

2.1.7 Cultural Resources

This section evaluates potential impacts to cultural resources that could result from operation of the Tier I Corridor Alternatives and Tier II Auxiliary Lane Alternative. Impacts to cultural resources that could occur during project construction are discussed in Section 2.4, and cumulative impacts are discussed in Section 2.5.

Regulatory Setting

“Cultural resources,” as used in this document, refers to all “built environment” resources (e.g., structures, bridges, railroads, water conveyance systems.), culturally important resources, and archaeological resources (both prehistoric and historic), regardless of significance. Laws and regulations dealing with cultural resources include:

- The National Historic Preservation Act of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 *Code of Federal Regulations* 800). On January 1, 2014, the First Amended Section 106 Programmatic Agreement between the Advisory Council, the Federal Highway Administration, the State Historic Preservation Officer, and Caltrans went into effect for Caltrans projects, both state and local, with Federal Highway Administration involvement. The 2014 Section 106 Programmatic Agreement supersedes the 2004 Programmatic Agreement for Section 106 among the Federal Highway Administration, the State Historic Preservation Officer, the Advisory Council, and Caltrans. The Programmatic Agreement implements the Advisory Council’s regulations, 36 *Code of Federal Regulations* 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. FHWA’s responsibilities under the Programmatic Agreement have been assigned to Caltrans as part of the Surface Transportation Project Delivery Program (23 United States Code 327).
- The Archaeological Resources Protection Act applies when a project may involve archaeological resources located on federal or tribal land. The Archaeological Resources Protection Act requires that a permit be obtained before excavation of an archaeological resource on such land can take place.

Historical resources are considered under the California Environmental Quality Act, as well as California Public Resources Code Section 5024.1, which established the California

Register of Historical Resources. Public Resources Code Section 5024 requires state agencies to identify and protect state-owned resources that meet National Register of Historic Places listing criteria. It further specifically requires Caltrans to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

Affected Environment

The information in this section is derived from the proposed project's *Historic Properties Survey Report* (2010), which includes an *Archaeological Survey Report* (2010), and an *Historical Resources Evaluation Report* (2010).

Two study areas, or Areas of Potential Effects, for the proposed project were defined, one for archaeology and one for architecture and history. The archaeological Area of Potential Effects generally follows the existing right-of-way, marked by fencing along Route 1, and proposed right-of-way extending into adjacent private property in several locations. The archaeological Area of Potential Effects reflects potential direct effects of the proposed project alternatives including soundwalls, retaining wall foundations, bridge improvements, interchange improvements, and pedestrian/bicycle overcrossings, as well as construction staging areas. The architectural Area of Potential Effects encompasses the archaeological Area of Potential Effects and generally extends one parcel back from the proposed right-of-way boundary where historic-period resources are present. The architectural Area of Potential Effects reflects direct and indirect effects for the build alternatives and includes those areas in which the proposed project would have the potential to alter the character-defining features of any historic period properties.

Archaeological Resources

A records search was conducted at the Northwest Information Center of the California Historical Resources Information System, California State University, Sonoma, in November 2002 to obtain information concerning previously identified archaeological sites within or adjacent to the study area. All cultural resources records and reports for locations within 1-mile of the project area also were reviewed. Primary reference materials included United States Geologic Survey 7.5-minute base maps (showing previously recorded sites, isolated artifacts, and survey areas), site records, report files, *National Register of Historic Places – Listed Properties and Determined Eligible Properties* under the National Park Service National Register (1990 and supplements through November 2002), *California Register of*

Historical Resources (2000 and updates), *California Points of Historical Interest* (1992), and *California Historical Landmarks* (1996 and updates). Research was also conducted at the Bancroft Library, University of California Berkeley, Archives of the Santa Cruz Museum of Art and History, Aptos Chamber of Commerce, and Capitola Historical Museum. Field surveys were conducted between 2003 and 2007. The field survey area was 9.04 miles in length, measuring approximately 447 acres in total.

Thirteen prehistoric, historic period, or dual component (i.e., having both prehistoric and historic era artifacts) archaeological resources were identified within the archaeological Area of Potential Effects. Seven of the 13 resources are exempt in accordance with *Attachment 4 of the January 2014 Programmatic Agreement, Properties Exempt from Evaluation*. As shown in Table 2.1.7-1, of the six sites not covered by *Attachment 4 of the Programmatic Agreement*, two were previously determined ineligible for the National Register of Historic Places, with State Historic Preservation Officer concurrence, and a third site was determined ineligible in conjunction with a 2009-2010 Caltrans Highway 1 guardrail project, with State Historic Preservation Officer concurrence received in July 2010. The three remaining archaeological resources will require archaeological investigation; two of the sites (CA-SCR-2/H and CA-SCR-179) contain portions that have not been evaluated for the National Register. No portion of the third site, CA-SCR-168H, has been previously evaluated. National Register eligibility determinations of these sites will be made as corridor projects are programmed for construction and undergo environmental review, as discussed below.

