2002.html]
The San Diego County Local Register's purpose is to develop and maintain, "an authoritative guide to be used by state agencies, private groups, and citizens to identify the County's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, or objects, which are eligible to the National Register or California Register, are automatically included in the San Diego County Local Register.

[7] Ordinance 9842, County Administrative Code §86.601-86.608.
[8] Ordinance 9425 and 9628, County Administrative Code §88.6-88.19.
[9] Ordinance 9493, County Administrative Code §396.7.

San Diego County Historic Site Board, 2000[10]
[http://www.sdcounty.ca.gov/cob/ordinances/index_2000.html]
The function of the County of San Diego Historic Site Board (Advisory Body) is to provide decision makers with input regarding cultural resources (archaeological and historic). The Historic Site Board is responsible for reviewing resources seeking participation in the Mills Act and projects with significant cultural resources.

Zoning Ordinance[11]
[http://www.sdcounty.ca.gov/dplu/docs/z5000.pdf]
Sections 5700-5749 of the Zoning Ordinance provide the procedures for landmarking Historic/Archaeological resources with an "H" (Historic) Designator. The application of this designator to a property requires the owner to submit and receive approval by the Department of Planning and Land Use of a site plan for any changes to the exterior of a resource. In addition, it identifies the only situations in which a landmarked resource may be demolished or relocated.

The "J" Designator is reserved for the Julian Historic District. In addition to the requirements of the "H" Designator, "J" Designated properties are referred to the Julian Historic District Architectural Review Board for recommendation.

3.0 ASSESSING THE *IMPORTANCE* OF CULTURAL RESOURCES

3.1 Applicable Regulations

CEQA contains regulations regarding cultural resources as Historical Resources, Unique Archaeological Sites, and Human Remains. These provisions assist in assessing the importance of cultural resources. Section 15064.5 (a) of the State CEQA Guidelines provides a definition of "Historical Resources; Section 15064.5 (c) contains additional provisions regarding archaeological sites; and Section 15064.5 (d) & (e) contain additional provisions regarding human remains. Native American human remains are addressed in paragraph (d).

> **Historical Resources (§15064.5 (a))**
> (a) For purposes of this section, the term "historical resources" shall include the following:
> (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR. Section 4850 et seq.).
> (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically of culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
> (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social,

[10] Ordinance 9139, County Administrative Code §396.5.
[11] §§5700-5749: H Designator, J Designator.

political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resource Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.

Archaeological Sites (§15064.5 (c))

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archaeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

Human Remains (§15064.5 (d) & (e))

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirement of CEQA and the Coastal Act.

Other regulations must also be considered during the evaluation of cultural resources. Specifically, the County of San Diego's RPO protects significant cultural resources. The RPO defines "Significant Prehistoric or Historic Sites" as follows:

Resource Protection Ordinance (Section 2)

1. Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:

   (a) Formally determined eligible or listed in the National Register of Historic Places by the Keeper of the National Register[12]; or

   (b) To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or

2. One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and

3. Any location of past or current sacred religious or ceremonial observances which is either:

   (a) Protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures or,

   (b) Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

Determining what is an important cultural resource worth preserving is a subjective and interpretive process; therefore, it is useful to utilize a standard assessment approach to evaluate cultural resources. In order to evaluate cultural resources, a comprehensive assessment must be conducted, including measuring the resource against the above State CEQA Guidelines provisions and criteria established by the National Register of Historic Places, the California Register of Historical Resources, and the San Diego County Local Register of Historical Resources, and the Resource Protection Ordinance as well as assessing the integrity of the resource.

3.2 Application of Regulations for the Determination of Resource Importance for the County of San Diego

Determining resource importance is a two-step process. First, the cultural environment must be defined. Then the criteria for determining importance must be applied to the

[12] Note: The State Historic Resources Commission (SHRC) makes the determination of eligibility, which then goes to the Keeper who lists the resources on the register.

resource. The following subsections provide guidance on this process and detail the cultural environment and criteria that is typically used in evaluating resources.

3.2.1 Defining the Cultural Environment

San Diego County has more than 23,000 recorded sites as of September 2006 and this number continues to grow. The cultural environment consists of the remains of prehistoric and historic human behaviors. When cultural resources have been identified, the cultural environment has been defined and the baseline condition set. Cultural resources include archaeological and historic sites, structures, and objects, as well as traditional cultural properties. The following is a list of components that can make up the cultural environment.

Building
A building is a resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The Somers-Linden Farmstead (Victorian), the McRae/Albright Ranch House (Victorian), the Holmgren House (Moderne), and the County Administration Center (Spanish Colonial Revival) are examples of buildings in the County of San Diego.

Special consideration should be given to moved buildings, structures, or objects, cultural resources achieving significance within the past fifty (50) years, and reconstructed buildings. Context, time, and original form are integral to historic preservation. However, it is important to recognize resources outside of the required characteristics for the history that they embody.

