

Best Management Practices for Cultural Resources



A GUIDE FOR CALIFORNIA FIRE SAFE COUNCIL MANAGERS AND LANDOWNERS FOR COMMUNITY WILDFIRE PROTECTION PLANS

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TABLE OF CONTENTS

What is the Purpose of this Guide?.....3

What are Best Management Practices?..... 3

What is Archaeology?.....3

What are Cultural Resources?.....3

The Value of Cultural Resources.....4

A Glimpse into the Past.....4

A Brief Legislative History4

What is the National Historic Preservation Act?.....5

What is an Undertaking?.....5

What is the California Environmental Quality Act?.....5

How Does this Concern You? And What You Can Do.....5

What Should You Do if you Find an Archaeological Site.....6

Types of Artifacts.....6

Best Management Practices for Cultural Resources.....7

Recommendations for Fire Safe Councils.....8

The Section 106 Process Flowchart9

Federally Funded Projects: NHPA Section 106 Compliance Process
Section 106 Timelines.....10

Building Blocks for Streamlining Grant Application Review Related to Environmental
Compliance.....11

Section 106 Timelines.....12

State Funded Projects: CEQA Process for Cultural Resource Compliance.....13

What is the Purpose of this Guide?

This guide provides basic information about archaeology and cultural resources in order to help the Fire Safe Council Community Wildfire Protection Plan (FSCCWPP) partners and landowners in San Diego County understand and appreciate the value of cultural resources, to help them better plan their projects, and to identify those cases when professional help is needed.

What are Best Management Practices?

Best Management Practices (BMPs) are practices and procedures that help to avoid, reduce or mitigate any adverse effects to protected resources (i.e. cultural resources) resulting from project implementation (i.e., fuels treatments). Although there are no formal BMPs in place for cultural resources, this guide looks at those FSCCWPP activities that may impact cultural resources and provides suggestions for protecting these resources.



What is Archaeology?

Archaeology is the scientific study of historic or prehistoric peoples through the excavation and evaluation of sites and artifacts. *Historic* refers to any site or artifact dating since European arrival and older than 50 years old, while *prehistoric* refers to Native American sites and artifacts dating to the time before European arrival. *Sites* are places where people left some sign of their presence. *Artifacts* are portable objects, such as stone tools, pottery, or glassware, and non-portable objects, such as fire pits, stone foundations, or rock art. All archaeological sites have the potential to tell us something about past people and the environments in which they lived.



What are Cultural Resources?

Cultural resources is a broad term that encompasses all *physical remains* of past human life that must be at least 50 years of age (50 years provides the historical perspective necessary to evaluate the significance of these physical remains). Examples include prehistoric Native American villages and seasonal campsites, milling stations, rock art, homesteads, logging camps, and emigrant trails. More importantly, cultural resources are *nonrenewable*, that is, unlike plants, a cultural site will not grow back. When the artifacts and surrounding material are disturbed, archaeological information is destroyed.

Cultural resources greater than 50 years of age are deemed to be important or significant if they are eligible or listed on the National Register of Historic Places (NRHP), at which point they become protected by federal or state law. A cultural resource is significant if it meets one or more of the following four criteria under the NRHP.

- A. It is associated with events that have made significant contributions to broad patterns of our history.
- B. It is associated with the lives of persons significant in our past.
- C. It embodies distinctive characteristics of construction type, works of a master, high artistic value.
- D. It has yielded, or is likely to yield, information important in prehistory and history.

The California Register of Historical Resources (CRHR) was created to identify resources deemed worthy of preservation at the State level and was modeled closely after the NRHP. The criteria for evaluation

are nearly identical to the four criteria of the NRHP, but focus upon resources of statewide, rather than national, significance.



The Value of Cultural Resources

California has a tremendously rich cultural history spanning 11,000 years from the earliest inhabitants with no written records to Spanish settlements and various Gold Rush activities. While the value of archaeological sites is partly scientific, revealing new information about the past, it also provides opportunities for recreation and education.

A Glimpse into the Past

Prehistoric Era

Studies of the archaeological record of the San Diego area have identified three different time periods: the San Dieguito, La Jollan, and Late Prehistoric (Yuman). During the San Dieguito period, the earliest inhabitants were hunters and gatherers who first occupied the area about 11,000 years ago. Subsequent environmental changes caused a major shift in subsistence strategies during the La Jollan Period (ca. 8000 – 1100 years ago). During this time, the inhabitants relied on plants, shellfish and fish, leading to a more sedentary lifestyle. During the Late Prehistoric Yuman Period (beginning 1100 years ago), further adjustments were made in which the inhabitants focused on a variety of seasonally available plant and animal resources.