Table 2.1.7-1: Status of Non-Exempt Archaeological Sites in the Area of Potential Effects

No.	Archaeological Site Number	OHP Reference Number (if any)	Status
1	CA-SCR-200	I-4224D	Not eligible for the National Register
2	CA-SCR-215H	I-4224D	Not eligible for the National Register
3	CA-SCR-353/H	FHW100607C	Not eligible for the National Register
4	CA-SCR-2/H	FHWA100607C (for noncontributing portion)	A portion of this site was evaluated and found to be not eligible for the National Register. A portion of this site is unevaluated within the current APE.
5	CA-SCR-179	FHWA880805A (for noncontributing portion)	A portion of this site was evaluated and found to be not eligible for the National Register. A portion of this site is unevaluated within the current APE.
6	CA-SCR-168/H	Not applicable	Unevaluated

The Native American Heritage Commission was contacted on October 22, 2003, and provided a description and location of the proposed project with a request for an examination

of the Commission's sacred lands files and contact information for potentially concerned Native American individuals and organizations. The Native American Heritage Commission responded on November 18, 2003, indicating that there were no Native American sacred sites known in the immediate project area. The Native American Heritage Commission supplied a list of 13 Native American individuals/organizations that might have knowledge of local cultural resources. On November 25, 2003, letters were sent to these Native American representatives requesting input on additional cultural resources and specific concerns regarding the project.

A letter was mailed on November 5, 2004, to four additional Native American representatives. No responses were received from any of the 17 Native American representatives contacted. A project update letter was distributed to the 17 Native American representatives on January 14, 2005, which described surface survey results and outlined recommendations for archaeological testing. Follow-up telephone calls were made on January 19 and 20, 2005, and 10 representatives were successfully contacted. The current Tier II project does not contain any known archaeological resources; hence, no additional consultation is planned. For the future Tier II projects, consultation will be conducted if the project site has any archaeological resources. Interested Native American representatives will be offered an opportunity to attend a site tour, participate in monitoring during archaeological testing, and comment on the draft and final test reports.

Historical Resources

Neither the *Historic Resources Evaluation Report* nor two *Supplemental Historic Resources Evaluation Reports* identified properties within the architectural Area of Potential Effects that appear to be eligible for the National Register of Historic Places and/or the California Register of Historic Resources. A records search was conducted to identify historic-period buildings or structures within the architectural Area of Potential Effects. Sources reviewed included the National Register of Historic Places; California Register of Historic Resources; California Historical Landmarks, Points of Historic Interest publications and updates; Office of Historic Preservation Directory of Properties in the Historic Property Data File for Santa Cruz County (as of February 2010); and a records search at the Northwest Center of the California Historical Resources Information System at California State University, Sonoma. This search confirmed that no historic properties within the historical architectural Area of Potential Effects have been previously listed or determined eligible for the National Register of Historic Places. Age limits for buildings, structures, and features evaluated for National Register eligibility were extended for this project to include resources constructed in 1965 or before.

To confirm the dates of construction for buildings, structures, and objects within the architectural Area of Potential Effects, background research was done through the First American Real Estate Solutions commercial database; Santa Cruz County Assessor's online database; and review of historic and current United States Geologic Survey topographic maps, historic aerial photographs, and other documents. Additional research was conducted at the following locations: California State Library; California State Archives; California State Railroad Museum; Santa Cruz Museum of Art and History; Capitola History Museum; Aptos Chamber of Commerce; Santa Cruz County Public Library; the map collection and special collections of the University of California Santa Cruz; Bancroft Library, University of California, Berkeley; Shields Library at University of California, Davis; Santa Cruz County Assessor's Office; Santa Cruz County Recorder's Room and Surveyor's Office; and building permits from the City of Santa Cruz's Planning Department. Historical maps, plans, and photographs from the Right-of-Way Department and Map Files of Caltrans, District 5, San Luis Obispo, as well as Map Files of Caltrans, District 4, Oakland, and the Caltrans Headquarters Library, Sacramento, were also consulted. Property types identified as a result of this research included 19th- and 20th-century transportation, agricultural, residential/community, and commercial development located along the Route 1 corridor. The Caltrans' Historic Highway Bridge Inventory also was consulted.

