

APPENDIX 3.17-A: CULTURAL RESOURCES LOCAL AND REGIONAL PLANS AND LAWS CONSISTENCY ANALYSIS

This appendix addresses California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements to describe a proposed project's inconsistencies or conflicts with applicable local and regional plans and laws. CEQA Guidelines require that an environmental impact report (EIR) discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans (Guidelines, § 15125(d)). NEPA regulations¹ require a discussion of conflicts between a proposed undertaking and the objectives of federal, regional, state, local and tribal² land use plans, policies, and laws, as well as a description of the extent to which the Authority and the Federal Railroad Administration (FRA) would reconcile the inconsistencies (Council on Environmental Quality Regulations, §§ 1502.16(c), 1506.2(d)).

Although the Volume 1, *Merced to Fresno Section: Central Valley Wye Draft Supplemental Environmental Impact Report/Supplemental Environmental Impact Statement* describes the Central Valley Wye alternatives' inconsistency with local and regional plans and laws in order to provide a context for the project, inconsistency with such plans and laws is not considered an environmental impact.

Table 1 of this appendix provides the following:

- A determination for each applicable local and regional plan or law that identifies whether the Central Valley Wye alternatives are consistent or inconsistent with the goals, objectives, policies, or ordinances that each applicable local and regional plan or law contains.
- In the event that an inconsistency has been identified the following information has been provided:
 - An explanation of why the Central Valley Wye alternatives are inconsistent;
 - A discussion of approaches the Authority has committed to take to reconcile any inconsistency. Such approaches consist of impact avoidance and minimization features (described in Volume 2, Technical Appendices, Appendix 2-B, California High-Speed Rail Authority Environmental Commitments: Impact Avoidance and Minimization Features); and activities described in Volume 2, Appendix 2-C, Applicable Design Standards.
 - The rationale for carrying forth the Central Valley Wye alternatives if it remains inconsistent with the local and regional plan or law despite these approaches.
- Where it has been determined that the Central Valley Wye alternatives are consistent with a local and regional goal, objective, policy, or law, neither reconciliation nor the rationale behind it are required and Table 1 shows this as "N/A".

¹ NEPA regulations refer to the regulations issued by the Council for Environmental Quality located at 40 CFR Part 1500.

² No designated tribal lands exist in the vicinity of the Central Valley Wye alternatives and no analysis of tribal land use policies is provided.

Table 1 Applicable Local and Regional Plan and Law Inconsistency, Reconciliation, and Rationale

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
2030 Merced County General Plan (2013)			
<p>Goal RCR-2: Protect and preserve the cultural, archaeological, and historic resources of the County in order to maintain its unique character.</p>	<p>Inconsistent. Consistent with implementation of CUL-MM#1, CUL-MM#2, and CUL-MM#3. While the Central Valley Wye alternatives would not affect any known cultural resources, there is a potential for construction activities to impair the significance of unknown archaeological resources, including in areas where permission to enter has not been granted. Unknown archaeological sites might represent the full range of prehistoric or historic activities conducted over time, from prehistoric lithic scatters and village sites, to historic-era homestead remains, to human burials.</p>	<p>Through implementation of CUL-MM#1, the Authority would complete the inventory for archaeological resources and develop treatment plans for any identified resources that would be impaired by the project. Implementation of CUL-MM#2 and CUL-MM#3 would insure that construction crews are trained to identify buried cultural resources during construction activities, provide for construction monitoring by qualified professionals in areas of archaeological sensitivity, and establish procedures to stop work in the event of a discovery. In accordance with CUL-MM#3, if human remains are encountered, the appropriate state and federal laws would be followed to determine whether the remains are affiliated with a Native American tribe; if so, such remains would be treated appropriately.</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas. The project design includes measures to minimize impacts on cultural resources.</p>
<p>Policy RCR-2.1: Archaeological Site and Artifact Protection Require development projects that affect archaeological sites and artifacts to avoid disturbance or damage to these sites.</p>	<p>Inconsistent. Consistent with implementation of CUL-MM#1, CUL-MM#2, and CUL-MM#3. While the Central Valley Wye alternatives would not affect any known cultural resources, there is a potential for construction activities to impair the significance of unknown archaeological resources, including in areas where permission to enter has not been granted. Unknown archaeological sites</p>	<p>Through implementation of CUL-MM#1, the Authority would complete the inventory for archaeological resources and develop treatment plans for any identified resources that would be impaired by the project. Implementation of CUL-MM#2 and CUL-MM#3 would insure that construction crews are trained to identify buried cultural resources during construction activities, provide for construction monitoring by</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas. The project design includes measures to minimize impacts on cultural resources.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
	might represent the full range of prehistoric or historic activities conducted over time, from prehistoric lithic scatters and village sites, to historic-era homestead remains, to human burials.	qualified professionals in areas of archaeological sensitivity, and establish procedures to stop work in the event of a discovery. In accordance with CUL-MM#3, if human remains are encountered, the appropriate state and federal laws would be followed to determine whether the remains are affiliated with a Native American tribe; if so, such remains would be treated appropriately.	
Policy RCR-2.2: Historic Area Preservation Support the preservation of historical structures and areas, particularly those listed on the National Registrar [sic] of Historic Places and California Registrar [sic] of Historic Places [sic].	Consistent	N/A	N/A
Policy RCR-2.3: Architectural Character Preservation Require that the original architectural character of significant State and Federally listed historic structures be maintained in compliance with preservation standards and regulations.	Consistent	N/A	N/A
Policy ROS-2.4: Park and Open Space Historic Resource Preservation Require the preservation of historic resources located in parks and publicly-owned open-space areas.	Consistent	N/A	N/A
Policy RCR-2.5: Human Remains Discovery Require that, in the event of discovery of human remains on any project construction site, all work in the vicinity of	Inconsistent. Consistent with implementation of CUL-MM#3.	In accordance with CUL-MM#3, if human remains are encountered, the appropriate state and federal laws would be followed to determine whether the remains are affiliated with a Native	The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resources areas.

