



Section 4.14

Cultural and Historical Resources

This section summarizes the existing historical resources within the project area and evaluates the potential for impacts resulting from construction and operation of the proposed Eastside Transit Corridor Phase 2 Project alternatives. This includes Section 106 and Section 4(f) findings. Impacts on archaeological and paleontological resources are also evaluated. Information in this section is based on, and updated where appropriate from, the Cultural Resources Technical Memorandum which is incorporated into this Draft EIS/EIR as Appendix Y.

4.14.1 Built Environment

4.14.1.1 Regulatory Framework/Methodology

This section describes the regulatory setting associated with cultural resources, the affected environment for cultural resources, the impacts on cultural resources that would result from the proposed project, and the mitigation measures that would reduce these impacts. Since there is considerable overlap between the regulatory framework for historic properties, archaeological resources, and paleontological resources, the applicable laws and regulations are summarized here and referenced in Sections 4.14.2.1 and 4.14.3.1.

4.14.1.1.1 Federal

The most relevant federal laws for the evaluation of effects to cultural resources are the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [U.S.C.] 4321 et seq.) and Section 106 of the National Historic Preservation Act (NHPA), as amended (hereafter, Section 106) (16 U.S.C. 470f) and its regulations for implementation (36 Code of Federal Regulations

(CFR) Part 800). Other relevant legislation that applies to cultural resources includes the Antiquities Act of 1906 (16 U.S.C. 431 et seq.); the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470 et seq.); the American Indian Religious Freedom Act (AIRFA) of 1978 (Public Law 95-341); Section 4(f) of the Department of Transportation Act (49 U.S.C. 303); the Archaeological and Historic Preservation Act of 1974 ("Moss-Bennett" Act, 16 U.S.C. 469); and the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013).

National Environmental Policy Act

NEPA establishes the federal policy for protecting important historic, cultural, and natural aspects of our national heritage during federal project planning. NEPA also obligates federal agencies to consider the environmental consequences and costs of their projects and programs as part of the planning process. All federal or federally-assisted projects requiring action pursuant to Section 102 of NEPA must take into account the effects on cultural resources.

According to NEPA regulations, in considering whether an action may "significantly affect the quality of the human environment," an agency must consider, among other things, unique characteristics of the geographic area such as proximity to historic or cultural resources (40 CFR 1508.27(b)(3)) and the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) (40 CFR 1508.27(b)(8)). NEPA regulations also require that, to the fullest extent possible, agencies shall prepare draft EISs concurrent with and integrated with environmental impact analyses and related surveys

and studies required by the NHPA (40 CFR 1502.25(a)).

Section 106 of the National Historic Preservation Act

Section 106 applies when a project has been determined to be an undertaking, which includes a project, activity, or program, funded in whole or part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on the behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license, or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency (36 CFR 800.16(y)). If the undertaking would have an adverse effect on historic properties, the agency must continue to consult to resolve the adverse effects. Federal agencies follow the Section 106 process in reviewing project activities and prescribing appropriate actions to meet the requirements for compliance.

Section 106 requires that impacts on significant cultural resources, hereafter called historic properties, be taken into consideration in any federal undertaking. Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the [NRHP] criteria (36 CFR §800.16(l)).

Section 106 affords the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the NRHP. Section 101(d)(6)(A) of the NHPA allows properties of traditional religious and cultural importance to a Native American tribe to be determined eligible for inclusion in the NRHP.

Section 106 regulations prescribe the following steps for identifying and assessing effects on historic properties:

- Determine and document the area of potential effect (APE);
- Identify consulting and interested parties;
- Identify potential historic properties;
- Evaluate the significance of potential historic properties by applying NRHP eligibility criteria in consultation with SHPO or Indian tribes, as appropriate;
- Assess effects on historic properties by applying Section 106 criteria of adverse effect;
- Develop avoidance and mitigation measures if necessary; and
- Document the process.

Antiquities Act

The Antiquities Act of 1906 was enacted with the primary goal of protecting cultural resources in the U.S. As such, it prohibits appropriation, excavation, injury, or destruction of "any historic or prehistoric ruin or monument, or any object of antiquity" located on lands owned or controlled by the federal government, without permission of the secretary of the federal department with jurisdiction. It also establishes criminal penalties, including fines or imprisonment, for these acts, and sets forth a permit requirement for collection of antiquities on federally-owned lands.

The American Indian Religious Freedom Act

The AIRFA proclaims that the U.S. government will respect and protect the rights of Indian tribes to the free exercise of their traditional religions; the courts have interpreted this as requiring agencies to consider the effects of their actions on traditional religious practices.

Section 4(f) of the Department of Transportation Act of 1966

Section 4(f) protects important historical resources as well as publicly-owned recreation areas, parks, and wildlife refuges. This law prevents projects

under the jurisdiction of the Department of Transportation from involving use of resources eligible for Section 4(f) protection, unless there is no feasible and prudent alternative or the project includes all possible measures to minimize the impacts of using the resources. The separate Section 4(f) chapter (Chapter 5) of this Draft EIS/EIR presents the detailed regulatory framework and analysis for Section 4(f) of the Department of Transportation Act.

National Register of Historic Places

The federal significance of an archaeological site or an architectural structure is established when the NRHP criteria for evaluation are met (36 CFR §60.4). Section 101(d)(6)(A) of the NHPA also allows properties of traditional religious and cultural importance to a Native American tribe to be determined eligible for inclusion in the NRHP.

The NRHP criteria for evaluation are as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in a district, site, building, structure, and object that possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. is associated with events that have made a significant contribution to the broad patterns of history;
- B. is associated with the lives of persons significant in the past;
- C. embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. has yielded, or may be likely to yield, information important in prehistory or history.

If a particular resource meets one of these criteria, it is considered as an eligible historic property for listing in the NRHP.

Federal Impact Criteria

According to NEPA regulations, in considering whether an action may "significantly affect the quality of the human environment," an agency must consider, among other things, the unique characteristics of the geographic area such as proximity to historic or cultural resources (40 CFR 1508.27(b)(3)), and the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP(40 CFR 1508.27(b)(8)).

To comply with Section 106 of the NHPA, any effects of the proposed undertaking on properties listed in or determined eligible for inclusion in the NRHP must be analyzed by applying the Criteria of Adverse Effect (36 CFR Part 800.5(a)), as described below.

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Adverse effects on historic properties include but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;

- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property’s historic significance.

4.14.1.1.2 State

California Environmental Quality Act

According to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21084.1), historical resources include any resource listed or determined to be eligible for listing in the CRHR. Properties listed in or determined eligible for listing in the NRHP, such as those identified in the Section 106 process, are automatically listed in the CRHR. Therefore, all "historic properties" under federal preservation law are automatically "historical resources" under state preservation law.

Historical resources are also presumed to be significant if they are included in a local register of historical resources or identified as significant in a qualified historical resources survey. Section 15064.5 of the *CEQA Guidelines* sets forth the criteria and procedures for determining significant historical resources and the potential effects of a project on such resources.

CEQA Regulations (Section 15064.5)

Section 15064.5 of the *CEQA Guidelines* (Title 14 California Code of Regulations [CCR], Chapter 3) sets forth the criteria and procedures for

determining significant historical resources and the potential significant impacts of a project on such resources.

The CEQA statute and guidelines provide five basic definitions as to what may qualify as a historical resource. Specifically, Section 21048.1 of the CEQA statute provides a description for the first three of these definitions, simplified as follows:

1. Listed in the CRHR;
2. Determined eligible for the CRHR by the State Historical Resources Commission; or
3. Included in a local register of historical resources.

Section 15064.5 of the CEQA Guidelines

supplements the statute by providing two additional definitions of historical resources, which may be simplified in the following manner. A historical resource is a resource that is:

1. Identified as significant in a historical resource survey meeting the requirements of PRC §5024.1 (g); or
2. Determined by a lead agency to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Generally, this category includes resources that meet the criteria for listing on the CRHR (PRC §5024.1, Title 14 CCR, Section 4852).

California Register of Historical Resources

Generally, a resource is considered by the lead state agency to be “historically significant” if the resource meets the criteria for listing on the CRHR under (b) Criterion for evaluating the significance of historical resources (Title 14, Chapter 11.5, CCR §4852), as follows:

A historical resource must be significant at the local, state, or national level under one or more of the following four criteria:

- (1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
 - (2) It is associated with the lives of persons important to local, California, or national history;
 - (3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
 - (4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.
- (c) Integrity is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the CRHR must meet one of the criteria of significance described in section 4852 (b) of this chapter and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criterion under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the NRHP, but they may still be eligible for listing in the CRHR. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant

scientific or historical information or specific data.

(d) Special considerations:

- (1) Moved buildings, structures, or objects. The Commission encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving a historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the CRHR if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. A historical resource should retain its historic features and compatibility in orientation, setting, and general environment.
- (2) Historical resources achieving significance within the last fifty (50) years. In order to understand the historic 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 for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance.
- (3) Reconstructed buildings. Reconstructed buildings are those buildings not listed in the CRHR under the criteria in Section 4853(b)(1), (2), or (3) of this chapter. 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; e.g., a Native American roundhouse.

