

CEQA & Historical Resources

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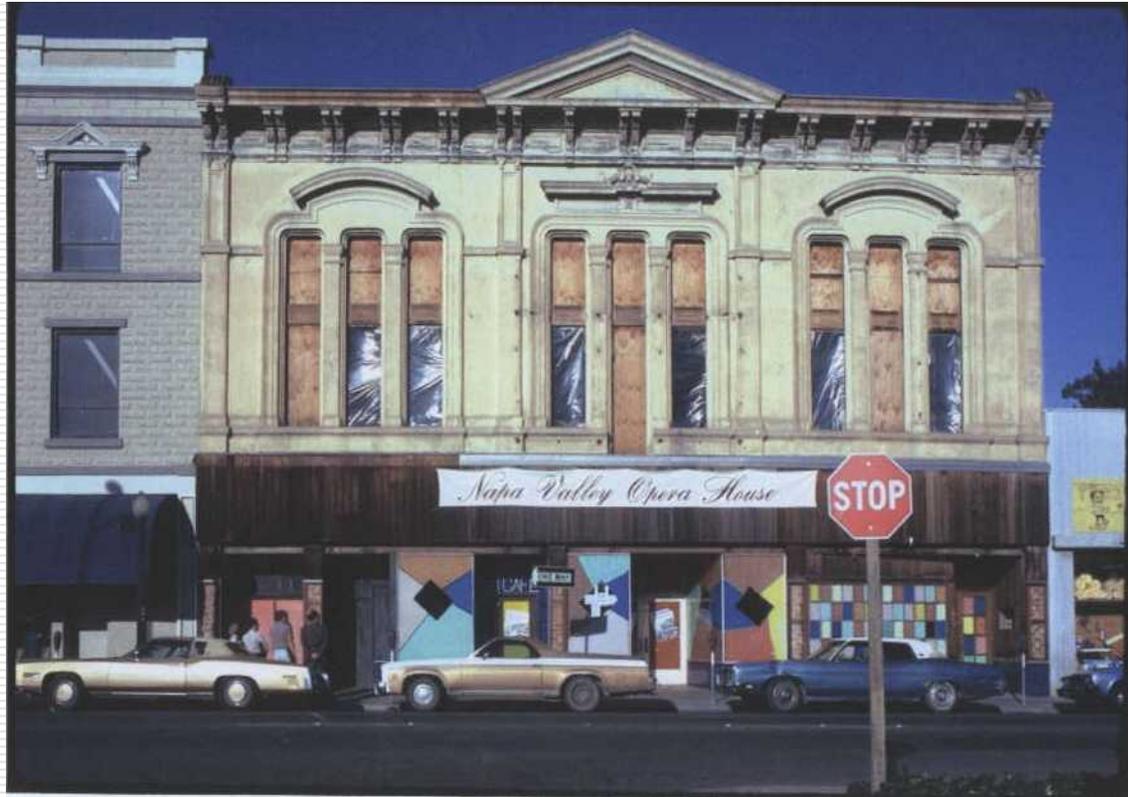
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CEQA and Historical Resources

What is an “historical resource”?

Is this a historical resource?



The 3 Key Questions

- ❑ 1. **Identification**: Is there a historical resource?
- ❑ 2. Would the project **cause a substantial adverse change** in the significance of the resource?
- ❑ 3. Can the impact be **avoided or mitigated?**, i.e. Secretary of Interior Standards or otherwise, i.e. (relocation)?

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- ❑ The California Register – CEQA's benchmark
 - ❑ Resources Types
 - ❑ Historic context
 - ❑ Integrity =

Significant historic resource

California Register Criteria are association with either

- Events
 - Patterns of Events
 - Repeated Activities
 - Historic Trends
(Criterion 1)
- OR** Significant Persons
(Criterion 2)

OR

Embodies distinctive characteristics of a type, represents the work of a master, possesses high artistic values (Criterion 3)

OR Has yielded or has the potential to yield important information (Criterion 4)

Resources Types are

- **Buildings**, such as houses, hotels, garages, schools, stables, theaters, churches, mills, post offices, etc.
- **Structures**, such as canals, fences, silos, tunnels, bridges, boats, dams, grain elevators, light houses, kilns, etc.