<u>Moved buildings, structures, or objects</u> – The retention of historical resources on site should be encouraged and the non-historic grouping of historic buildings into parks or districts would be discouraged. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction, and is appropriate in some instances. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

<u>Cultural resources achieving significance within the past fifty (50) years</u> – In order to understand the historical importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered if it can be determined that sufficient time has passed to understand its historical importance.

<u>Reconstructed Buildings</u> – A reconstructed building less than fifty (50) years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices. An example of a reconstructed building is an American Indian sweat lodge.

Site
A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possessed historical, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed and traditional landscapes, battlefields (San Pasqual Battlefield), homestead sites, habitation sites (Village of Pamo), American Indian ceremonial areas (Gregory Mountain), petroglyphs, pictographs, and traditional cultural places.

Structure
The term "structure" is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, flumes, roads, bridges, dams, and tunnels.

Object
The term "object" is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or structure. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the Local Register. Examples of objects include fountains, monuments, maritime resources, sculptures, and boundary markers.

Landscapes and Traditional Cultural Properties
"Landscapes" vary in size from small gardens to national parks. In character, they range from designed to vernacular, rural to urban, and agricultural to industrial. A cultural landscape is a geographic area which, because of a unique and integral relationship between the natural and cultural environments, has been used by people; shaped or modified by human activity, occupation or invention; or is infused with significant value in the belief system of a culture or society. Estate gardens, cemeteries, farms, quarries, mills, nuclear test sites, suburbs, and abandoned settlements, and prehistoric complexes, all may be considered under the broad category of cultural landscapes. Landscapes provide a distinct sense of time and place. Traditional cultural landscapes (Traditional Cultural Properties) can also consist of related archaeological and ethnographic features and places (see below for definition of a prehistoric district).

Prehistoric and Historic Districts
Districts are united geographic entities that contain a concentration of historic buildings, structures, objects, and/or sites united historically, culturally, or architecturally. Districts are defined by precise geographic boundaries; therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. Camp Lockett in Campo is an example of a historic district. The Village of Pamo is an

example of a prehistoric Indian rancheria that represents a traditional cultural landscape that could be a district, consisting of the places used and inhabited by a traditional culture. A traditional cultural landscape defined as a district could include a village site, related milling features, stone quarries and lithic tool process areas, ceremonial locations and landmarks, and temporary or seasonal camps. Together, these represent a traditional cultural landscape.

3.2.2 Criteria for the Determination of Resource Importance

A number of criteria are used in identifying significant historic/archaeological resources and are based upon the criteria for inclusion in the San Diego County Local Register. Significance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or quality illustrating or interpreting the heritage of San Diego County in history, architecture, archaeology, engineering, and culture.

The San Diego County Local Register was modeled after the California Register. As such, a cultural resource is determined significant if the resource is listed in, or determined to be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or the San Diego County Local Register of Historical Resources. Any resource that is significant at the National or State level is by definition significant at the local level.

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources; or is not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or is not identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that a resource may be historical as defined in Public Resources Code section 5020.1(j) or 5024.1.

The following criteria must be considered when evaluating a resource's importance. The first four criteria were derived from the significance criteria found in the California Environmental Quality Act and the San Diego County Local Register of Historical Resources (Ordinance No.9493; San Diego County Administrative Code §396.7). The San Diego County Local Register is similar to both the National Register and California Register but is different in that significance is evaluated at the local level.

1. Resources associated with events that have made a significant contribution to the broad patterns of California or San Diego County's history and cultural heritage. Examples include resources associated with the Battle of San Pasqual (Mexican-American War, 1846) or gold mining in the Julian area (1870s), or a Kumeyaay settlement in the Cuyamaca Valley. Each of these resources would be considered significant because it is associated with an event that has made a significant contribution to the broad patterns of San Diego County's history and cultural heritage.

2. Resources associated with the lives of persons important to our past, including the history of San Diego County or its communities. Resources that are associated with the life of George W. Marston (Benefactor/Merchant/Civic Leader), Kate Sessions (Horticulturalist), John D. Spreckels (Investor/Developer), Ellen Browning Scripps (Philanthropist), Ah Quin (Chinese Merchant/Labor Contractor), Manuel O. Medina (Pioneer of the Tuna Industry), Jose Manuel Polton (Hatam [Kumeyaay Captain of the Florida Canyon Village]), or Jose Pedro Panto (Kumeyaay Captain of the San Pasqual Pueblo) illustrates this criteria because this list identifies examples of individuals that are important to the history of San Diego County or its communities.