Historic Era

The historic period of San Diego County spans the late 1700s to early 1900s and is associated with Spanish, Mexican and American occupation and land use.

The Spanish period (1769-1821) was a time of exploration, the establishment of the San Diego Presidio and the San Diego and San Luis Rey Missions, and the introduction of agriculture to the region.

The Mexican period (1821-1846) includes the retention of Spanish laws and practices before secularization of the Mission San Diego de Alcalá in 1834. Vast tracts of land were granted and the Rancho era began. The Pueblo of San Diego was established and transportation routes were expanded.

The American Period (1848 – present) began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Much of the land that once constituted rancho holdings became public land, available for settlement by emigrants to California. As more Americans ventured into the area at the end of the 19th century, the old Spanish land grants were gradually broken up and the land changed hands many times.

A Brief Legislative History

Did you know that Federal laws have been in place since 1906 to protect and preserve important cultural resources? Since then, a number of additional laws and regulations have been developed at the federal, state and local levels to ensure that cultural resources are considered during planning and permitting of projects. These laws have helped reduce the loss of cultural resources on public lands where projects are under review. On private lands where regulations do not apply, the conservation of

archaeological sites depends on informed and caring landowners.

The main federal and state laws and guidelines for protecting important cultural resources are summarized below.

What is the National Historic Preservation Act?

The key legislation that Federal agencies must follow for the protection and preservation of cultural resources is the **National Historic Preservation Act of 1966, as amended (NHPA)**. This Act was established as a result of the rapid loss of a number of archaeological sites due to development, erosion, and looting.

The main component of NHPA is:

- **Section 106**, which requires Federal agencies to consider the effects of their actions (undertakings) on important cultural resources.

What is an Undertaking?

An **undertaking** can be a project, activity, or program funded by a Federal agency, including:

- those carried out by or on behalf of the agency;
- those carried out with Federal financial assistance;
- those requiring a Federal permit, license, or approval; and,
- those subject to State or local regulation with approval by a Federal agency.

Any project that meets the definition of an **undertaking** triggers compliance with the NHPA. If your project is an undertaking, then the steps of Section 106 apply (see Flowchart, p. 9).

What is the California Environmental Quality Act?

The California Environmental Quality Act (CEQA) is the principal statute requiring an environmental assessment of projects in California. The purpose of CEQA is to evaluate whether a proposed project may have an adverse effect on the environment, and if so, if that effect can be reduced or eliminated by pursuing an alternative course of action or through mitigation.

The basic goal of CEQA is to develop and maintain a high-quality environment now and in the future. The specific goals are for California's public agencies to:

1. Identify the significant environmental effects of their actions; and, either
2. Avoid those effects, where feasible; or
3. Mitigate those significant environmental effects, where feasible.

CEQA applies to projects proposed to be undertaken or requiring approval by state and local public agencies. *Projects* are activities which may have a physical impact on the environment.

How Does this Concern You? And What You Can Do.

A number of cultural resources exist on privately owned lands. Many of these are unrecorded sites unknown to the landowner, and can only be located by an on-the-ground search of the area made by people trained to recognize them.

Landowners who have cultural resources on their property are stewards of California's past. The guardianship of these sites provides future generations with the

opportunity to learn from and experience our history.

Cultural resources can be damaged or destroyed during **CWPP activities** if they are not identified and protected before the project begins. If you have a **CWPP project** that uses funds from a federal, state or local agency, then the project is an *undertaking* that is subject to **Section 106** of the NHPA or **CEQA**. In this case, you might be required to comply with state or federal legislation, which may require the identification, evaluation, and/or mitigation of effects on the cultural resource present.

Protecting cultural resources does not need to cost the landowner a lot of money, often none whatsoever. Protected resources include both historic and prehistoric sites as well as locations of cultural significance to local Native Americans that do not necessarily have visible artifacts or features.

What Should You Do if You Find an Archaeological Site?

If you find what may be an archaeological site, artifact or feature, do not disturb it. Contact the California State Historic Preservation Office in Sacramento and report your find. If you are unsure about a possible site, you can ask a professional archaeologist to look at it. There are state and federal laws with civil and criminal penalties that protect sites.