A letter informing interested parties about the proposed Santa Cruz Route 1 improvement project and requesting comments was sent to area planning agencies, local governments, historical societies, and museums on January 6, 2004. A copy of this letter and a list of its recipients are included in Appendix J, Agency Correspondence. One reply was received from the City of Santa Cruz Planning Department, which provided copies of the City's historic resources inventory, updates, and historic context report. A copy of this response is also provided in Appendix J. The data received from the City of Santa Cruz Planning Department were incorporated into the historical resource study.

Reconnaissance surveys helped to determine which buildings appeared to have been built in 1965 or earlier and would, therefore, be studied for this project.

Seventy-eight historic period buildings and structures, including residences, commercial buildings, religious structures, and bridge structures, were identified. Although two of the surveyed properties were considered locally significant by the County and/or City of Santa Cruz, none of the surveyed properties appear to be eligible for the National Register of Historic Places or California Register of Historical Resources; therefore, none of the surveyed properties are considered historical resources under the California Environmental Quality Act or the National Historic Preservation Act. The State Historic Preservation Officer concurred with these eligibility findings in a letter dated March 17, 2011. A copy of this letter is provided in Appendix J.

Environmental Consequences

Tier I Corridor Alternatives

Archaeological Resources

The Tier I Corridor HOV Lane Alternative and the Tier I Corridor TSM Alternative may adversely affect portions of the three unevaluated archaeological sites and their potential buried archaeological deposits within the archaeological Area of Potential Effects.

As corridor projects potentially affecting these sites are programmed and funded, Caltrans will conduct subsurface investigations to evaluate the archaeological sites and buried deposits to determine if they are eligible for the National Register of Historic Places. If determined eligible, Caltrans will prepare a Finding of Effects to evaluate the impacts of the subsequent Tier II actions.

If subsurface investigation (to be conducted after portions of the selected Tier I corridor alternative are programmed as Tier II projects) reveals that the proposed project has the potential to adversely affect a National Register of Historic Places-eligible resource, Caltrans will prepare a Memorandum of Agreement for execution by the Federal Highway Administration, State Historic Preservation Officer, Caltrans District 5 and, possibly, RTC. The Memorandum of Agreement would establish conditions and measures to minimize harm to the resources. Any archaeological sites or portions thereof that may be extant in the footprint of the preferred alternative, once it is selected, will be subject to testing for National Register of Historic Places eligibility prior to project construction.

Historical Resources

None of the properties evaluated for the Tier I Corridor Alternatives appear to meet the criteria for listing in either the National Register of Historic Places or the California Register of Historic Resources; therefore, no historical resources would be affected.

Tier II Auxiliary Lane Alternative

Archaeological Resources

There are no significant prehistoric or historic-period archaeological resources present within the project area of the Tier II Auxiliary Lane Alternative. A single recorded resource, CA-SCR-200, is present within the archaeological Area of Potential Effects; however, it has been previously determined ineligible.

Historical Resources

None of the properties evaluated for the Tier II Auxiliary Lane Alternative meet the criteria for listing in either the National Register of Historic Places or the California Register of Historic Resources; therefore, no historical resources would be affected.

No Build Alternative

The No Build Alternatives for both Tier I and Tier II would have no impact on cultural resources.

Avoidance, Minimization, and/or Mitigation Measures

Tier I Corridor Alternatives

As operationally independent projects within the Tier I Corridor are planned and programmed, they will be revisited as Tier II construction projects, with each subject to separate environmental review. Some of these future corridor projects will include portions of the three unevaluated archaeological sites, which would be investigated at that time. In the event that future studies find that a future Tier II project would adversely affect a National Register of Historic Places-eligible resource, avoidance, minimization, and/or mitigation measures would be implemented in accordance with conditions and measures identified in a Memorandum of Agreement that would be executed by the Federal Highway Administration, the State Historic Preservation Officer, Caltrans District 5, and possibly, RTC. In addition to any such measures, the following measure would address the potential to inadvertently encounter buried cultural resources:

- In the unlikely event that buried cultural resources are inadvertently discovered during any ground-disturbing activities, Caltrans and the Federal Highway Administration will comply with 36 *Code of Federal Regulations* 800.13 (b)(3) and, if applicable, part (c), as stipulated in the 2014 Section 106 Programmatic Agreement for Federal-aid Highway Programs in California regarding post-review discoveries.

Tier II Auxiliary Lane Alternative

It is not anticipated that construction and operation of the Tier II Auxiliary Lane Alternative analyzed in this environmental document would disturb any unknown buried cultural resources or historical resources; therefore, no avoidance, minimization, and/or mitigation measures are required.

This page intentionally left blank.