State Impact Criteria

Section 21084.1 of the PRC provides that “[a] project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment.” Substantial adverse change is defined as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

CEQA Guidelines Sections 15064.5(b)(1) and (2) identify the threshold for a significant impact on a historical resource as the potential to cause a substantial adverse change in the significance of a historical resource. That means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired. The significance of a historical resource is materially impaired when a project results in the following:

- A. Demolition or material alteration in an adverse manner of those physical characteristics of a historical resource that convey its historical significance and justify its inclusion in, or eligibility for inclusion in, the CRHR;
- B. Demolition or material alteration in an adverse manner of those physical characteristics that account for its inclusion in a local register of historical resources pursuant to PRC Section 5020.1(k) or its identification in a historical resources survey meeting the requirements of PRC Section 5024.1(g), 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. Demolition or material alteration in an adverse manner of those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

4.14.1.1.3 Local

A resource included in a local register of historical resources shall be presumed to be historically or culturally significant according to Section 15064.5(a)(2) of the *CEQA Guidelines*. Only one of the communities in the project area, the city of Whittier, has a historic preservation element or ordinance.

City of Whittier

City of Whittier Municipal Code, Division IV, Chapter 18.84, Historic Resources, Article II. Designation of Historic Landmarks and Districts.

18.84.050 Designation Criteria for Historic Landmarks

A historic resource shall be designated a historic landmark if the council finds that it meets the criteria for listing on the NRHP or the CRHR; or meets one or more of the following criteria:

- A. It is particularly representative of a distinct historical period, type, style, region, or way of life;
- B. It is connected with someone renowned, important, or a local personality;
- C. It is connected with a use that was once common, but is now rare;
- D. It represents the work of a master builder, engineer, designer, artist, or architect whose individual genius influenced his age;
- E. It is the site of an important historic event or is associated with events that have made a meaningful contribution to the nation, state, or city;
- F. It exemplifies a particular architectural style;
- G. It exemplifies the best remaining architectural type of a neighborhood;
- H. It embodies elements of outstanding attention to architectural or engineering design, detail, material, or craftsmanship; or
- I. It has a unique location, singular characteristic or is an established and familiar visual feature of a neighborhood, community, or the city.

(Ord. 2785 Exh. A (part), 2001: Ord. 2598 § 1(C), 1993; Ord. 2389 § 1 (part), 1986)

18.84.060 Designation Criteria for Historic Districts

A neighborhood consisting primarily of historic resources, or the thematic grouping of same, shall be designated a historic district if the council finds that it meets one or more of the following criteria:

- A. It meets the criteria for a historic landmark;
- B. It contributes to the architectural, historic or cultural significance of an area, being a geographically definable area possessing a concentration of historic resources or a thematically related grouping of structures which contribute to each other and are unified by plan, style, or physical development; or
- C. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of a park landscape, site design, or community planning.

(Ord. 2785 Exh. A (part), 2001)

4.14.1.1.4 Methodology

To establish the APE for the proposed project, in accordance with Section 106 regulation 800.4(a)(3), FTA and Metro sought information, as appropriate, from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area. Letters were sent to the parties listed in the Cultural Resources Technical Memorandum, Appendix Y of this Draft EIS/EIR. There are no federally-recognized tribes in the project area. A list of Native American groups and individuals contacted is provided in the Cultural Resources Technical Memorandum, included as Appendix Y of this Draft EIS/EIR.

Metro then identified potential historic properties by consulting national, state, and local inventories of architectural and historical resources in order to identify significant local historical events and personages, development patterns, and unique interpretations of architectural styles. The following inventories and sources were consulted:

- The NRHP Information System
- California Register of Historical Resources (CRHR)
- California Office of Historic Preservation Historical Resources Inventory System
- California Historical Landmarks
- California Points of Historical Interest
- City of Whittier Historic Landmarks and Districts

A field survey of all properties within the APE was undertaken according to standard Section 106 regulations and related procedures, as described in Section 4.14.1.1.1. Field investigations by qualified architectural historians, a qualified archaeologist, and historic researchers were conducted on multiple occasions in 2010. During the field investigations, the boundaries of the APE were confirmed and an assessment was made of all extant buildings and structures within the APE to determine if their age and integrity warrant application of NRHP criteria.

The field survey of historical resources included the following steps:

- A field survey consisting of a visual on-site examination of every parcel within the APE, including an assessment of integrity.
- Identification of the age of all major buildings, structures, objects, and potentially coherent districts located within the APE.
- Photography of each potential district feature, major structure, building, or object within the APE.
- Review in the field of previous survey data, comments from interested parties, and lists of significant historic properties.

Following the field survey, site-specific research was conducted to establish the construction history of buildings and structures and potential associations with historic persons and events.

The properties were recorded and evaluated on California Historical Resource Inventory forms (series Department of Parks and Recreation [DPR] 523) and are being submitted to the California SHPO for review and concurrence.

The historical and architectural resources survey and archaeological survey resulted in preparation of a Historic Property Survey Report (HPSR), in accordance with the Section 106 process and in compliance with CEQA. Research was conducted for only those properties within the APE. The goal was to identify any areas providing basic documentation about potentially significant buildings and structures. An evaluation of the eligibility of resources for listing in the NRHP and any that are historical resources for the purposes of CEQA was completed as applicable.

During the process of accomplishing archival research and conducting field studies for potential historic properties, Metro's professional qualified consultants maintained communication with SHPO and other jurisdictional agencies. The consultant archaeologists also conferred with the Native American Heritage Commission (NAHC) in Sacramento, local California Native American organizations, or cultural organizations. The consultant historians or architectural historians contacted interested parties who may have knowledge of or concerns about historic properties in the APE, including historical societies, museums, and preservation organizations.

For any properties found to be historical resources under CEQA, the impact criteria in Section 15064.5(b) of the *CEQA Guidelines* was applied. Generally, an adverse effect under Section 106 is also considered a significant impact under CEQA as a substantial change in the significance of a historical resource. Therefore, unless otherwise stated, there is no difference between the compliance methodology for "historic properties" under federal law and "historical resources" under

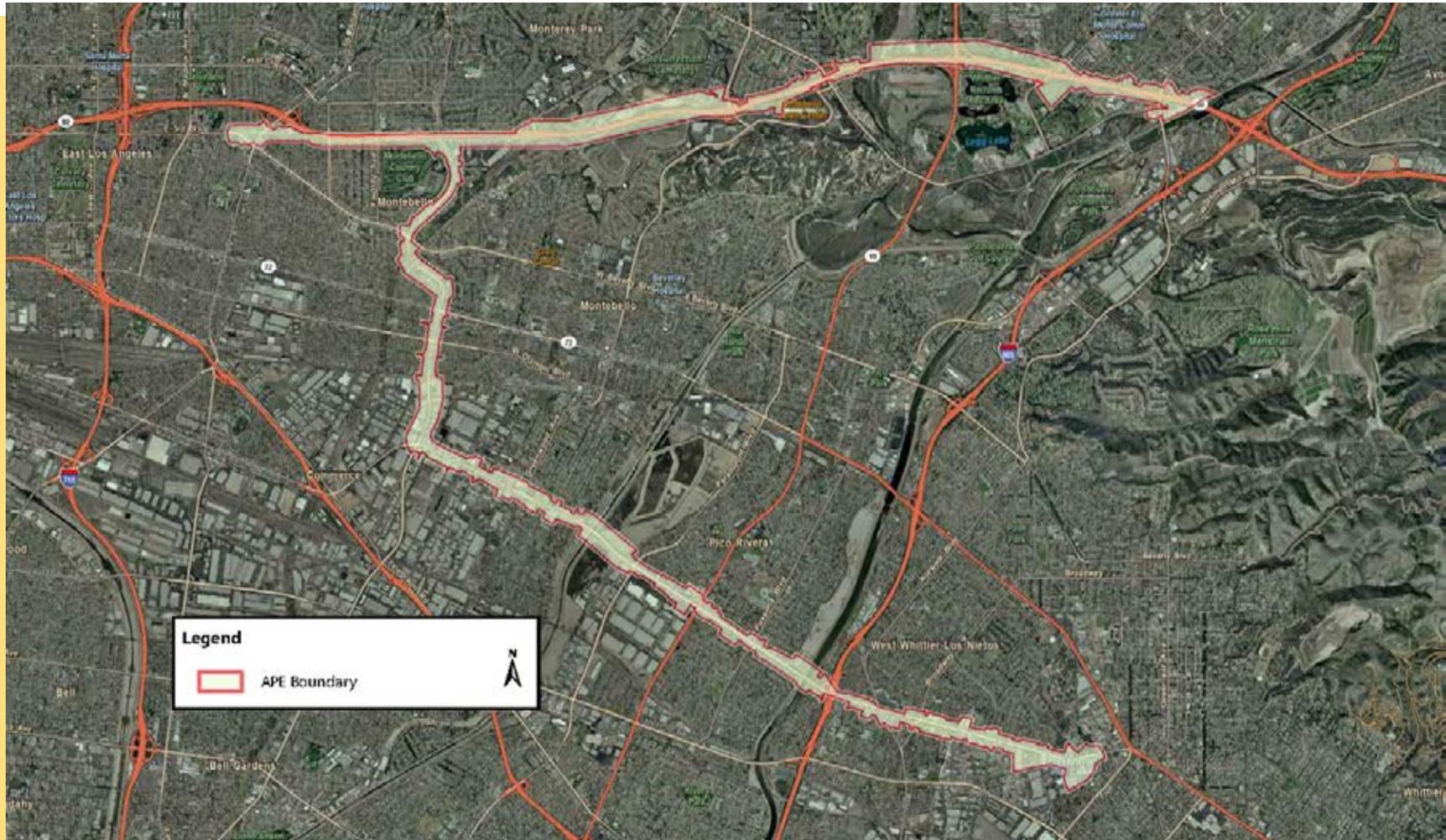
state law. For the purposes of this section, the term "historic properties" is hereafter used to represent both the federal term "historic properties" and state term "historical resources," unless otherwise noted.