Or

Sites:

A site is a 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 possesses historic, cultural, or archeological value regardless of the value of any existing structures.

□ **Site** examples are:

Battlefields, trails, village sites, designed landscapes, shipwrecks, petroglyph, natural features that have a cultural significance, cultural landscapes, etc.

OR

□ **Districts.**

A district possesses significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Discontiguous districts can have definable significant areas separated by non-significant areas

What is Integrity?

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance.

The seven aspects of integrity: Location,
Design,

Setting, Materials, Feeling, Workmanship,
Association

Historic Context

- ❑ Resources or Occurrences in history are part of a larger context, pattern, or succession
- ❑ Local, State or National or together
- ❑ Thematic examples: art, industry, military, education, science, ethnic, commerce, entertainment etc.

50 year mark

- Historical resources achieving significance within less than fifty (50) years may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance (California Code of regulations, Title 14, Chapter 11.5, 4852(d) (2))

Moved buildings, structures or objects

- ❑ Discouraged: the non-historic grouping of buildings into parks or districts
- ❑ Moving a resource to avoid demolition – more flexible under California Register

HOWEVER:

New location should be compatible with original character and use, resource should retain its historic features, compatibility of orientation, setting & general environment

Now for CEQA's Definition of

an Historical Resource



- Historical resources are recognized as part of the environment under CEQA

- The term historical resource is given a broad definition
 - CEQA Guidelines §15064.5 and PRC 21084.1

(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 (SHRC), for listing in the California Register of Historical Resources.

California Register

- Listed in the California Register includes:
 - direct listing by the SHRC;
 - properties listed in the National Register of Historic Places;
 - determined eligible for inclusion in the NR by the Keeper of the NR;
 - determined eligible for inclusion in the NR through the Section 106 process;

California Register

- determined eligible for inclusion in the NR through the Part 1 of the federal historic preservation tax credit process;
- California Historical Landmarks beginning with #770; and
- California Points of Historical Interest and CHL prior to #770 may be on California Register upon action by State Historical Resources Commission

(a) For purposes of this section, the term “historical resources” shall include the following:

- (2) A resource included in a **local register** of historical resources. . . . or identified as significant in an historical resources **survey** shall be **presumed** to be historically or 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.**

Local Designation

- “Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution

Surveys

- A resource identified as significant in an historical resources **survey** may be listed in the California Register if the survey meets all of the following criteria:
 - (1) The survey has been or will be included in the State Historic Resources Inventory

Surveys

- (2) The survey and the survey documentation were prepared in accordance with office procedures and requirements.
- (3) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

Surveys

- What about surveys that are over 5 years of age?

- The reference in the CEQA Guidelines is confusing.
 - If a survey is **nominated** to the California Register it must be updated if it is more than 5 years old.

Surveys

- **However. . .**
- This does **not** mean that resources identified in an older survey need not be considered “historical resources” for purposes of CEQA.
- Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the California Register.

(a) For purposes of this section, the term “historical resources” shall include the following:

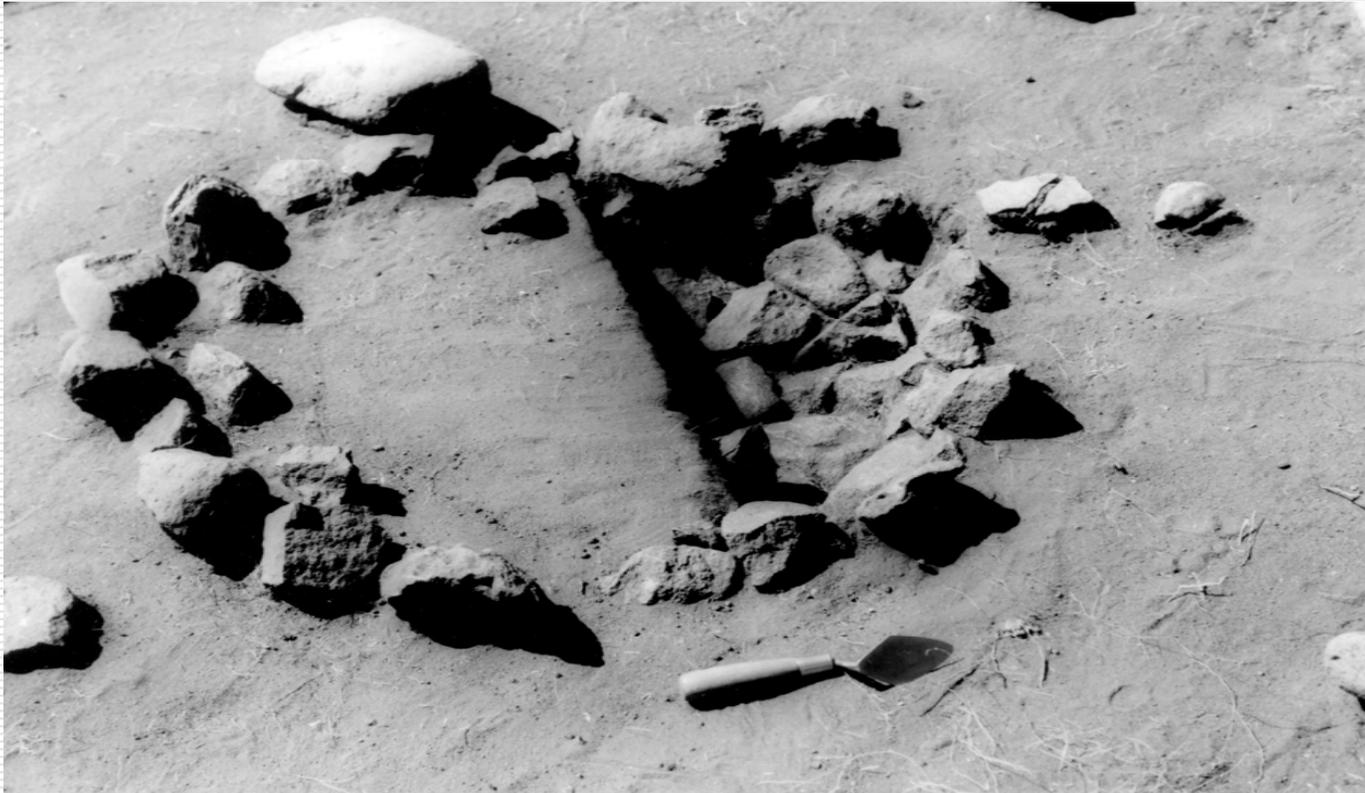
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California 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.

(a) For purposes of this section, the term “historical resources” shall include the following:

- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of historical resources, not included in a local register of historical resources, or identified in an historical resources survey does not preclude a lead agency from determining that the resource may be an historical resource. . . .

Historical Resources also Includes Archeological Resources

- ❑ CEQA applies to effects on archaeological



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- When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource.
 - **If it is**, potential adverse impacts to it must be considered.

Archeological Resources

May be Unique Archeological Resources, §15064.5(c)

- If an archaeological site does not meet the criteria of an historical resource, but does meet the definition of an “unique archeological resource” as defined in PRC §21083.2 the site shall be treated in accordance with the provisions of that section.

Then, what is a unique archeological resource?

□ It is one that :

1. Contains information needed to answer important scientific research questions
 2. Has a special and particular quality such as being the oldest of its type
 3. Is directly associated with a prehistoric or historic event or person
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General definition of a significant effect:



- Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the **physical** conditions within the area affected by the project including. . . objects of historic or aesthetic significance.

So, you have a historical resource.....

Now, would the project cause a "**substantial adverse** change to the **significance** of an historical resource"?

How does CEQA define a substantial adverse change?

- **Physical Demolition, Destruction, Relocation, or Alteration of the resource OR its immediate surroundings . . .**
- (for archeological resources significant adverse effect = destruction of scientific data)

□ Demolition



Alteration

BEFORE



Alteration

□ After



Alteration of immediate surroundings



The **Significance** of a historical resource is **materially impaired** when a project:

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

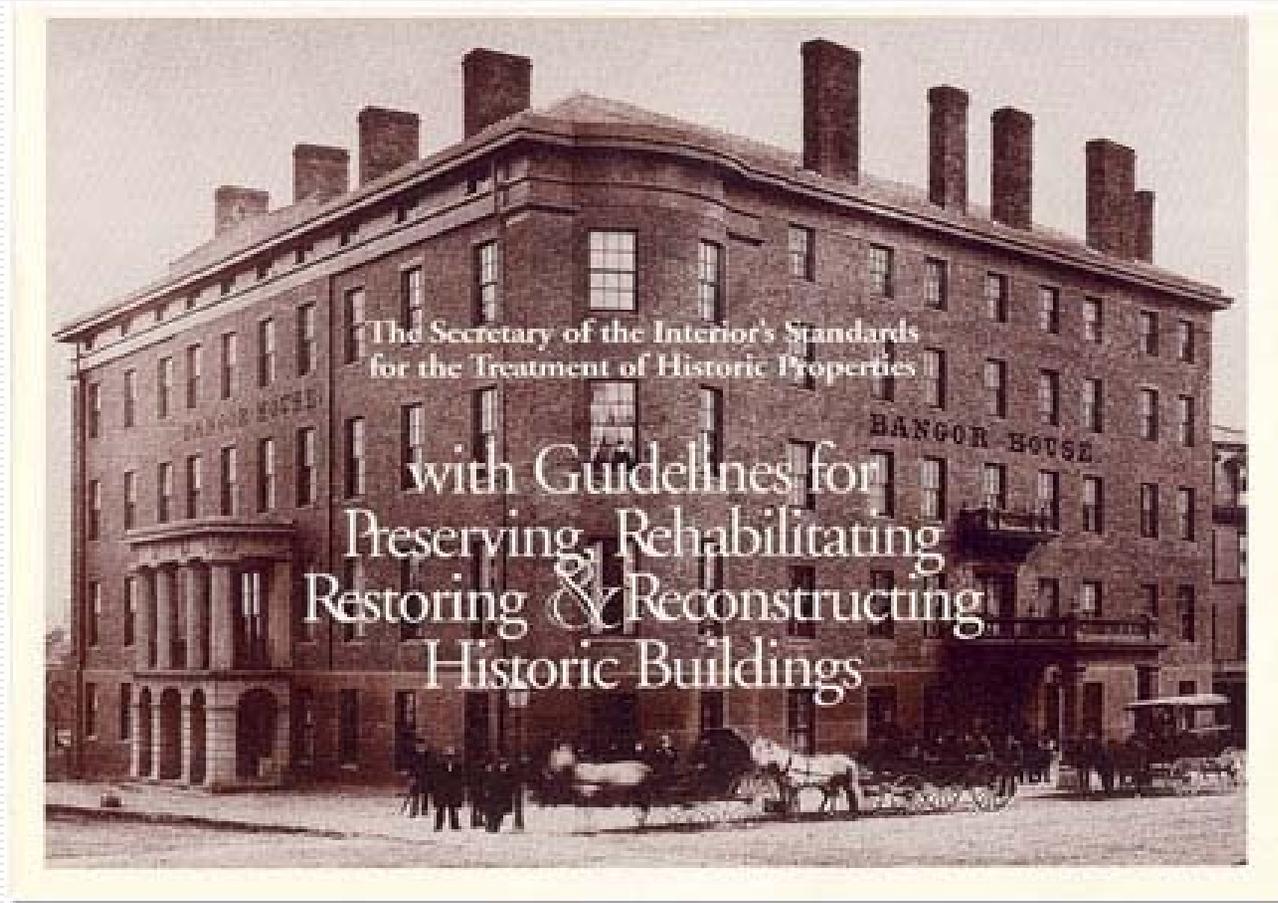
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- ❑ 1. the California Register
 - ❑ 2. Local Register
 - ❑ 3. Or its identification in a survey, unless the public agency reviewing the effects of the project establishes the preponderance of evidence that the resource is not historically or culturally significant
 - ❑ and

-
- 4. 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 as determined by a lead agency for purposes of CEQA
(§15064.5(b)(1-2)(A-C))

Now, can substantial adverse change in an historical resource be avoided?



Secretary of Interior Standards



Pursuant to CEQA

§15064.5 (3) & § 15331 (Cat. Ex.)

- (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 Buildings 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.

Rehabilitation Treatment



And CEQA says further:

- (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. (§15064.5(b)(5))

Relocation

- The confusion:
- It can be an Impact
- Or
- It can be Mitigation

In Summary:

The 3 Key questions we asked

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