3. Resources that embody the distinctive characteristics of a type, period, region (San Diego County), or method of construction, or represents the work of an important creative individual, or possesses high artistic values. Resources representing the work of William Templeton Johnson (Architect – Balboa Park, Serra Museum), Irving Gill (Architect – Bishop's School), Lilian Rice (Rancho Santa Fe), or Hazel Waterman (Designer – Estudillo Adobe Restoration) would be considered significant because they represent the work of an important creative individual; or if a resource is identified as a Queen Anne, Mission Revival, Craftsman, Spanish Colonial, or Western Ranch Style structure, it would be significant because it embodies the distinctive characteristics of a type or period.

4. Resources that have yielded or may be likely to yield, information important in prehistory or history. Most archaeological resources contain information; however the amount of information varies from resource to resource. For example, a small lithic scatter will contain information, but it will be on a much more limited basis than that of a village or camp site. The information may be captured during initial recordation and testing of the site or may require a full data recovery program or additional treatment/mitigation. **Any site that yields information or has the potential to yield information is considered a significant site.** Most resources will be considered significant because they contain some information that contributes to our knowledge of history or prehistory. The criteria used to evaluate a single resource is the same criteria used to evaluate cumulative impacts to multiple resources outside the boundary of a project.

5. Although districts typically will fall into one of the above four categories, because they are not specifically identified, the following criterion is included which was obtained from the National Register:

   Districts are significant resources if they are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture. A traditional cultural landscape is an example of

a prehistoric district because individual sites must be considered within the broader context of their association with one another.

6. Resource Protection Ordinance. Cultural resources must be evaluated for both the California Environmental Quality Act as outlined in criteria 1-4 above and the Resource Protection Ordinance pursuant to Section 2 of the ordinance. Under the Resource Protection Ordinance, cultural resources are considered “RPO” significant if they meet the definition of a RPO "Significant Prehistoric or Historic Site", as set forth in Section 3.1 above.

7. Human remains are considered “highly sensitive” by the County. As such, human remains require special consideration and treatment. Regulations require that if human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains. This criterion was included pursuant to the California Environmental Quality Act (§15064.5) and California State Code (PRC5097.98 and HSC7050.5). As such, a resource shall be considered significant if it contains any human remains interred outside of a formal cemetery. Mitigation measures will be developed on a case by case basis by the County archaeologist and the archaeological consultant. In addition, it is of the utmost importance to tribes that human remains be avoided whenever feasible.

8. Integrity is the authenticity of a resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. The evaluation of integrity is somewhat of a subjective judgment, but it must always be grounded in an understanding of a property’s physical features and how they relate to its historical associations or attributes and context. Resources must retain enough of their historical character or appearance to be recognizable as historical resources and to convey the reasons for their significance. An evaluation of integrity is an essential part of determining significance for historical resources such as building, structures, and districts.

   Integrity is evaluated through the assessment of a cultural resource’s attributes, and may include location, design, setting, materials, workmanship, feeling, and association. It must be judged with reference to the particular criteria under which a resource is proposed for eligibility (structural, architectural, artistic, historic location, archaeological site, historic district). Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

   <u>Attributes</u> - Attributes are those distinctive features that characterize a resource. They should be evaluated and compared to other properties of its type, period, or method of construction.

Location - Location is the place where the property was constructed or the place where the historical event occurred. The actual location of an historical property, complemented by its setting, is particularly important in recapturing the sense of historical events and persons.

Design - Design is the combination of elements that create the historical form, plan, space, structure, and style of a property. This includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials. Design can also apply to districts and to the historical way in which the buildings, sites, or structures are related. Examples include spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archaeological sites.

Setting - Setting is the physical environment of an historical property. It refers to the historical character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its historical relationship to surrounding features and open space. The physical features that constitute the historical setting of an historical property can be either natural or manmade and include such elements as topographical features, vegetation, simple manmade paths or fences and the relationships between buildings and other features or open spaces.

Materials - Materials are the physical elements that were present during the development period and are still present or, if materials have been replaced, the replacement(s) must have been based on the original. The property must be an actual historical resource, not a re-creation. For example, a Victorian style wood-frame dwelling that has been covered with reconstructed stucco has lost its integrity of materials. Conversely, an adobe wall that has been reconstructed with similar adobe mud, as opposed to adobe-simulate concrete, would retain its integrity of materials.

Workmanship - Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history. It is the evidence of the artisans' labor and skill in constructing or altering a building, structure, object, or site. It may be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in precontact contexts include pottery, stone tools, basketry, rock art, bedrock milling, and stone structures.

To assess integrity one must:

- Define essential physical features that must be present to a high degree for a property to represent its significance;

- Determine whether the essential physical features are apparent enough to convey the property's significance; and

- Compare the property with similar properties in the locally significant theme.

A property that is significant for its historical association should retain the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site where there are no material cultural remains, such as a battlefield, the setting must be intact. If the historical building associated with the event, pattern, or person no longer exists, the property has lost its historical integrity.