4.14.1.2 Affected Environment/Existing Conditions

As defined in 36 CFR 800.16(d), an APE is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

The APE includes all proposed ROW, land acquisition and construction areas, and all parcels adjacent to permanent site improvements and facilities, including at-grade and grade-separated alignments; stations and power substations; park and ride facilities; and maintenance yards and buildings. For elevated alignments, the APE includes any additional parcels where the elevated structure may alter the character, use, or setting of a potential historic property. Thus, the APE boundaries vary along the alignment. However, they typically extend out from the alignment approximately 150 to 350 feet, or a depth of from one to three parcels depending on parcel sizes, intervening landscape and buildings, and whether the historic land use is sensitive to the proposed change in setting. The APE was established in accordance with 36 CFR Part 800.4(a)(1), was determined during a discussion with SHPO staff on February 16, 2010, and was reported to SHPO in a letter from FTA dated June 7, 2010. A draft APE map was submitted to SHPO with the letter. The boundaries of the APE are shown in **Figure 4.14-1**.

A map of the identified historic properties listed or deemed eligible for NRHP and/or CRHR is presented in **Figure 4.14-2**.



Source: AECOM 2010; ICF International 2010.

Figure 4.14-1. Area of Potential Effect



Source: CDM Smith 2011.

Figure 4.14-2. Location Map of Historical Resources

4.14.1.3 Environmental Impacts/Environmental Consequences

This section discusses the construction and operational impacts of the proposed alternatives. Potentially significant impacts are discussed in this section. Additional information is provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR. **Table 4.14-1** summarizes the historic resources affected, their eligibility for the NRHP and CRHR, the applicable alternative, and impact. **Table 4.14-2** shows the cultural resources construction and operational impact findings. SHPO's concurrence on the determinations of effects for federal historic resources occurred on March 18, 2013. This section describes impacts to historic properties. Impacts to archaeological resources are described in Section 4.14.2.3, and impacts to paleontological resources are described in Section 4.14.3.3.

4.14.1.3.1 No Build Alternative

Impact Analysis

No impacts to historic properties would be associated with the No Build Alternative.

Mitigation Measures

Since no impacts to historic properties would be associated with the No Build Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The No Build Alternative does not include any construction and, therefore, no significant adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The No Build Alternative does not include any construction and, therefore, would result in no impacts to the resources. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.1.3.2 TSM Alternative

Impact Analysis

The TSM Alternative would involve minimal construction of new facilities such as bus stops. Construction associated with these facilities would not involve excavation at sufficient depths to encounter paleontological resources. As such, no impacts on historic properties are anticipated.

Mitigation Measures

Since there would be no impacts to historic properties associated with the TSM Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The TSM Alternative includes only minimal construction; therefore, no significant adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The TSM Alternative includes only minimal construction and, therefore, would result in no impacts to the resources. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.1.3.3 SR 60 LRT Alternative

Impact Analysis

Only two historic properties are located within the APE for the SR 60 LRT Alternative and the SR 60 North Side Design Variation: the Helms Bakery Distribution Plant (a federal historic property) and the Chinese Garden Restaurant (a CEQA historical resource). No historic properties were identified on the proposed SR 60 LRT Alternative maintenance yard site. The Macy Street Viaduct, which was previously determined eligible for the NRHP, is located immediately south of the proposed maintenance yard site, but it or its historic setting would not be altered in any demonstrable way by the proposed project.

Table 4.14-1. Historic Properties - Summary of Resources within APE and Effects after Mitigation

Name	Address	Year Built	NRHP or CRHR Criteria: Area of Significance	Effect ^{1,2} : SR 60 LRT Alternative	Effect ¹ : Washington Boulevard LRT Alternative
Helms Bakery Distribution Plant	318 S. Woods Avenue, Los Angeles County	1941	A: Industry	No Effect/Less than significant	No Effect/No Impact
Chinese Garden Restaurant	856 N. Garfield Avenue, Montebello	1962	1: Ethnic Heritage – Asian and 3: Design (CRHR only)	N/A3/Less than significant	N/A3/Significant Impact
Former Rod’s Grill	525 N. Garfield Avenue, Montebello	1954	C: Architecture	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Cantwell-Sacred Heart of Mary High School	315 N. Garfield Avenue, Montebello	1946	A: Education and Ethnic Heritage – Hispanic	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Montebello Park Historic District	Between Whittier Boulevard, Ferguson Drive, Gerhart Avenue, and Vail Road, Montebello	1925	A: Community Planning and Development	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Pacific Metals Company/Rolled Steel Products	2187 Garfield Avenue, Commerce	1952	C and A: Architecture and Industry	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Goodyear Tire and Rubber Company Warehouse	6666 E. Washington Boulevard/2353 Garfield Avenue, Commerce	1952	A: Industry	No Effect/No Impact (outside the APE)	No Effect/No Impact
Yale Filing Company	6865 E. Washington Boulevard, Montebello	1961	3: Architecture (CRHR only)	N/A3/No Impact (outside the APE)	N/A3/Less than significant
Greenwood Elementary School	900 Greenwood Avenue, Montebello	1948	A: Education	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
South Montebello Irrigation District Building	864 W. Washington Boulevard, Montebello	1940	A: Agriculture	No Effect/No Impact (outside the APE)	NEPA: Not Adverse/Less than significant
William and Florence Kelly House	860 W. Washington Boulevard, Montebello	1937	A: Early Settlement	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Site of the Battle of Rio San Gabriel	Northeast corner of Bluff Road and Washington Boulevard, Montebello and Pico Rivera	1847	A: Military: Mexican War	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Dal Rae Restaurant	9023 E. Washington Boulevard, Pico Rivera	1954	A: Social History	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant

Table 4.14-1. Historic Properties - Summary of Resources within APE and Effects after Mitigation (Continued)

Name	Address	Year Built	NRHP or CRHR Criteria: Area of Significance	Effect ^{1, 2} : SR 60 LRT Alternative	Effect ¹ : Washington Boulevard LRT Alternative
Atchison, Topeka & Santa Fe (AT&SF) Depot	9122 E. Washington Boulevard, Pico Rivera	1886 – 1887	1: Transportation (CRHR only)	N/A3/No Impact (outside the APE)	N/A3/Less than significant
Cliff May-designed Ranch House	6751 Lindsey Avenue, Pico Rivera	1954	C: Architecture	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Steak Corral Restaurant	11605 E. Washington Boulevard, unincorporated Los Angeles County	1965	A: Social History C: Architecture	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant
Rheem Laboratory	12000 E. Washington Boulevard, Whittier	1952	A: Industry	No Effect/No Impact (outside the APE)	Not Adverse/Less than significant

Notes:

¹ Findings of Effect per NEPA and Determinations of Impact per CEQA are both shown to satisfy Federal (NEPA/Section 106) and State (CEQA) requirements.

² The effects shown for the SR 60 LRT Alternative would be the same with or without the SR 60 North Side Design Variation.

³ NEPA: N/A = Property is not eligible for the NRHP but is eligible for the CRHR.

Table 4.14-2. Summary of Potential Cultural and Historical Resources Impacts after Mitigation

	No Build	TSM	SR 60 LRT ¹	Washington Boulevard LRT ¹
Historic Properties	None	None	Not adverse/Less than significant	Less than significant
Archaeological Resources	None	None	Not adverse/Less than significant	Not adverse/Less than significant
Paleontological Resources	None	None	Not adverse/Less than significant	Not adverse/Less than significant

Notes:

¹ Maintenance Yard Option(s) and North Side Design Variation under this alternative result in the same findings for historic properties, archaeological resources, and paleontological resources.