If you encounter human remains on your property, you are subject to State Health and Safety Code Section 7050.5, which states that “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of

a misdemeanor.” Call the county coroner upon discovery of human remains; no further disturbance should occur to those remains until the coroner has made the necessary findings as to origin and disposition pursuant to California Public Resources Code 5097.98.



Types of Artifacts

Among the most common items at many prehistoric sites are stone tools. These tools were used for a variety of tasks, including hunting, skinning and butchering of animals, and the pounding or grinding of seeds, nuts, and other plant foods (stone mortars and pestles, flat grinding slabs, and hand-held grinding stones). Other tools were made of wood, shell, and other organic materials.



Artifacts found in historic sites tend to be items such as cans, glassware, ceramic and pottery and glassware that are associated with logging camps, emigrant trails, homesteads, and Gold Rush-era mining towns and features.

Best Management Practices for Protecting Cultural Resources

What are CWPP activities?

Treatment types are fuel-reduction activities that involve hand labor, mechanical treatment, chemical treatment, prescribed burning, grazing.

Which CWPP activities may impact cultural resources?

This depends on methods used for each activity. In general, treatment types that involve hand labor (trimming, thinning brush and tree, debris removal by hauling) will least likely impact cultural resources. Ground disturbing activities using mechanized equipment have a greater potential to impact cultural resources.

- For non ground disturbing activities within the 100' to 300' feet defensible space with no known cultural resources, no impacts are to be expected.
- Activities within the 1.5 mile Wildland Urban Interface zones in unsurveyed areas: potential for impacts exist.

CWPP Project Planning

It is likely that the greatest threats to cultural resources are on private lands where surveys have not been conducted. Here's what you can do to help.

Determine if there are cultural resources on or near the property

- ✓ gather information from local or regional sources

If compliance is needed, work with qualified professionals to

- ✓ evaluate potential impacts of proposed activity
- ✓ conduct cultural resource inventories to identify sites
- ✓ develop avoidance measures
- ✓ consult with SHPO and tribes as per agency protocols

See flowcharts (p. 9, 10, 13) and text for federal or state processes.



Protection Measures for Cultural Resources

- ✓ avoid impacts to known cultural resources
- ✓ exclude the area containing the cultural resources from prescribed burn locations
- ✓ clearly mark the boundaries of the cultural resources when included in the prescribed burn area
- ✓ create buffers (protective space) around cultural resources
- ✓ keep roads, skid trails, and landings away from cultural resources
- ✓ take measures to reduce soil disturbance in cultural resource areas

Recommendations for Fire Safe Councils

FSC projects are subject to CEQA and NHPA where federal, state or local governments are funding, permitting or assisting them.

Plan Early and Often

- engage agency cultural resources specialists in project planning
- include cultural resources in CWPP

Provide Good Project Descriptions

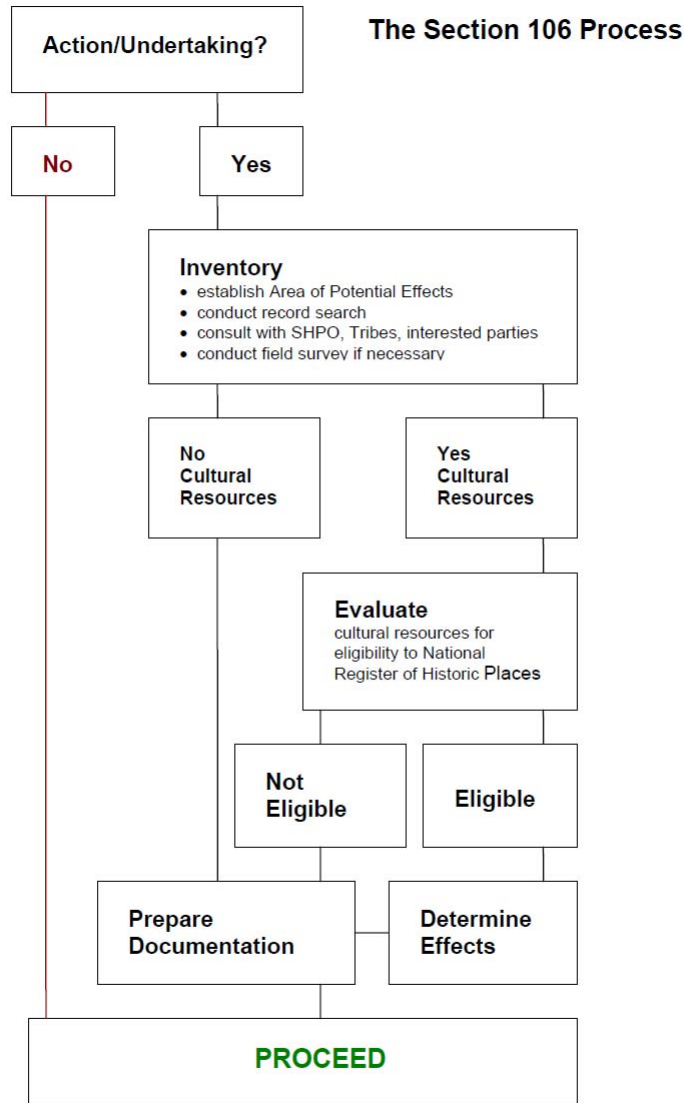
- where will the treatments occur?
- what treatments will occur?
- fuel models, fuel loads, burn prescriptions
- location of known cultural resources
- planning early and often results in good understanding of project specifics among agency personnel