A property important for illustrating a particular architectural style or construction technique must retain the physical features that constitute that style or technique. A property that has lost some historical materials or details can be considered if it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. A property should not be considered if it retains some basic features conveying massing, but has lost the majority of the features that once characterized its style. Normally changes to a structure that are reversible will not affect integrity because they will be less than significant.

Properties being considered for the first five criteria above must not only retain the essential physical features, but the features must be visible enough to convey their significance and historical identity. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archaeological properties are the exception to this – by nature they may not require visible features to convey their significance.

Unless a resource is determined to be "not significant" based on the above criteria, it will be considered a significant resource. If it is agreed to forego significance testing on cultural sites, the sites will be treated as significant resources and must be preserved through project design. In addition, a treatment plan must be prepared that will include preservation of cultural resources.

4.0 DETERMINING THE *SEVERITY OF IMPACTS* TO CULTURAL RESOURCES

4.1 Typical Adverse Effects

Significant cultural resources are non-renewable; therefore, cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. Regionally, the loss of cultural resources results in the loss of our identity and our connection with the past. More specifically, these losses include the demolition, destruction, relocation, or the material alteration of a cultural resource or its immediate surroundings such that the significance of a cultural resource would be materially impaired. Typical impacts to cultural resources include:

- The non-scientific surface collection or subsurface excavation of an archaeological site (e.g. pot hunting).
- The destruction of cultural resources through project development (e.g. grading, clearing, demolition, trenching, road and utility construction, staging areas).
- The destruction of cultural resources through off-site improvements (e.g. road construction, utilities expansion, staging areas) associated with project development.
- An increase in development intensity which adversely affects cultural sites or landscapes (e.g. placement of a subdivision within a vacant parcel adjacent to/or surrounding a cultural resource where behavior patterns occur beyond the boundaries of a site).
- The introduction of visual, audible, or atmospheric effects that are out of character with the cultural resource or alter its setting when the setting contributes to the resources' significance (e.g. the construction of a large-scale building, structure, or object that has the potential to cast shadows patterns on a historic structure, intrude into its viewshed, generate substantial noise, or substantially increase air pollution or wind patterns).
- Damage to cultural resources or landscapes by human encroachment resulting in vandalism or site destruction (e.g. graffiti).
- Development within a designated buffer zone of an archaeological site.
- The relocation of a historic structure such that its significance is reduced to a level whereby the resource no longer is considered significant.
- Modifications (e.g. remodeling, alteration, addition, demolition) to a historic resource that is not in conformance with the Secretary of Interior Standards (See Attachment A).
- A change in use that is not compatible with the authenticity of a resource (e.g. the use of a historic house as a dollar retail store).
- Development that changes the significance of a historic structure or the surrounding historic landscape .
- Deterioration of a resource by neglect.

Two types (direct, indirect) of typical adverse effects occur in relation to cultural resources. Direct impacts are caused by and are immediately related to a project. Indirect impacts are not immediately related to the project, but they are caused indirectly

by a project. An indirect impact is to be considered only if it is a reasonably foreseeable impact that may be caused by the project. An example of an indirect impact would be the placement of trails in open space which has the potential to impact cultural resources indirectly through the surface collection of artifacts by hikers.

4.2 Guidelines for Determining Impact Significance

Section 15064.5(b) of the State CEQA Guidelines identifies an adverse environmental impact to historical resources as:

> **Substantial Adverse Environmental Impact**
> (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.
> (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
>
> (2) The significance of an historical resource is materially impaired when a project:
> (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
> (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
> (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

As discussed in these Guidelines, any of the following will be considered a potentially significant environmental impact to cultural resources:

1. ***The project causes a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant in a manner not consistent with the Secretary of Interior Standards.***

2. ***The project causes a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological***

site that contains or has the potential to contain information important to history or prehistory.

3. ***The project disturbs any human remains, including those interred outside of formal cemeteries.***

4. ***The project proposes activities or uses damaging to significant cultural resources as defined by the Resource Protection Ordinance and fails to preserve those resources.***

The Guidelines listed above have been selected for the following reasons:

Guidelines 1 and 2 are derived directly from CEQA. Sections 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines recommend evaluating historical and archaeological resources to determine whether or not a proposed action would have a significant effect on unique historical or archaeological resources. Guideline 3 is included because human remains must be treated with dignity and respect and CEQA requires consultation with the "Most Likely Descendant" as identified by the Native American Heritage Commission (NAHC) for any project in which human remains have been identified.

Guideline 4 was selected because the Resource Protection Ordinance requires that cultural resources be considered when assessing environmental impacts. Any project that would have an adverse impact (direct, indirect, and cumulative) on significant cultural resources as defined by this Guideline would be considered a significant impact. The only exemption is scientific investigation.