Helms Bakery Distribution Plant

The Helms Bakery Distribution Plant property is eligible for the NRHP under Criterion A (see National Register of Historic Places under Section 4.14.1.1.1) and for the CRHR under Criterion 1 (see California Register of Historic Resources under Section 4.14.1.1.2) for its association with the history of the industry in the Southern California region.

Construction Impacts

There would be no construction-related effect on the Helms Bakery Distribution Plant property under the SR 60 LRT Alternative, either with or without the SR 60 North Side Design Variation, because the proposed Metro ROW for the SR 60 LRT Alternative would be nearly 300 feet from the building. There would be no project-related construction that could destroy, damage, relocate, or alter the building or its setting; therefore, the proposed project would result in no effect under federal impact criteria and no significant impact under state impact criteria on the Helms Bakery Distribution Plant building.

Operational Impacts

There would be no effect on the Helms Bakery Distribution Plant property because the proposed Metro ROW for the SR 60 LRT Alternative, with or without the SR 60 North Side Design Variation, would be nearly 300 feet from the building, the line would run at-grade, and the proposed project would not change the character of the setting.

NEPA/Section 106 Effects Analysis for Historic Properties

Federal impact criteria stated in Section 4.14.1.1.1 of this document were applied during analysis of construction and operational effects of the SR 60 LRT Alternative to Helms Bakery Distribution Plant. The SR 60 LRT Alternative would not change the building's historic or current use (Criterion IV); introduce visual or audible elements (Criterion V) beyond what currently exists; or result in neglect (Criterion VI) because the building is currently occupied and maintained. Criterion VII does not

apply because the property is not owned by the federal government.

CEQA Impact Analysis for Historic Resources

State impact criteria stated in Section 4.14.1.1.2 of this document was applied during analysis of construction and operational effects of the SR 60 LRT Alternative to Helms Bakery Distribution Plant. The SR 60 LRT Alternative would not diminish, destroy, relocate, or alter this building.

Chinese Garden Restaurant

The Chinese Garden Restaurant is eligible for listing in the CRHR under Criterion 1 (see California Register of Historic Resources under Section 4.14.1.1.1.2) for its association with Chinese-American chop suey restaurants that operated during the post-World War II era. The Chinese Garden Restaurant is not eligible for listing in the NRHP.

Construction Impacts

The SR 60 LRT Alternative would locate the Garfield Avenue station in a somewhat different location on a different parcel than the Washington Boulevard LRT Alternative. The station would be along the north side of the site, away from the Chinese Garden Restaurant, which fronts on the east side of Garfield Avenue. There would be no project-related construction under the SR 60 LRT Alternative, with or without the SR 60 North Side Design Variation, that could destroy, damage, or alter the Chinese Garden Restaurant or its setting along Garfield Avenue. The parking lot in the rear would be changed to provide a kiss and ride space, and a park and ride lot of surface and structured parking with approximately 425 parking spaces, but the rear entrance to the restaurant would remain unchanged.

The significance of the property would not be diminished, and there would be no significant construction impact under state impact criteria.

Operational Impacts

As discussed in the Construction Impact section, the SR 60 LRT Alternative, with or without the SR 60 North Side Design Variation, would locate the Garfield Avenue station away from the Chinese Garden Restaurant. The parking lot in the rear would be changed, but the rear entrance to the restaurant would remain unchanged. The significance of the property would not be diminished (CEQA Section 15064.5), and there would be no significant operational impact under state impact criteria.

NEPA/Section 106 Effects Analysis for Historic Properties

The Chinese Garden Restaurant is not eligible for listing in the NRHP; therefore, federal impact criteria stated in Section 1.14.1.1.1 do not apply.

CEQA Impact Analysis for Historic Resources

State impact criteria stated in Section 4.14.1.1.2 of this document were applied during the analysis of construction and operational effects of the SR 60 LRT Alternative on the Chinese Garden Restaurant. The SR 60 LRT Alternative would not diminish, destroy, relocate, or alter this building.

Mitigation Measures

Since there would be no impacts to historic properties associated with the SR 60 LRT Alternative, with or without the North Side Design Variation, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The SR 60 LRT Alternative, including the North Side Design Variation, would not result in adverse effects on historic properties.

CEQA Determination

The SR 60 LRT Alternative, including the North Side Design Variation, would not result in significant impacts to historic properties.

4.14.1.3.4 Washington Boulevard LRT Alternative

Impact Analysis

A total of 16 historic properties and resources are located in the APE of the Washington Boulevard LRT Alternative as shown in Figure 4.14-2. Of these, only three have the potential for impact. They include one state historic resource, the Chinese Garden Restaurant, which would be affected by construction activities; one federal historic property, the site of the Battle of Rio San Gabriel, which could be affected by construction activities; and the former Rod's Grill restaurant, which could be affected by either construction or operational activities. Each of these three sites is discussed below.

No historic properties were identified on the proposed Mission Junction Maintenance Yard site. The Macy Street Viaduct, which was previously determined eligible for the NRHP, is located immediately south of the proposed maintenance yard site, but neither it nor its historic setting would be altered in any demonstrable way by the proposed project.

No historic properties were identified on or adjacent to the two other proposed maintenance yard sites, Commerce and Santa Fe Springs Maintenance Yards. No historic properties were identified in the location of the aerial or at-grade options for crossings of Rosemead Boulevard and the I-605/San Gabriel River; therefore, there would be no effect on historic properties under either of these two options.

Chinese Garden Restaurant

The Chinese Garden Restaurant is eligible for listing in the CRHR under Criterion 1 (see California Register of Historic Resources under Section 4.14.1.1.1.2) for its association with Chinese-American chop suey restaurants that operated during the post-World War II era. The Chinese Garden Restaurant is not eligible for listing in the NRHP.

Construction Impacts

The Washington Boulevard LRT Alternative would have permanent impacts to the Chinese Garden Restaurant and would result in physical demolition and destruction of this historical resource, which would be a potentially significant effect. The Chinese Garden Restaurant is located directly within the proposed Metro ROW for the Garfield Avenue station under the Washington Boulevard LRT Alternative. **Figure 4.14-3** shows that the proposed Metro ROW for the Washington Boulevard LRT Alternative would require acquisition of the Chinese Garden Restaurant, which would result in demolition of the building. Demolition of the building for the Washington Boulevard LRT Alternative would result in a substantial adverse change in the significance of this historical resource and a significant impact on the environment. Mitigation measures described below, if successfully implemented, would reduce significant impacts to the restaurant to a less than significant level.

Operational Impacts

For the Washington Boulevard LRT Alternative, the state operational impact criterion would not be applicable to the Chinese Garden Restaurant because it would be acquired and demolished prior to construction of the proposed project. The federal impact criteria do not apply because the Chinese Garden Restaurant does not appear eligible for the NRHP.

NEPA/Section 106 Effects Analysis for Historic Properties

The Chinese Garden Restaurant is not eligible for listing in the NRHP; therefore, federal impact criterion stated in Section 4.14.1.1.1 do not apply.

CEQA Impact Analysis for Historic Resources

State impact criteria stated in Section 4.14.1.1.2 of this document were applied during analysis of construction and operational effects of the Washington Boulevard LRT Alternative on the Chinese Garden Restaurant. The Washington Boulevard LRT Alternative would diminish, destroy, relocate, or alter this building. If the recommended mitigation for relocation is successfully

implemented, such that the project “would not cause a substantial adverse change in its significance,” it would lessen the significant impact on the Chinese Garden Restaurant to a level that is less than significant, per the effect/impact criteria outlined in Section 15064.5 of the *CEQA Guidelines*.

Site of the Battle of Rio San Gabriel

The site of the Battle of Rio San Gabriel has the potential to meet NRHP Criterion D for military history (see National Register of Historic Places under Section 4.14.1.1.1) if any archaeological artifacts were still extant; however, this is considered unlikely due to subsequent disturbance from construction of Washington Boulevard and channelization of the river.