Ensure Compliance is Covered

- negotiate with agency to determine how compliance obligations will be met
- if necessary, determine in consultation with the agency, the amount of cultural resource compliance funding is needed and include in grant proposal

Examples of Exemptions

- timber stand improvement, where ground is not disturbed
- mulching, hand application
- shaded fuel breaks, thinning and pruning trees along sides of a road
- disposal of piled brush (except burning)
- hand lines
- road maintenance
- previously surveyed areas
- other practices such as use of heavy equipment, to be considered on a case-by-case basis



The basic steps in the Section 106 process that archaeologists follow:

1. Is the project an undertaking?

- No: proceed with project
- Yes: establish area of potential effects, conduct record search, consult with SHPO/Tribes, conduct field survey

2. Cultural resources present?

- No: prepare report, consult with SHPO, proceed with project
- Yes: evaluate cultural resource for National Register of Historic Places eligibility by applying criteria

3. Cultural resources eligible?

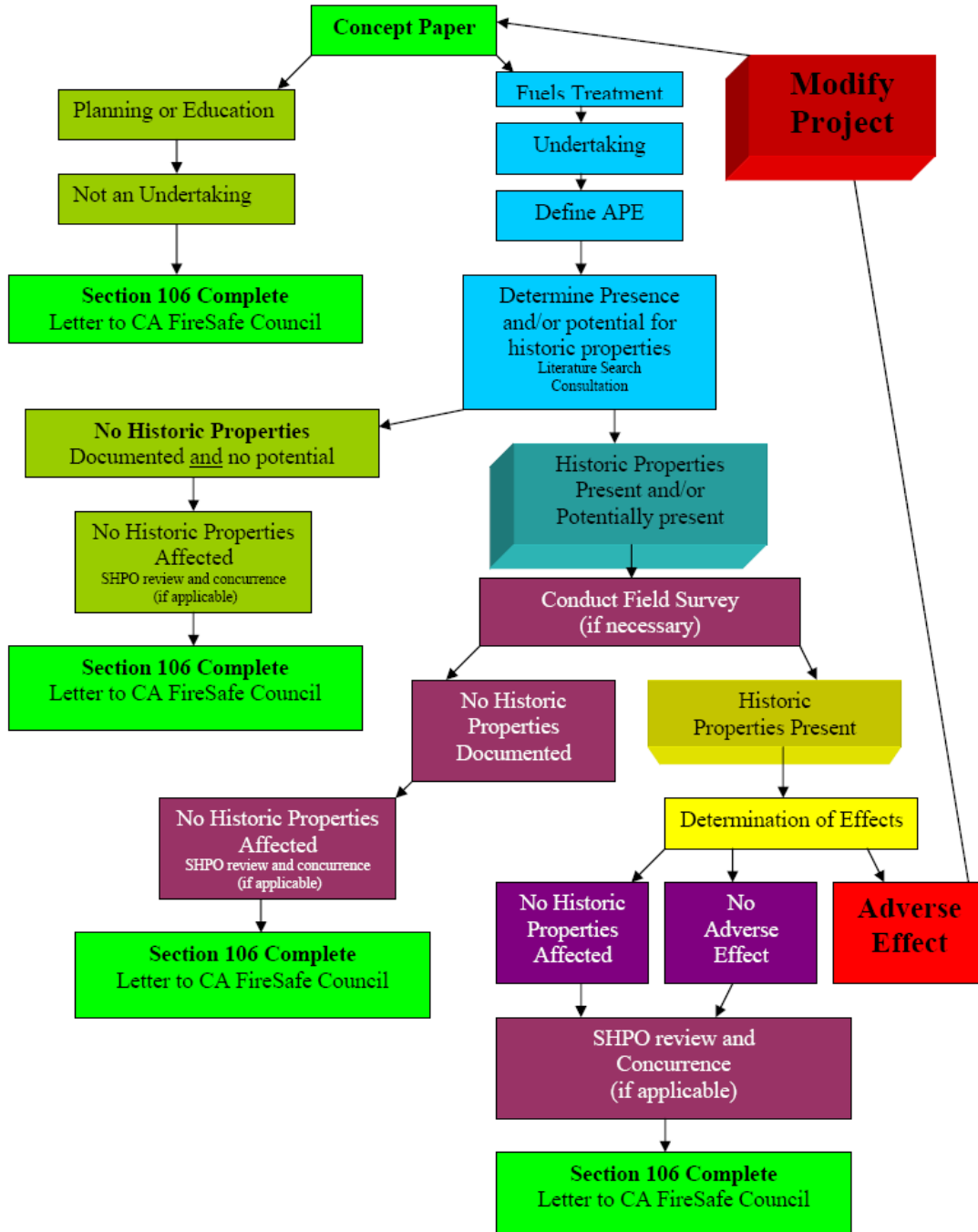
- No: prepare report, consult with SHPO, proceed with project
- Yes: determine effects