All discretionary projects are required to be in conformance with applicable County standards related to cultural resources, including the noted RPO criteria on prehistoric and historic sites, as well as requirements listed in the Zoning Ordinance, General Plan, and the Grading, Clearing and Watercourses Ordinance (§87.429). Non-compliance would result in a project that is inconsistent with County standards

5.0 STANDARD MITIGATION AND DESIGN CONSIDERATIONS

Cultural resource mitigation measures and design considerations used in the planning and land use approval process depend on the specifics of a project under consideration. The primary goal of cultural resource mitigation and design considerations is the avoidance, preservation, data recovery, and curation of significant cultural resources, thereby preserving what would otherwise be destroyed and lost due to construction and development activities.

The ideal treatment for cultural resources is avoidance of impacts. Avoidance measures can be incorporated into project design. If it can be demonstrated that a project will cause damage to a significant cultural resource, reasonable efforts must be

made to mitigate the impact to a level below significant. Mitigation measures identified by CEQA (§21083.2) and the State CEQA Guidelines (§15064.5) include the following:

§21083.2:

Mitigation
(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
(1) Planning construction to avoid cultural resources.
(2) Deeding cultural resources into permanent conservation easements.
(3) Capping or covering cultural resources with a layer of soil before building on the sites.
(4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
(e) Excavation as mitigation shall be restricted to those parts of the unique cultural resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines the testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

Note: This mitigation would not be appropriate for RPO significant sites. Sites determined RPO significant must be placed in open space.

§15064.5

Mitigation
(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.
(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.
(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.
(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

Accidental Discovery of Human Remains
(f) In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(g) If the coroner determines the remains to be Native American:
1. The coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
3. The most likely descendent may make recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
(B) The descendent identified fails to make a recommendation; or
(C) The landowner or his authorized representative reject the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Accidental Discovery of Historical or Unique Archaeological Resources
(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue in other parts of the building site while historical or unique archaeological resource mitigation takes place.

Mitigation measures are required when a significant cultural resource or the potential for a cultural resource to be present is identified. Any cultural resource that is determined to be RPO significant can only be mitigated as noted above, through site preservation. Mitigation is based upon the importance of a resource. Table 2 lists typical measures used to mitigate impacts to cultural sites.

Table 2
Typical Mitigation Measures/Conditions

Resource Type	Typical Measures Applied to Reduce Impacts to Below Significant
Archaeological Resources	Avoidance
	Archaeological Open Space Easement
	Data Recovery
	Temporary Fencing
	Site Capping
	Staging Area Limitation for Construction Activities
	Curation of Archaeological Collections[13]
	Cultural Impact Fee
	Grading Monitoring (incl Native American Monitor)
	Excavation Agreement between developer and tribe(s)
	Public Displays/Media
Built Environment	Avoidance
	Historic Conservation Easement
	Historic Landscape Screening Plan
	Use, Maintenance, and Repair Easement
	Setback Easement for Lots Adjacent to a Historic Structure
	Historic Landscape Tree Preservation
	Historic Structure Rehabilitation Program
	Regulations of Uses in a Historic Structure
	Curation of Historic Collections[2]
	Staging Area Limitation for Construction Activities
	Grading Monitoring
	Landmarking
	Public Displays/Media
	HABS/HAER Documentation

[13] State guidance is provided by CEQA Guidelines §15126.4.

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Table 1
Terminology for Culture History in the San Diego Area

Gallegos 2002

Geologic Time	Period	Years Before Present	Other Names	Diagnostic Cultural Material
Late Holocene	Late Period	Present 1300	Historic/Contact Precontact/Yuman Kumeyaay/Luiseno Cuyamaca Complex San Luis Rey I, II	Bow-and-arrow, small triangular and side-notched points, cremations, fish hooks, ceramics, Obsidian Butte obsidian
Middle Holocene	Early Period (Archaic)	2,000 3,000 4,000 5,000 6,000		Stone bowls, triangular points, fishing gorges, burials Dart and atlatl, cogged stones, plummet stones, leaf-shaped points/knives, corner-notched and stemmed points, Coso Obsidian, burials
Early Holocene		7,000 8,000 9,000 10,000	Pauma Complex Encinitas Tradition La Jolla Complex San Dieguito Tradition/ Complex	Spear, crescents, lanceolate and leaf-shaped points, leaf shaped knives, Casa Diablo and Coso Obsidian, burials

[Attachment A]

REGULATIONS AND STANDARDS

Federal Regulations and Standards

American Antiquities Act of 1906 [16 USC §431-433; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1_20_LXI.html]
The Federal Antiquities Act of 1906 states that the government, acting for the people, should protect archaeological and historical sites and any object of antiquity, and preserve them for public availability. It forbids the disturbance of objects of antiquity on federal lands without a permit issued by the responsible agency. This Act established criminal sanctions for the unauthorized use or destruction of antiquities.