Construction Impacts

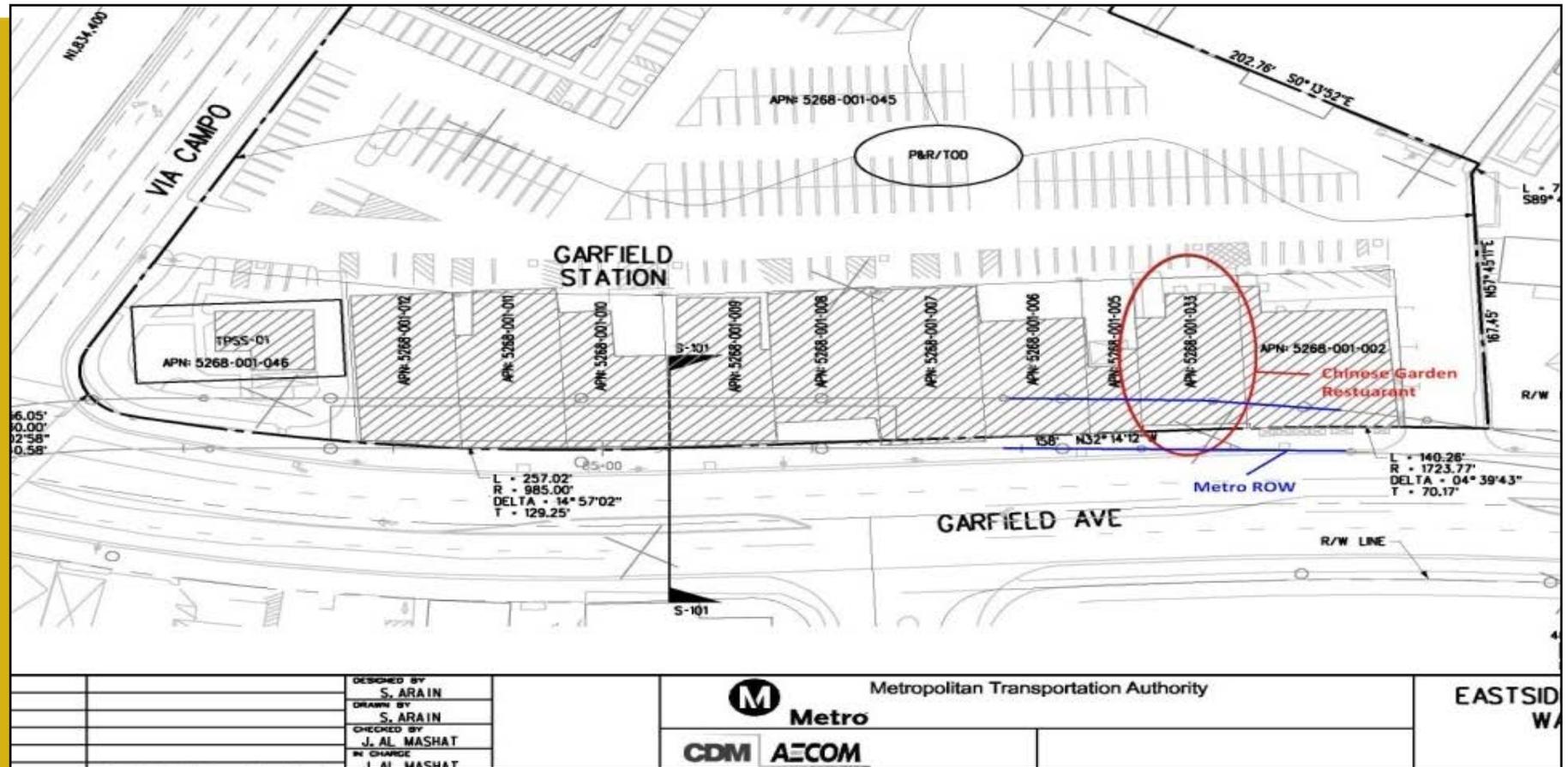
The proposed Metro ROW would run along Washington Boulevard. The at-grade Washington Boulevard LRT Alternative alignment would pass the approximate site of the Battle of Rio San Gabriel at the northeast corner of Bluff Road and Washington Boulevard, on the border of Montebello and Pico Rivera. Physical destruction of significant artifacts, if found during project construction, would be a potentially adverse effect under federal impact criteria and a potentially significant impact under state impact criteria; however, this is unlikely because the Metro ROW runs within Washington Boulevard at this location. Mitigation consisting of archaeological monitoring and salvage, if needed, would mitigate this impact.

Operational Impacts

There would be no operational impacts to the site of the Battle of Rio San Gabriel because operation would be within the Metro ROW within Washington Boulevard at this location.

NEPA/Section 106 Effects Analysis for Historic Properties

Federal impact criteria stated in Section 4.14.1.1.1 of this document were applied during analysis of construction and operational effects of the Washington Boulevard LRT Alternative on the site of



Source: ICF International 2011.

Figure 4.14-3. Chinese Garden Restaurant within Proposed Washington Boulevard LRT Alternative Alignment

the Battle of Rio San Gabriel. The Washington Boulevard LRT Alternative would not change the property's historic or current use because it had been altered previously (Criterion IV), or introduce visual or audible elements (Criterion V) beyond what currently exists. Criterion VI and VII do not apply because there is nothing to maintain on the property which pertains to the historic site and the property is not owned by the federal government. This property has the potential to meet NRHP Criterion D if any archaeological artifacts are still extant, although this is considered unlikely. However, there is potential for an adverse effect if artifacts are discovered, so monitoring during construction at this location is proposed. Therefore, there would be no adverse effect with implementation of the mitigation measure for monitoring.

CEQA Impact Analysis for Historic Resources
State impact criteria stated in Section 4.14.1.1.2 of this document were applied during analysis of construction and operational effects of the Washington Boulevard LRT Alternative on the site of the Battle of Rio San Gabriel. The site is not eligible for listing in the CRHR.

The Former Rod's Grill

The former Rod's Grill appears eligible for the NRHP at the local level of significance under Criterion C because it is an important, rare, and unusually intact example of coffee shop architecture from the early 1950s. The property is also eligible for the CRHR under Criterion 3 for architecture.

Construction Impacts

The proposed aerial structure would result in the placement of a column on the sidewalk near the southeast corner of the former Rod's Grill. The restaurant has a large expanse of windows, which have historically provided street views of Garfield Avenue. The nearly floor-to-ceiling windows make the flat roof appear to float above the building because the structure lacks strong vertical elements.

The proposed column would be placed near the southwest corner of the building to maintain the most important views of the architecture. However, less important views from the southeast would be

compromised. Physical features within the setting of the building at the corner of Garfield Avenue and Via Acosta would not be changed. Historic views from the restaurant to the street would not be blocked by any of the columns, thereby retaining the patrons' traditional view to the street. The historic use of the building would be unchanged, and important views of the architecture and setting would be maintained.

The most important views of the architecture from the northeast would be maintained. The column would obscure less important views of the architecture from the southeast and would somewhat diminish the integrity of the setting and feeling. The aerial structure would introduce a major visual element above the adjacent street; however, the building's architectural identity as a roadside coffee shop would continue.

Therefore, the construction of the Washington Boulevard LRT Alternative would have no adverse effect on the former Rod's Grill restaurant related to cultural resources.

Operational Impacts

It has been determined in Chapter 4.6 of this EIS/EIR that a significant aesthetic impact to the former Rod's Grill related to shade and shadow during the winter solstice would result from operation of the aerial guideway. However, the shade and shadow impact to the structure would not diminish the integrity of the property's significance historic features, nor would it demolish, destroy, relocate, or alter the building. Therefore, impacts from the operation of the aerial guideway would not result in a significant historical impact to the former Rod's Grill.

NEPA/Section 106 Effects Analysis for Historic Properties

Federal impact criteria stated in Section 4.14.1.1.1 of this document were applied during analysis of construction and operational effects of the Washington Boulevard LRT Alternative to the former Rod's Grill. The Washington Boulevard LRT Alternative would not change the historic use of the building, and important views of the architecture and setting would be maintained (Criterion IV); or

diminish the integrity of the property’s significant historic features (Criterion V) beyond what currently exists. Criterion VI and VII do not apply because there is nothing to maintain on the property which pertains to the historic site and the property is not owned by the federal government. Therefore, there would be no adverse effect with regard to cultural resources from the project to the former Rod’s Grill.

CEQA Impact Analysis for Historic Resources

State impact criteria stated in Section 4.14.1.1.2 of this document were applied during analysis of construction and operational effects of the Washington Boulevard LRT Alternative to the former Rod’s Grill. The project would not demolish, destroy, relocate, or alter this building. All aspects of the interior’s integrity would not be materially impaired by the proposed project. Under CRHR Criterion 3, the most important views of the architecture from the northeast would be maintained. The project would result in no significant impact on the former Rod’s Grill.

Mitigation Measures

Chinese Garden Restaurant

The Chinese Garden Restaurant is the only historic building whose entire structure would require physical demolition as a result of the Washington Boulevard LRT Alternative. Relocation is one type of mitigation to avoid demolition of a historic building.

The CRHR Special Considerations (14 CCR 4852.d.1.) indicate that a building may still be eligible for the CRHR after it has been relocated, as follows:

The State Historical Resources Commission encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving a historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new

location is compatible with the original character and use of the historical resource. A historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

The mitigation measures below would be used as needed to minimize adverse construction-related effects on historic properties and CEQA historical resources within the APE and address the requirements of the Special Considerations by requiring the new location to be compatible with the original character and use of the historical resource. Two options for relocation would be considered, and each requires the resource to retain its historic features and compatibility with respect to orientation, setting, and the general environment.