4. Will there be an effect?

- No: prepare report, consult with SHPO, proceed with project
- Yes: resolve adverse effects, consult with SHPO/THPO, develop MOA, invite Advisory Council on Historic Preservation to comment

Source: US Fish and Wildlife Service, www.fws.gov/910/docs/fire/BMPsCulturalResources_SD_CWPP.pdf

Federally Funded Projects: NHPA Section 106 Compliance Process



Building Blocks for Streamlining Grant Application Review related to Environmental Compliance

Types of Inventory

There are three types of inventory: existing information inventory; probabilistic field survey; and intensive field survey

A review of existing information inventory

This is called prefield research. This is a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data.

The purpose of prefield research is to provide cultural resource specialists and managers with an informed basis for understanding the study area. This step involves the following:

- Access California Historical Resources Information Center for site records. Review site records and maps.
- Determine level of previous survey. This will determine the necessity for new cultural resource survey to improve the state of knowledge, especially where there are substantial data gaps.
- Determine site types and probable importance of cultural resources presently known to exist within the study area.
- Determine natural settings where the various known kinds of cultural resources might be expected to occur or not to occur within the study area, based on present information.
- Determine potential for and probable consequences of conflict between the known kinds of cultural resources and the various types of land and resource uses proposed in the study area.

Probabilistic Field Survey

This type of survey may be appropriate when existing information about the project area or similar environments indicates that a properly designed sample survey would adequately address the relevant research questions about past human use of the area. This survey is generally not appropriate where designing a sample and executing a discontinuous survey may prove more demanding and time-consuming than a continuous intensive survey.

A survey may be appropriate when:

- comparing alternative locations for proposed undertakings
- testing hypotheses about presence or absence of significant prehistoric and historic archaeological and architectural properties
- the regional inventory suggests that there is a low probability of finding significant historic properties in the study area
- the regional inventory suggests a significant correlation between certain site types and environmental variables can be tested through sampling the study area.

Intensive Field Survey

Intensive survey is most useful when it is necessary to know precisely what historic properties exist in a given area or when information sufficient for later evaluation and treatment decisions is needed on individual historic properties.

- Intensive Field Survey is a professionally conducted, thorough pedestrian survey of an entire target area (except for any subareas exempted), intended to locate and record all historic properties.

Section 106 timelines

Example: For a typical 50-100 acre fuel treatment unit

1. Identification and assessment of effects

- 30 days: consultation with State Historic Preservation Office, Tribes, other interested parties
- 1-2 days pre-field research
- 1-3 days field survey (assume 60-80 acres/person/day)

2. Prepare documentation

- 1-3 days

3. State Historic Preservation office Consultation

- 30 days to concur/not concur

State Funded Projects: CEQA Process for Cultural Resource Compliance