Historic Sites, Buildings, Objects, and Antiquities Act of 1935 [16 USC §461-467; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1A_20_I.html]
The Historic Sites Act of 1935 states that it is the national policy to preserve for the public use historic sites, properties, buildings, and objects of national significance. It gives the National Park Services (NPS) (through the Secretary of the Interior) broad powers to execute this policy, including criminal sanctions, on both federal and non-federal lands. This Act also set up an advisory board to aid the Secretary of the Interior in implementing this Act.

Reservoir Salvage Act of 1960 [16 USC §469-469c; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469----000-.html]
The Reservoir Act of 1960 requires the Secretary of the Interior to institute an archaeological salvage program in connection with federally funded reservoir programs requiring the responsible agencies to comply with this program.

Department of Transportation Act of 1966 [49 USC §303; http://www4.law.cornell.edu/uscode/html/uscode49/usc_sec_49_00000303----000-.html]
The Department of Transportation Act of 1966 requires the Secretary of Transportation to cooperate and consult with the Secretaries of Interior, Housing and Urban Development, and Agriculture, and with the States, in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of lands crossed by transportation activities or facilities. The Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife refuge of National, State, or local significance, or land of an historic site of National, State, or local significance only if (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

National Historic Preservation Act (NHPA) of 1966 [16 USC §470 et seq.; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000470----000-.html]
Section 106 of the National Historic Preservation Act establishes a consultation process which is intended to provide for historic preservation concerns with the needs of Federal endeavors. The Section 106 process only applies to projects involving Federal land, funds or permits. It requires a Federal Agency with jurisdiction over a Federal, federally assisted, or federally licensed endeavor to take into account the effects of the agency's endeavor on properties included in or eligible for the National Register. The process requires that prior to approval of an endeavor, the Advisory Council on Historic Preservation be provided a reasonable opportunity to comment on the project. Consulting parties are the primary participants in this process and may include Federal Agencies, the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation and other interested persons (local governments, applicants, Native American individuals and groups, and the general public). This process requires that Federal Agencies to the maximum extent possible undertake planning actions as may be necessary to minimize harm to any National Historic Landmark that may be directly or adversely impacted by an endeavor.

National Environmental Policy Act (NEPA) of 1969 [42 USC §4321; http://www4.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_55.html]
The National Environmental Policy Act of 1969 requires that cultural resources be considered in assessing the environmental impact of proposed federal projects.

Archaeological and Historical Preservation Act of 1974 [16 USC §469-469c; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469----000-.html]
The Archaeological and Historical Preservation Act of 1974 amends the Reservoir Salvage Act of 1960 to include all federal programs, which may impact cultural resources. It authorizes expenditure of program funds for salvage projects, and requires the Secretary of the Interior to report annually to Congress on the effectiveness of the program.

Federal Land Policy and Management Act of 1976 [43 USC §35; http://www4.law.cornell.edu/uscode/html/uscode43/usc_sup_01_43_10_35.html]
The Federal Land Policy and Management Act of 1976 directs the Bureau of Land Management (BLM) to manage lands on the basis of multiple use in a manner that will protect the quality of scientific, historical, and archaeological values. It provides guidelines for the acquisition and management of these resources.

American Indian Religious Freedom Act of 1978 [42 USC §1996 and §1996a; http://www4.law.cornell.edu/uscode/html/uscode42/usc_sup_01_42_10_21_20_I.html]
The American Religious Freedom Act of 1978 states that it is the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian including access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

Archaeological Resources Protection Act of 1979 [16 USC §470aa-mm; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_1B.html]
The Archaeological Resources Protection Act of 1979 prohibits the unauthorized excavation, removal, or damage of archaeological resources on federal and Indian lands, and provides penalties for violators.

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)
[25 USC §3001-3013; http://www4.law.cornell.edu/uscode/html/uscode25/usc_sup_01_25_10_32.html]
The Native American Graves Protection and Repatriation Act of 1990 conveys to American Indians, of demonstrated lineal descendence, human remains and funerary or religious items that are held by federal agencies and federally-supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains, "whether or not they derive from federal or Indian lands, illegal."

Intermodal Surface Transportation Efficiency Act of 1991 [23 USC §101, 109; http://www4.law.cornell.edu/uscode/html/uscode23/usc_sup_01_23_10_1_20_I.html]
The Intermodal Surface Transportation Efficiency Act of 1991 allows the Secretary of Transportation to approve a project for the National Highway System if the project is designed to (1) allow for the preservation of environmental, scenic, or historic values; and (2) ensure safe use of the facility.