4.14.1-i. Relocation of the Chinese Garden

Restaurant, Option A: Relocation would require safely moving the building to the rear parking lot of its current location. Relocation of the building would be the responsibility of Metro and would meet the following requirements:

- This site shall provide adequate on-street and off-street parking to maintain current levels of patronage;
- Existing landscaping shall be preserved after the relocation;
- The freestanding “Chinese Garden Restaurant” sign shall remain in front of the restaurant after the relocation;
- The building shall be protected before, during, and after the move; and
- There shall be adequate public notification of the move.

4.14.1-ii. Relocation of the Chinese Garden

Restaurant, Option B: Relocation would require safely moving the building to a similar lot along Garfield Avenue. Relocation of the building would be the responsibility of Metro and would meet the following requirements:

- This site shall provide adequate on-street and off-street parking to maintain current levels of patronage;
- The building shall have similar street frontage to maintain access and visibility to patrons, with a best effort to maintain its current streetscape orientation;
- Existing landscaping shall be preserved after the relocation;
- The freestanding “Chinese Garden Restaurant” sign shall remain in front of the restaurant after the relocation;
- The building shall be protected before, during, and after the move; and
- There shall be adequate public notification of the move.

For either option, relocation of the restaurant to a new location would maintain contributing aspects of its historic orientation, immediate setting, and the general environment. Any relocation efforts implemented for the Chinese Garden Restaurant would be conducted in accordance with the guidelines recommended by the National Park Service, which are outlined in the booklet *Moving Historic Buildings* by John Obed Curtis (1979). In addition, any maintenance, repair, rehabilitation, stabilization, or preservation work performed in conjunction with relocation of the Chinese Garden Restaurant would be undertaken in a manner consistent with the Secretary of the Interior’s standards.

If the recommended mitigation for relocation is successfully implemented, such that the project “would not cause a substantial adverse change in its significance,” it would lessen the significant impact on the Chinese Garden Restaurant to a level that is less than significant, per the effect/impact criteria outlined in Section 15064.5 of the *CEQA Guidelines*.

A third mitigation measure for the Chinese Garden Restaurant is recommended for implementation alongside Relocation Option A or Option B to reduce the potential impacts of the Washington Boulevard LRT Alternative and relocation of the

restaurant to a less than significant level. If neither of the Relocation Options is implemented, the third mitigation measure below by itself would not lessen the impact of demolition of the historical resource to less than significant, and the impact would still be significant after mitigation.

4.14.1-iii. Archival Documentation of the Chinese Garden Restaurant: Prior to demolition or removal of the Chinese Garden Restaurant, Metro would arrange for a photographic documentation report to be prepared by a qualified architectural historian, historic architect, or historic preservation professional who satisfies the Secretary of the Interior’s Professional Qualification Standards for History, Architectural History, or Architecture pursuant to 36 CFR 61. This report would document the significance of the Chinese Garden Restaurant, its physical conditions, and setting along Garfield Avenue, both historic and current, through photographs and text. Photographs noting all elevations and details of the building’s architectural features should be taken using 35 mm black-and-white film. The photographer should be familiar with the recordation of historical resources. Photographs should be prepared in a format consistent with the Historic American Buildings Survey (HABS) standard for field photography. Copies of the report would be submitted to the city of Montebello Planning and Development Department and the Montebello Public Library.

Site of the Battle of Rio San Gabriel

The site of the Battle of Rio San Gabriel is the only historic property located within the APE for the Washington Boulevard LRT Alternative that could be affected by construction impacts. The following mitigation is recommended to reduce significant impacts resulting from construction activities that could impact unknown archeological resources associated with this site.

4.14.1-iv. Metro would arrange to have archaeological monitoring during construction at the site of the Battle of Rio San Gabriel, in accordance with the Cultural Resources Monitoring and Mitigation Plan (CRMMP).

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The Washington Boulevard LRT Alternative would not result in adverse effects on historic properties, provided that proper treatment of found artifacts during construction is implemented according to the CRMMP at the site of the Battle of Rio San Gabriel. This finding applies regardless of which maintenance yard option or design variation is selected.

CEQA Determination

The Washington Boulevard LRT Alternative would result in a significant impact to one historical resource: the Chinese Garden Restaurant. Mitigation measures regarding relocation would reduce impacts associated with the Washington Boulevard LRT Alternative to a less than significant level. This determination applies regardless of which maintenance yard option or design variation is selected. If relocation of the Chinese Garden Restaurant is not performed, a significant impact under CEQA to this CRHR-eligible resource would remain.

4.14.2 Archaeological Resources

This section discusses the construction and operational impacts of the proposed alternatives. Potentially significant impacts are discussed in this section. Discussion of impacts that would not be significant is provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR.

4.14.2.1 Regulatory Framework/Methodology

In addition to the regulatory framework presented for historic properties in Section 4.14.1.1, the

following regulations are applicable to archaeological resources.

4.14.2.1.1 Federal

Archaeological Resources Protection Act

The ARPA was enacted in 1979 and amended in 1988. The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation's heritage and provides for the following:

- Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging;
- Encourages increased cooperation and an exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this act; and
- Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land. The ARPA defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a "prohibited act" and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator.

Section 4 of the ARPA and Sections 5 through 12 of the uniform regulations establish a permitting system through which federal agencies can authorize professional scientific excavation and removal of archaeological resources from their lands. Permits for these activities may still be issued under the Antiquities Act of 1906, but the ARPA is now the standard basis on which federal archaeological permitting authority is derived. Important provisions of these sections of the law and the regulations deal with applications for permits, the requirements to be met for permit issuance, consultation with Indian tribes regarding permits, and suspension and revocation of permits.

Archaeological and Historic Preservation Act

The Archaeological and Historic Preservation Act provides for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of alteration of the terrain caused as a result of any federal construction project or federally-licensed activity or program.

Native American Graves Protection and Repatriation Act

The NAGPRA would also apply to this project if human remains of Native American origin are discovered on federal land during implementation of the project. The NAGPRA requires federal agencies and federally-assisted museums to return "Native American cultural items" to the federally-recognized Indian tribes or Native Hawaiian groups with which they are associated. Regulations (43 CFR 10) stipulate the following procedures be followed.

If Native American human remains are discovered, the following provisions would be followed to comply with regulations:

- Notify, in writing, the responsible federal agency;
- Cease activity in the area of discovery and protect the human remains;
- Certify receipt of the notification;
- Take steps to secure and protect the remains;
- Notify the Native American tribes likely to be culturally affiliated with the discovered human remains within one working day; and
- Initiate consultation with the Native American tribe or tribes in accordance with regulations described in 43 CFR, Part 10 Subpart B, Section 10.5.

4.14.2.1.2 State

California Public Resource Code 5097

If human remains of Native American origin are discovered during project construction not on federal land, it will be necessary to comply with state laws relating to the disposition of Native American

burials, which fall within the jurisdiction of the NAHC (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

The County Coroner has been informed and has determined that no investigation of the cause of death is required; and

If the remains are of Native American origin:

- The descendants of the deceased Native Americans have made a 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 PRC 5097.98, or
- The NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 48 hours after being notified by the NAHC.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped near discovered human remains until the coroner can determine whether the remains are those of a Native American.

Public Resources Code 21083.2

In addition, if an archaeological resource does not fall within the definition of a historical resource, but does meet the definition of a "unique archaeological resource" (PRC 21083.2), then the site must be treated in accordance with the special provisions for such resources. An archaeological resource is unique if it:

1. Is associated with an event or person of recognized significance in California or American history or recognized scientific importance in prehistory;

2. Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions; or
3. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.

Methodology

In conjunction with the research and survey activities described in Section 4.14.1.2, a Phase I archaeological reconnaissance survey of the APE was conducted to provide data concerning the presence or absence of archaeological resources. This section contains the environmental setting, cultural history, previous archaeological studies, results of archival research and records search, survey results, and recommendations for monitoring or archaeological evaluation (Phase II effort), if warranted.

Archival research was conducted to determine the nature and substance of existing documentation or archaeological resources within the APE. The research was conducted at the California State University, Fullerton Archaeological Information Center, for existing site records and files, and the Los Angeles County Tax Assessor's Office, for early land ownership records. In addition, local archives, museums, libraries, and knowledgeable local historians were consulted as appropriate.

Potential disturbance or damage to identified archaeological resources was determined by comparison with the project description and construction methods. Avoidance options were offered where appropriate. Where avoidance is not possible, subsequent mitigation activities were identified, potentially including more detailed documentation and, in some instances, recovery activities.

As defined in 36 CFR 800.16(d), an APE is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is

influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

For archaeological resources, the proposed APE includes the proposed at-grade ROW and any areas of direct ground disturbance during project construction, including areas for staging and temporary construction activities. The APE includes all proposed ROW, land acquisition and construction areas, and all parcels adjacent to permanent site improvements and facilities, including at-grade and grade-separated alignments, stations and power substations, park and ride facilities, and maintenance yards and buildings. For elevated alignments, the APE includes any additional parcels where the elevated structure may alter the character, use, or setting of a potential historic property. Thus, the APE boundaries vary along the alignment. However, they typically extend out from the alignment approximately 150 to 350 feet, or a depth of from one to three parcels depending on parcel sizes, intervening landscape and buildings, and whether the historic land use is sensitive to the proposed change in setting.

