



THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION COMMENTS ON CEQA DOCUMENTS AS AN AUTHORITY ON HISTORIC AND CULTURAL RESOURCES. THIS PUBLICATION USES CASE-STUDIES TAKEN FROM ENVIRONMENTAL DOCUMENTS PRODUCED IN CALIFORNIA TO HELP ENVIRONMENTAL ANALYSTS AND LEAD AGENCIES UNDERSTAND HISTORICAL AND CULTURAL RESOURCE IDENTIFICATION AND EVALUATION.

THIS IS NOT AN OFFICIAL POLICY DOCUMENT, BUT THE EXAMPLES INCLUDED CAN HELP PROFESSIONALS AND DECISION MAKERS UNDERSTAND HISTORIC AND CULTURAL RESOURCE EVALUATION AS AN INTEGRAL ELEMENT IN SUCCESSFUL COMPLETION OF THE CEQA PROCESS.

## Understanding Identification of Historical Resources

As part of the CEQA process Lead Agencies are tasked with identifying if projects will result in impacts to historical resources. The CEQA Guidelines rely largely, but not entirely, on the California Register of Historical Resources (CRHR) eligibility criteria.

In short, if a Lead Agency determines a resource is listed in or eligible for listing in, the CRHR (§ 15064.5.a.1); is included in a local register of historical resources; has been identified as significant in an historical resources survey (§ 15064.5.a.2); or the Lead Agency determines the resource is historical based on substantial evidence (§ 15064.5.a.4), the environmental document should evaluate, and if necessary mitigate, any significant impacts to the resource.

There are several ways for a resource to be listed in the CRHR. The resource may be nominated for, and listed on, the CRHR. The State Historic Resources Commission (SHRC) may make a formal determination of eligibility for listing in the National Register of Historic Places (NRHP). The resource may be determined eligible for Listing on the NRHP through the Section 106 consultation process, or a Part I approval of a federal historic tax credit application. Through each of these processes the resource is listed on the CRHR and a historic resource for the purposes of CEQA.

Some local governments maintain their own historical registries. Local registries allow Lead Agencies to decide what historical resources are important in their community. If a resource has been officially listed on a local registry pursuant to the provisions of a local historic resources ordinance, it is considered historically significant for the purposes of CEQA.

If a Lead Agency is unsure about a resource, they should consider hiring a professional historian or arche-

ologist who meets the Secretary of the Interior Standards Professional Qualifications for History, Architectural History, or Archeology. However, CEQA ultimately delegates final authority to the Lead Agency to determine if a resource is historically significant or not.

A resource should be considered a historical resource if it has previously been identified as significant in a historical resources survey. Under certain circumstances (described under PRC § 5024.1(g)), it may be necessary to reevaluate the resource to ensure it continues to meet the criteria for listing. However, when dealing with a resource that has been identified as historical as part of a survey, a Lead Agency should treat the resource as historical unless there is a preponderance of evidence indicating that the resource is no longer eligible for listing.

Regardless of what method is used, if a Lead Agency decides to treat a resource as historical for the purposes of CEQA, that decision should be based on substantial evidence. Deciding what constitutes substantial evidence beyond official designation is largely left to the discretion of the Lead Agency; however, such evidence commonly includes professional studies, expert testimony, historic resource surveys, local knowledge, or a formal determination by a local board or commission.

In order to review and comment on environmental documents prepared by consultants, Lead Agency representatives should have a basic understanding of the relevant sections of the CEQA Guidelines. Some of these include what constitutes substantial evidence or a fair argument in light of the whole record (See Guidelines § 15064). While often prepared with good intentions, environmental consultants are not always experts in evaluating historical resources, or may not be intimately familiar with state and local register eligibility criteria. The OHP also recommends all Lead Agency representatives review section **15064.5 of the CEQA Guidelines: Determining the Significance of Impacts to Archeological and Historical Resources**, and contact the OHP if this section raises specific questions.



# CEQA CASE STUDIES

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## Requesting CEQA Comments from OHP

Requests for OHP comments from local agencies and concerned local citizens should be made at least two weeks prior to the end of the comment period for the CEQA document prepared for the project in question. Requests made any closer to the end of the comment period will generally not provide OHP with sufficient time to respond to the request. Requests must be made in writing (e-mail, fax, or mail) and should include as much information as possible about the project (name, location, and project description); historical resources information (name of property, location, property description and significance); lead agency information (contact person, contact information, other involved agencies); and CEQA process (document type, comment period).

OHP is occasionally contacted by members of the public who feel that a CEQA document should have been prepared for a

specific project, but one was not. When making a request for comments from OHP in such a circumstance, OHP should still be given at least two weeks prior to any final action on the project in question to respond. A shorter time frame will generally not provide OHP with sufficient time in which to do so. To the extent possible, the same information as described above should be provided.

OHP recognizes that there may be times when no CEQA document is prepared and it is not possible to provide OHP with sufficient information on which to act prior to a lead agency's final action on a project. In such circumstances, and subject to OHP commenting criteria listed below, OHP may request that the lead agency provide additional time in which OHP may provide further comments. The closer the request is made to anticipated final action by a lead agency, though, the less likely it is

that OHP will take any action.

OHP is also occasionally contacted by members of the public for advice and assistance with general CEQA questions not related to a specific project. OHP will attempt to respond to all written requests for advice and assistance with general CEQA questions within a timely manner. All requests should include the name and affiliation of the person making the request and contact information, including phone number, fax number, and email address. Please allow at least two weeks for OHP to respond.

**THE OFFICE OF HISTORIC PRESERVATION (OHP) MAY CHOOSE TO COMMENT ON THE CEQA COMPLIANCE PROCESS FOR SPECIFIC LOCAL GOVERNMENT PROJECTS. OHP HAS COMMENTED ON CEQA DOCUMENTS AND ADVISED LEAD AGENCIES SINCE THE 1970S. HOWEVER, IT WAS NOT UNTIL THE ADOPTION OF THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES REGULATIONS IN 1992 AND THE 1998 AMENDMENTS TO CEQA THAT DEFINED HISTORICAL RESOURCES, THAT OHP INITIATED A SPECIFIC CEQA PROGRAM. BECAUSE OHP HAS NO FORMAL AUTHORITY OF LOCAL GOVERNMENT AGENCIES IN CALIFORNIA, THIS PROGRAM IS APPROACHED IN A MORE INFORMAL MANNER THAN OUR COMMENTING RESPONSIBILITIES UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OR COMMENTS ON STATE PROJECTS UNDER PUBLIC RESOURCES CODE SECTION 5024.5, WHICH PERTAINS TO STATE OWNED HISTORIC PROPERTIES.**

## CEQA RESOURCES

- ◆ [PRC Section 21083.2-21084.1](#)
- ◆ [CEQA Guidelines CCR Section 1500-15387](#)
- ◆ [Advocating for Historic Resources Under CEQA](#)