American Battlefield Protection Act of 1996 [16 USC 469k; http://www4.law.cornell.edu/uscode/html/uscode16/usc_sec_16_00000469---k000-.html]
The purpose of the American Battlefield Protection Act of 1996 is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

National Historic Landmarks Program, 1982 [36 CFR 65; http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr65_main_02.tpl]
The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks, and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. These regulations set forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

Protection of Historic Properties, 1986 [36 CFR 800; http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl]
Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

Protection of Archaeological Resources, 1996 [43 CFR 7; http://ecfr.gpoaccess.gov/cgi]
These regulations implement provisions of the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm) by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996), through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

Executive Order 11593 of May 13, 1971 – Protection and Enhancement of the Cultural Environment; Richard M. Nixon [36 FR 8921; http://archnet.asu.edu/Topical/CRM/USdocs/execord.htm]
Executive Order 11593 states that the federal government shall provide leadership in preserving, restoring, and maintaining the historic and cultural environment. It specifies that all federal agencies shall institute inventories for historic and archaeological sites, and shall provide for their protection as specified by the Historic Preservation Act of 1966.

Executive Order 12072 of August 16, 1978– Federal Space Management; Jimmy Carter [43 FR 36869; http://www.archives.gov/federal-register/codification/executive-order/12072.html?template=print]
Executive Order 12072 requires the consideration of cultural resources of all kinds in the context of urban centers. This order directs agencies to give priority to siting their activities in central business areas (CBAs). It requires that both the positive and negative cultural effects be considered.

Executive Order 13006 of May 21, 1996 - Locating Federal Facilities on Historic Properties in Our Nation's Central Cities; William J. Clinton [61 FR 26071; http://www.cr.nps.gov/local-law/eo13006.htm]
Executive Order 13006 requires agencies to give priority consideration to using historic buildings in historic districts in central business areas (CBAs).

Executive Order 13007 of May 24, 1996 - Indian Sacred Sites; William J. Clinton [61 FR 26771; http://www.cr.nps.gov/local-law/eo13007.htm]
Executive Order 13007 requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands to accommodate access to, and ceremonial use of Indian Sacred Sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such places.

Executive Order 13175 of November 6, 2000 - Government to Government Consultation; William J. Clinton [65 FR 67249; http://www.epa.gov/fedrgstr/eo/eo13175.htm]
Executive Order 13175 requires Government to Government (Federal to Indian Tribes) consultation when policies are formulated and undertaken that will have tribal implications. The consultation is to include whether to establish Federal standards or any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 1983 [48 FR 44716; http://www.cr.nps.gov/local-law/arch_stnds_0.htm]
Preservation planning is a process that organizes preservation activities (identification, evaluation, registration and treatment of historic properties) in a logical sequence. The purpose of the Standards are (1) to organize the information gathered about preservation activities; (2) to describe results to be achieved by Federal agencies, States, and others when planning for the identification, evaluation, registration and treatment of historic properties; and (3) to integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve our nation's culture heritage. Local governments wishing to establish a comprehensive approach to the identification, evaluation, registration and treatment of historic properties within their jurisdictions should use these standards and guidelines.

The Secretary of Interior's Standards for Rehabilitation, 1986 [36 CFR 67; http://www2.cr.nps.gov/tps/tax/rehabstandards.htm]
The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995 [36 CFR 68; http://www.cr.nps.gov/hps/tps/standguide/overview/using_standguide.htm]
The Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

State Regulations and Standards

California Native American Graves Protection and Repatriation Act of 2001
[AB 978, HSC §8010-8030; http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20]
The California Native American Graves Protection and Repatriation Act of 2001 conveys to American Indians, of demonstrated lineal descendence, human remains and funerary items that are held by state agencies and museums.

Guidelines for the Curation of Archaeological Collections, 1993
[http://ohp.parks.ca.gov/pages/1054/files/guide93.pdf]
These guidelines pertain to collections that are excavated or removed from prehistoric or archaeological sites on non-federal public and private land in the State of California in connection with a local governmental agency permit or application for approval. Data generated during the study, excavation, and creation of the collection are considered part of the collection. Archaeological collections and their associated records that are created by compliance with state environmental laws, regulations, and guidelines must be housed at qualified repositories that have the capability to ensure adequate permanent storage, security, and ready access to qualified users.