4.14.2.2 Affected Environment/Existing Conditions

One archaeological resource site was recorded along SR 60, the Whittier Narrows Dam Recreation Area. This expansive park is still in use; no archaeological artifacts were observed in this area during the survey. Six historic-era structures in the recreation area have been recorded in the Whittier Narrows Nature Center, all of them located south of the SR 60 LRT Alternative with or without the SR 60 North Side Design Variation. The Washington Boulevard LRT Alternative also encompasses dense commercial and residential development as well as portions of the existing highway, which precludes a pedestrian field survey. Open areas along the alignment include the Rio Hondo Coastal Basin Spreading Grounds in Montebello and the San Gabriel Coastal Basin Spreading Grounds in Whittier. One cultural resources site, the site of the 1847 Battle of Rio San Gabriel, was identified along the alignment (shown in Figure 4.14-2). A field

survey on both alternative alignments is precluded because ground surfaces are already densely developed with buildings and man-made landscaped features, and have been paved over and/or disturbed by prior earth-moving actions. Additional details are provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR.

4.14.2.3 Environmental Impacts/Environmental Consequences

This section discusses the construction and operational impacts of the proposed alternatives on archaeological resources. Potentially significant impacts are discussed in this section. Additional information is provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR. Table 4.14-2 summarizes the cultural resources impacts of each proposed alternative.

4.14.2.3.1 No Build Alternative

Impact Analysis

There would be no impacts to archaeological resources associated with the No Build Alternative.

Mitigation Measures

Since there would be no impacts to archaeological resources associated with the No Build Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The No Build Alternative does not include any construction and, therefore, no adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The No Build Alternative does not include any construction and, therefore, would result in no impacts to the resource. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.2.3.2 TSM Alternative

Impact Analysis

The TSM Alternative would involve minimal construction of new facilities such as bus stops. Construction associated with these facilities would not involve excavation at sufficient depths to encounter archaeological resources. As such, no impacts on archaeological resources are anticipated.

Mitigation Measures

Since there would be no impacts to archaeological resources associated with the TSM Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)

The TSM Alternative includes only minimal construction and, therefore, no adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The TSM Alternative includes only minimal construction and, therefore, would result in no impacts to the resource. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.2.3.3 SR 60 LRT Alternative

Impact Analysis

Construction Impacts

Undiscovered buried archaeological resources may exist within the project area, and it is possible that these archaeological materials could be unearthed during project excavation activities. In the event that such resources are identified, the significance of each discovered resource would be determined upon discovery. The alignment for the SR 60 LRT Alternative is within public street ROW that has been disturbed with utility and street construction, including the SR 60 Freeway and its embankments; therefore, it is highly unlikely that there will be archaeological materials in these areas, but there is still a limited potential. However the maintenance yards and park and ride locations, which are less

disturbed, have a potential to yield archaeological materials. The North Side Design Variation would not introduce any additional impacts.

Therefore, construction of the SR 60 LRT Alternative, with or without the SR 60 North Side Design Variation, could have the potential to disturb and destroy an undiscovered archaeological resource. If unmitigated, this disturbance of undiscovered archaeological resources would result in an adverse effect under federal impact criteria (NEPA) and a significant impact under CEQA. However, project mitigation measures would reduce archaeological resources impacts, if any resources are found during construction, to less than significant levels. The proposed mitigation measures are listed below.

Operational Impacts

There would be no impacts to archaeological sites during operation because no physical changes would occur.

Mitigation Measures

There could be significant impacts to unknown archaeological resources during construction activities. The following mitigation measures would reduce impacts to archeological resources determined to be significant, if any are found during construction, to less than significant levels.

- 4.14.2-i. Prior to any ground-disturbing activities, a project-wide CRMMP would be developed and implemented by Metro. This document would address areas where potentially significant prehistoric and historic archaeological deposits are likely to be located within the proposed project area. The CRMMP would also include a detailed prehistoric and historic context that clearly demonstrates the themes under which any identified subsurface deposits would be determined significant.
- 4.14.2-ii. Should significant deposits be identified during earth-moving activities, the CRMMP overseen by Metro would address methods for data recovery, anticipated artifact types, artifact analysis, report writing, repatriation

of human remains and associated grave goods, and curation.

- 4.14.2-iii. The CRMMP overseen by Metro would also require that an archaeologist qualified in prehistoric and historical archaeology be retained prior to ground-disturbing activities.
- 4.14.2-iv. The CRMMP overseen by Metro would be a guide for monitoring activities. If buried cultural resources, such as flaked or ground stone, historic debris, building foundations, or non-human bone, are discovered during ground-disturbing activities, work will stop in that area and within 50 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures.
- 4.14.2-v. Metro would retain a Native American monitor if treatment involved work at a prehistoric site. Treatment measures typically include: development of avoidance strategies, capping with fill material, or mitigation of impacts through data recovery programs such as excavation or detailed documentation.
- 4.14.2-vi. If during cultural resources monitoring the qualified archaeologist determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials, the qualified archaeologist can specify that monitoring be reduced or eliminated.

Impacts Remaining After Mitigation

NEPA/NHPA/Section 106 Determination

Within the APE for the SR 60 LRT Alternative, unidentified archaeological resources have not been formally evaluated for NRHP listing. The SR 60 LRT Alternative may have adverse effects upon unidentified resources, if they are determined to be eligible during implementation of the CRMMP discussed in the Mitigation Measures section. Any adverse effects under Section 106 will be resolved during SHPO coordination and implementation of

the CRMMP. The SR 60 LRT would not result in adverse effects to archaeological resources with implementation of mitigation measures described below.

CEQA Determination

The SR 60 LRT Alternative would have no significant construction or operational impacts to archaeological resources. This determination applies regardless of whether the North Side Design Variation is implemented.

4.14.2.3.4 Washington Boulevard LRT Alternative

Impact Analysis

Construction Impacts

Undiscovered buried archaeological resources may exist within the project area, and it is possible that these archaeological materials could be unearthed during project excavation activities. In the event that such resources are identified, the significance of each discovered resource would be determined upon discovery. Therefore, construction of the Washington Boulevard LRT Alternative, including aerial or at-grade crossings of Rosemead Boulevard and the I-605/San Gabriel River, have the potential to disturb and destroy a significant archaeological resource. The alignment for the Washington Boulevard LRT Alternative is within public street ROW that has been disturbed with utility and street construction, including the SR 60 Freeway and its embankments, so it is highly unlikely that there would be archaeological materials in these areas; but there is still a limited potential. However, the maintenance yards and park and ride locations, which are less disturbed, have a potential to yield archaeological materials. If unmitigated, this disturbance of significant archaeological resources would result in an adverse effect under federal impact criteria (NEPA) and a significant impact under CEQA. However, project mitigation measures would reduce archaeological resource impacts, if any resources are found during construction, to less than significant levels.

Operational Impacts

There would be no impacts to archaeological sites during operation of all proposed components, because no physical changes would occur.

Overall, the Washington Boulevard LRT Alternative, including aerial and at-grade crossings, would have no adverse effect on archaeological resources under NEPA with implementation of mitigation measures, and no significant impact to archaeological resources under CEQA with implementation of mitigation measures. None of the proposed maintenance yard options would introduce any additional impacts.

NEPA/NHPA Analysis (Section 106 Determination)

Within the APE for the Washington Boulevard LRT Alternative, unidentified archaeological resources have not been formally evaluated for NRHP listing. The Washington Boulevard LRT Alternative may have adverse effects upon unidentified resources, if they are determined to be eligible during implementation of the CRMMP. Any adverse effects under Section 106 will be resolved during SHPO coordination and implementation of the CRMMP.

The Washington Boulevard LRT Alternative would not result in adverse effects to archaeological resources with implementation of mitigation measures described below.

CEQA Impact Analysis

With implementation of the CRMMP, potential construction and operational impacts from the Washington Boulevard LRT Alternative would not be significant under CEQA.

Mitigation Measures

The same mitigation measures (mitigation measures 4.12.2-i through 4.14.2-vi) identified above in Section 4.14.2.3.3 for the SR 60 LRT Alternative, and summarized in Table ES-2, would apply to the Washington Boulevard LRT Alternative.

Impacts Remaining After Mitigation

NEPA/NHPA Finding (Section 106 Determination)
The Washington Boulevard LRT Alternative would have no adverse construction or operational effects to archaeological resources.

This finding applies regardless of which maintenance yard option or design variation is selected.

CEQA Determination

The Washington Boulevard LRT Alternative would have no significant construction or operational impacts to archaeological resources. This determination applies regardless of which maintenance yard option or design variation is selected.

4.14.3 Paleontological Resources

This section discusses the construction and operational impacts of the proposed alternatives. Potentially significant impacts are discussed in this section. Additional information is provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR.

