

Cultural Resources in Your Restoration Site

CaIEPPC

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Cultural Resources AKA Historical Resources

- ★ Buildings
- ★ Structures
- ★ Objects
- ★ Sites
- ★ Districts
- ★ Traditional Cultural Sites
- ★ Traditional Tribal Cultural Sites
- ★ Cultural Landscapes



Archaeology

- ★ Archaeology is a science devoted to understanding people and cultures of the past
- ★ Any site over 50 years of age
- ★ Pre-contact archaeology sites
- ★ Post contact archaeology sites (historic archaeology)



**Cultural resource
management is
guided by federal,
state, and local
laws, regulations,
and statutes**



Are archaeology sites present in the restoration area?

How do you find out?

And if they are, are they significant?



California Historical Resources Information System (CHRIS)

- ★ This system is under the authority and direction of the Office of Historic Preservation (OHP), the State Historic Preservation Officer (SHPO), and the State Historical Resources Commission (SHRC).



CHRIS

- ★ 13 Information Centers throughout the state
- ★ Integrate newly recorded sites and information on known resources into the California Historical Resources Inventory.
- ★ Furnish information on known resources and surveys to government, institutions, and individuals who have a justifiable need to know; and
- ★ Supply a list of consultants who are qualified to do work within their area.



The exact location of archaeology sites is confidential

- ★ Federal Regulation
- ★ Only people who meet the Secretary of the Interior Standards for Historic Preservation in archaeology or history
- ★ Prevents vandalism to sites
- ★ Partner with someone who meets these standards



**Significant sites are those that
have been evaluated and
designated significant by a
governing authority**

- ★ National Register (NPS)
- ★ California Register (OHP)
- ★ Local Register (Local Commission)



Archaeological laws and regs

FEDERAL



Antiquities Act of 1906

- ★ Forbids Disturbance of archaeological sites or any object of antiquity on federal lands without a permit
- ★ The Secretaries of the Interior, Agriculture, and Defense are authorized to issue permits for archaeological investigations on lands under their control to recognized educational and scientific institutions for the purpose of systematically and professionally gathering data of scientific value.



Reservoir Salvage Act of 1960

- ★ Directs Federal agencies to notify the Secretary of the Interior when they find that any Federal construction project or Federally licensed activity or program may cause irreparable loss or destruction of significant resources or data.



National Historic Preservation Act of 1966 as amended

- ★ Declared a national policy of historic preservation
- ★ Including the encouragement of preservation on the state and private levels
- ★ Requires federal agencies to consider the effects of their undertakings on National Register Properties (Section 106)



National Historic Preservation Act

- ★ Mandated that States inventory their cultural resources
- ★ Established the OHP and the SHPO
- ★ On Federal undertakings defined how to evaluate cultural resources
- ★ How to determine effects on the resources
- ★ Established the National Register of Historic Places
- ★ Established the Certified Local Government Program



National Register of Historic Places

- ★ Establishes a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources
- ★ Administered by the National Park Service
- ★ Resources listed on the National Register are protected and OHP and/or NPS must be consulted prior to impacting the sites.



Certified Local Government Program (CLG)

- ★ Gives authority to cities and counties to establish an Historical Sites commission
- ★ This commission can designate resources within the jurisdiction of the agency
- ★ Individual guidelines, some require owners permission, others do not



National Environmental Policy Act (NEPA)

- ★ Requires that cultural resources be considered in assessing environmental impact of proposed projects on federal lands or using federal funds
- ★ Works together with the NHPA



Native American Graves Protection and Repatriation Act (NAGPRA) 1990

- ★ Two parts – collections obtained prior to 1990
- ★ New discoveries (after 1990) of human remains
- ★ Must stop the excavation where the bones were found, notify the Coroner and the Native American Heritage Commission
- ★ Local tribe determines what happens to the human remains



Archaeological laws and regs

California



California Environmental Quality Act (CEQA)

- ★ Applies to discretionary projects causing a substantial adverse change in the significance of an historical or archaeological resource with a significant effect on the environment.
- ★ The act prohibits the use of Categorical Exemption for projects which may cause a substantial adverse change.
- ★ A mitigated Negative Declaration or an Environmental Impact Report may be required whenever a project may adversely impact historic or archaeological resources.



Health and Safety Code, Section 7052

Disturbance of Indian
cemeteries is a felony



Health and Safety Code, Section 7050.5

- ★ Requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American
- ★ If Native American, the coroner must contact the California Native American Heritage Commission.



Public Resource Code, Sections 5097-5097.6

- ★ Provides guidance for state agencies in the management of archaeological, paleontological, and historical sites affected by major public works project on state land.
- ★ State land means land owned by, or under the jurisdiction of, the state or any state agency.
- ★ Prior to commencement of construction, state agencies may submit general plans describing major public works projects to the Department of Parks and Recreation.



CaINAGPRA

- ★ Not yet implemented
- ★ Follows Federal guidelines, but extends requirements to museums that do not receive Federal funds



Senate Bill 18 Traditional Tribal Cultural Sites (TTCS)

- ★ Did not pass this year but will be resubmitted next session
- ★ TTCS a site listed in the TTCS Register because of its association with the traditional beliefs, practices, lifeways, and ceremonial activities of a Native American Group
- ★ TTCSs may include, but are not limited to, Native American burial sites, places of worship, and ceremonial or spiritual sites.
- ★ Under CEQA, Native American archaeological resources and TTCSs shall constitute natural resources



Local Ordinances

- ★ A number of cities and counties have passed their own local ordinances regarding cultural resources.
- ★ many of these ordinances have specific provisions to protect local cultural resources that are deemed important to the local community or county but which may not be sufficiently protected by state and/or federal regulations.
- ★ Examples of government entities which have passed such ordinances include the counties of San Diego, Santa Barbara, Orange, San Bernardino, Riverside, Monterey, Mendocino, San Benito, Calaveras, Tuolumne, Lake, and Sonoma, and the cities of Santa Barbara, San Juan Capistrano, Santa Rosa, and Fontana



Useful Web sites

- ★ <http://www2.cr.nps.gov/laws/laws.htm>
- ★ <http://www.ohp.parks.ca.gov/>
- ★ <http://www.nahc.ca.gov>
- ★ <http://ceres.ca.gov/planning/index.html>
- ★ <http://ceres.ca.gov>