Historical Resources [PRC §5020-5029; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5020-5029.5]
PRC Section 5020-5029 details the duties of the State Historic Preservation Officer and the State Historical Resources Commission. Two categories (Registered Historical Landmark; Registered Point of Historical Interest) of designation are identified and sign requirements for each are detailed. In addition, State Agencies are to formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction listed in or potentially eligible for inclusion in the National Register of Historic Places or registered or eligible for registration as a state historical landmark. Furthermore, details on the listing to the California Register of Historical Resources is discussed to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

State Landmarks [PRC §5031-5033; http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20]
PRC Section 5031-5033 outlines the characteristics of a "Qualified Historical Property". Qualified properties include (1) individual sites having structures; (2) facades or portions of entire sites; and (3) historic districts if they are (A) the first, last, only, or most significant historical property of its type in the region; or (B) associated with an individual or group having a profound influence on the history of California; or (C) a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; (D) a property which is listed on the National Register; or (E) a property which is listed on a city or county register or inventory of historical or architecturally significant sites, places or landmarks, provided, that such property satisfies any of the requirements of A, B, or C above. "Qualified historical property" does not include individual sites without structures. A commercial operation in itself does not necessarily disqualify a landmark's registration. However, should a commercial enterprise by its physical development plans, or its proximity, impact, excessive use, or management philosophy so dilute or erode the significance of or quality of the landmark's integrity, then an adverse effect shall have occurred and its registration may be withdrawn.

California Heritage Fund [PRC §5079-5079.65; http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20]
PRC Section 5079-5079.65 outlines the appropriate uses of the California Heritage Fund. The fund shall be available, upon appropriation by the Legislature, to implement laws providing for historical resource preservation, including, but not limited to, Section 5028 and Executive Order W-26-92, under criteria developed by the Office of Historic Preservation and adopted by the State Historical Resources Commission.

Archaeological, Paleontological and Historical Sites [PRC §5097-5097.6; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5097-5097.6]
PRC Section 5097-5097.6 outlines the requirements for cultural resource analysis prior to the commencement of any construction project on State Lands. The State Agency proposing the project may conduct the cultural resource analysis or they may contract with the State Department of Parks and Recreation. In addition, this section identifies that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. Amended in 1987 to require consultation with the California Native American Heritage Commission whenever American Indian Graves are found. Violations for the taking or possessing remains or artifacts are felonies.

Native American Heritage [PRC §5097.9-5097.991; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=05001-06000&file=5097.9-5097.991]
PRC Section 5097.9-5097.991 identifies that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1,1977, shall in any manner whatsoever interfere with the free expression or exercise of American Indian religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any American Indian sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. In addition this section details the composition and responsibilities of the Native American Heritage Commission.

California Main Street Program [GC §15399-15399.8; http://www.commerce.ca.gov/state/ttca/ttca_htmldisplay.jsp?path=Business+%26+Community+Resources&childPath=null&sFilePath=/ttca/detail/D_BCR_RHTML_MainStreet.html&sTableName=TTCA_NAV]
GC Section 15399-15399.8 establishes the California Main Street Program to provide technical assistance and training for small cities' government, business organizations, and merchants and property owners to accomplish community and economic revitalization and development of older central business districts and neighborhoods. The techniques developed by the National Trust of Historic Preservation's Main Street Center are to be used to stimulate business reinvestment, restore building facades, retain existing small businesses, strengthen the local tax base, create employment opportunities, promote new businesses in downtown areas, and help to create a renewed sense of community pride.

Local Government [GC §25373 & §27288.2; http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=gov&codebody=&hits=20]
GC Section 25373 gives authority to local Governments (Board of Supervisors) to acquire property for the preservation or development of a historical landmark. In addition, local Governments (Board of Supervisors) may by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value.

GC Section 27288.2 requires the county recorder to record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

Mills Act – Historical Property Contracts [GC §50280-50290; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=50001-51000&file=50280-50290]
GC Section 50280-50290 grants local governments the authority to directly implement an historic preservation program. This legislation provides for reduced property taxes on eligible historic properties if the owner agrees to maintain and preserve the property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community.

Hazardous Buildings [HSC §17922.2; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=17001-18000&file=17920-17927]
HSC Section 17922.2 requires that potentially hazardous buildings be strengthened according to subdivision (b) of Section 8875.2 of the Government Code, and shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions. Local conditions are limited to those conditions that affect the implementation of seismic strengthening standards on the following: (1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)); and (2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

State Historic Building Code [HSC §18950-18961; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=18001-19000&file=18950-18961]
HSC Section 18950-18961 provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

Conservation Easements [CC §815-816; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=815-816]
CC Section 815-816 outlines what a conservation easement is and who may acquire and hold the conservation easement. Public policy encourages the voluntary conveyance of conservation easements to qualified nonprofit organizations whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use or to the state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed.

Historic Property Restriction [RTC §439-439.4; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=00001-01000&file=439-439.4]
RTC Section 439-439.4 outlines the method that the County Tax Assessor shall use when valuing historical properties that have entered into a Mills Act Contract. In addition, the method of valuation of a property during the non-renewal process is also identified.

Destruction of Historical Properties [Title 14, Part 1; PC §622 ½; http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=594-625c]
The California Penal Code provides that any person, not the owner thereof, who willingly destroys or injures objects of archaeological or historical value, whether on public or private land, is guilty of a misdemeanor.