4.14.3.1 Regulatory Framework/Methodology

In addition to the regulatory framework presented in Section 4.14.1.1.2, the following CEQA guidance is applicable to the analysis of paleontological resource impacts.

4.14.3.1.1 Paleontological Regulatory Setting

CEQA also categorizes paleontological resources as cultural resources and requires an evaluation of impacts to such resources. Impacts to paleontological resources are considered under CEQA only and are not considered historic properties to be evaluated under NEPA or the Section 106 process.

Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important to define a

particular time frame or geologic strata, or that add to an existing body of knowledge in specific areas, in local formations or regionally. Paleontological remains are accepted as nonrenewable resources significant to our culture and, as such, are protected under provisions of the Antiquities Act of 1906 and subsequent related legislation, policies, and enacting responsibilities.

In the state of California, fossil remains are considered to be limited, nonrenewable, and sensitive scientific resources.

4.14.3.1.2 Methodology

A paleontological resources assessment was obtained for this project from the Natural History Museum of Los Angeles County (LACM). Pertinent geological information was reviewed for the project extent, including a review of known paleontological localities; no paleontological field survey was performed. Paleontological sensitivity of the project area was addressed, and potential paleontological mitigation measures offered, as appropriate.

4.14.3.2 Affected Environment/Existing Conditions

As defined in 36 CFR 800.16(d), an APE is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

The APE would include any area where construction activities would excavate to a depth sufficient to encounter paleontological resources.

Two paleontological localities were discovered within a three-mile radius of the proposed alternatives. Recovery of vertebrate fossils yielded fossil materials at 11 to 34 feet below grade. Given the results of the paleontological research, the entire project area is considered to have high paleontological sensitivity, with the exception of the channels of the Rio Hondo and the San Gabriel River. The river channels are considered to have low

paleontological sensitivity. Additional details are available in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR.

4.14.3.3 Environmental Impacts/Environmental Consequences

This section discusses the construction and operational impacts of the proposed alternatives. Potentially significant impacts are discussed in this section. Additional information is provided in the Cultural Resources Technical Memorandum, Appendix Y, of this Draft EIS/EIR. Table 4.14-2 summarizes the cultural resources impacts of each proposed alternative.

4.14.3.3.1 No Build Alternative

Impact Analysis

There would be no impacts to paleontological resources associated with the No Build Alternative.

Mitigation Measures

Since there would be no impacts to paleontological resources associated with the No Build Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA Finding

The No Build Alternative does not include any construction and, therefore, no significant adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The No Build Alternative does not include any construction and, therefore, would result in no impacts to the resource. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.3.3.2 TSM Alternative

Impact Analysis

The TSM Alternative would involve minimal construction of new facilities such as bus stops. Construction associated with these facilities would not involve excavation at sufficient depths to encounter paleontological resources. As such, no

impacts on paleontological resources are anticipated.

Mitigation Measures

Since there would be no impacts to paleontological resources associated with the TSM Alternative, no mitigation measures are required.

Impacts Remaining After Mitigation

NEPA Finding

The TSM Alternative includes only minimal construction and, therefore, no significant adverse effects would result. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

CEQA Determination

The TSM Alternative includes only minimal construction and, therefore, would result in no impacts to the resource. Consequently, no mitigation is required and there would be no impacts remaining after mitigation.

4.14.3.3.3 SR 60 LRT Alternative

Impact Analysis

Construction Impacts

At depths within the older Quaternary sediments and the Fernando Formation, there is a high potential of encountering significant vertebrate fossils. Paleontological sensitivity is considered high. The alignment for the SR 60 LRT Alternative is within public street ROW that has been disturbed with utility and street construction, including the SR 60 Freeway and its embankments; therefore, it is highly unlikely that there will be paleontological materials in these areas, but there is still a limited potential. The North Side Design Variation would not introduce any additional impacts. However, the maintenance yards and park and ride locations, which are less disturbed, have a potential to yield paleontological materials. Surface grading or very shallow excavations into the younger Quaternary alluvial deposits and the Fernando Formation are unlikely to expose significant fossilized vertebrate remains. However, excavations of six feet or more in depth, extending into undisturbed deposits, may expose significant fossilized vertebrate remains. If

unmitigated, the destruction of any unique fossil resources would result in a significant impact under CEQA. However, project mitigation measures would reduce paleontological resource impacts, if any resources are found during construction, to less than significant levels. Mitigation measures to reduce impacts to less than significant levels are listed below.

Operational Impacts

There would be no impacts to paleontological resources during operation.

NEPA Finding

Paleontological resources are not considered historic properties to be evaluated under NEPA or the Section 106 process, therefore no NEPA finding is needed.

CEQA Finding

During construction of the SR 60 LRT Alternative and Maintenance Yard Option, significant impacts on paleontological resources could occur. The mitigation measures listed below would reduce potential impacts to paleontological resources to less than significant. The SR 60 LRT Alternative would not result in significant impacts to paleontological resources with implementation of the mitigation measures described below.

Mitigation Measures

There could be significant impacts to unknown paleontological resources during construction activities. The following mitigation measures would reduce impacts to paleontological resources, if any are found during construction, to less than significant levels.

4.14.3-i. Metro shall retain a qualified paleontological monitor to monitor excavation in areas identified as likely to contain paleontological resources. These areas are defined as all areas within the proposed project site where planned excavation will exceed depths of six feet into native undisturbed sediments.

4.14.3-ii. The qualified paleontological monitor shall retain the option to reduce monitoring if, in his or her professional opinion, sediments being monitored are previously disturbed. Monitoring may also be reduced if the potentially fossiliferous units, previously described, are not found to be present or, if present, are determined by qualified paleontological personnel to have low potential to contain fossil resources.

4.14.3-iii. Metro would make sure that the monitor is equipped to salvage fossils and samples of sediments as they are unearthed to avoid construction delays, and empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Since older Quaternary deposits yield small fossil specimens likely to go unnoticed during typical large-scale paleontological monitoring, matrix samples shall be collected and processed to determine the potential for small fossils to be recovered prior to substantial excavations in those sediments. If this sampling indicates that these units do possess small fossils, a matrix sample of up to 6,000 pounds shall be collected at various locations, to be specified by the paleontologist, within the construction area. These matrix samples shall also be processed for small fossils.

4.14.3-iv. The paleontological monitor would make certain that recovered specimens be prepared to a point of identification and permanent preservation, including washing of sediments, to recover small invertebrates and vertebrates.

4.14.3-v. Metro would make certain that specimens shall be curated into a professional, accredited museum repository with permanent retrievable storage. A report of findings, with an appended itemized inventory of specimens, shall be prepared. The report and inventory, when submitted

to Metro, will signify completion of the program to mitigate impacts to paleontological resources.

Impacts Remaining After Mitigation

NEPA Finding

Paleontological resources are not considered historic properties to be evaluated under NEPA or the Section 106 process; therefore, no NEPA finding is needed.

CEQA Determination

The SR 60 LRT Alternative and Maintenance Yard Option would have no significant construction or operational impacts to paleontological resources. This determination applies regardless of whether the North Side Design Variation is implemented.

4.14.3.3.4 Washington Boulevard LRT Alternative

Impact Analysis

Construction Impacts

At depths within the older Quaternary sediments and the Fernando Formation, there is a high potential of encountering significant vertebrate fossils. Paleontological sensitivity is considered high. The alignment for the Washington Boulevard LRT Alternative and aerial or at-grade crossings are within public street ROW that has been disturbed with utility and street construction, including the SR 60 Freeway and its embankments; therefore it is highly unlikely that there will be paleontological materials in these areas, but there is still a limited potential. However, the maintenance yards and park and ride locations, which are less disturbed, have a potential to yield paleontological materials. Surface grading or very shallow excavations into the younger Quaternary alluvial deposits and the Fernando

Formation is unlikely to expose significant fossilized vertebrate remains. However, excavations of six feet or more in depth, extending into undisturbed deposits, may expose significant fossilized vertebrate remains. If unmitigated, this destruction of any unique fossil resources would result in a significant impact under CEQA. However, project mitigation measures would reduce impacts to paleontological resources, if any resources are found during construction, to less than significant levels. Mitigation measures to reduce impacts to less than significant levels are listed below.

Operational Impacts

There would be no impacts to paleontological resources during operation.

Mitigation Measures

The same mitigation measures (mitigation measures 4.14.3-i through 4.14.3-v) identified above in Section 4.14.3.3.3 for the SR 60 LRT Alternative, and summarized in Table ES-2, would also apply to the Washington Boulevard LRT Alternative.

Impacts Remaining After Mitigation

NEPA Finding

Paleontological resources are not considered historic properties to be evaluated under NEPA or the Section 106 process; therefore, no NEPA finding is needed.

CEQA Determination

The Washington Boulevard LRT Alternative would have no significant construction or operational impacts to paleontological resources. This determination applies regardless of which maintenance yard option or design variation is selected.