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the find will cease and the County coroner and Native American Heritage Commission will be notified.	While the Central Valley Wye alternatives would not affect any known cultural resources, there is a potential for construction activities to impair the significance of unknown archaeological resources, including in areas where permission to enter has not been granted. Unknown archaeological sites might represent the full range of prehistoric or historic activities conducted over time, from prehistoric lithic scatters and village sites, to historic-era homestead remains, to human burials.	American tribe; if so, such remains would be treated appropriately. This begins with ceasing construction and notifying the County coroner, who then notifies the Native American Heritage Commission, as needed.	The project design includes measures to minimize impacts on cultural resources.
<p>Policy RCR-2.6: Historic Buildings and Areas</p> <p>Identify and preserve buildings and areas with special and recognized historic, architectural, or aesthetic value during the Community Plan update process. New development should respect architecturally and historically significant buildings and areas.</p>	Consistent	N/A	N/A
<p>Policy RCR-2.7: Historic Preservation</p> <p>Support the efforts of local preservation groups and community property owners to preserve or improve building facades and exteriors consistent with the historic visual character of the specific building or area.</p>	Consistent	N/A	N/A
<p>Policy RCR-2.8: Historical Preservation Area/Site Designations</p> <p>Allow sites of historical and archaeological significance to be designated as historical preservation areas or sites during the Community Planning process or on individual sites in rural areas.</p>	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Madera County General Plan (1995)			
Goal 4.D: To identify, protect, and enhance Madera County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.	Consistent	N/A	N/A
Policy 4.D.1: Requires that the views of the local Native American community be solicited in cases where development may result in disturbance to sites containing evidence of Native American activity or to sites of cultural importance.	Consistent	N/A	N/A
Policy 4.D.2: Promotes the preservation and maintenance of Madera County's paleontological, archaeological, and historical resources.	Consistent	N/A	N/A
Policy 4.D.3: Requires that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment.	<p>Inconsistent.</p> <p>Consistent with implementation of CUL-MM#1, CUL-MM#2, and CUL-MM#3.</p> <p>While the Central Valley Wye alternatives would not affect any known cultural resources, there is a potential for construction activities to impair the significance of unknown archaeological resources, including in areas where permission to enter has not been granted. Unknown archaeological sites might represent the full range of prehistoric or historic activities conducted over time, from prehistoric lithic scatters and village sites, to historic-era homestead remains, to human burials.</p>	<p>Through implementation of CUL-MM#1, the Authority would complete the inventory for archaeological resources and develop treatment plans for any identified resources that would be impaired by the project. Implementation of CUL-MM#2 and CUL-MM#3 would insure that construction crews are trained to identify buried cultural resources during construction activities, provide for construction monitoring by qualified professionals in areas of archaeological sensitivity, and establish procedures to stop work in the event of a discovery. In accordance with CUL-MM#3, if human remains are encountered, the appropriate state and federal laws would be followed to determine whether the remains are affiliated with a Native American tribe; if</p>	<p>The Authority is mandated to construct and operate the HSR project. This is a state-level project that would have benefits across multiple resource areas. The project design includes measures to minimize impacts on cultural resources.</p>

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
		so, such remains would be treated appropriately.	
Policy 4.D.4: Maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts. If significant archaeological and cultural resources are open to the public, the County shall control public access to prevent damage or vandalism.	Consistent	N/A	N/A
Policy 4.D.6: Encourage the preservation of the original architectural character of significant historic structures and districts. To this end, the County shall use the <i>State Historic Building Code</i> .	Consistent	N/A	N/A
Policy 4.D.7: Use existing legislation and propose local legislation for the identification and protection of cultural resources and their contributing environment.	Consistent	N/A	N/A
Policy 4.D.8: Support the registration of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark). The County shall assist private citizens seeking these designations for their property.	Consistent	N/A	N/A
Fresno County General Plan (2003)			
Policy OS-J.1: The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse to	Consistent	N/A	N/A

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the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.			
Stanislaus County General Plan (2016)			
Policy 24: The County will support the preservation of Stanislaus County's cultural legacy of archeological, historical, and paleontological resources for future generations.	Consistent	N/A	N/A
City of Merced General Plan (2015)			
Policy: SD-2.1 Identify and preserve the City's archaeological resources.	Consistent	N/A	N/A
Policy SD-2.2: Identify and preserve the City's historic and cultural resources.	Consistent	N/A	N/A
City of Chowchilla 2040 General Plan (2011)			
Objective OS 14: promote the City of Chowchilla's cultural resources as a means to enhance the City's identity as an important center of the Central Valley history.	Consistent	N/A	N/A
Policy OS 14.1: Promote the preservation of cultural resources to ensure that citizens of Chowchilla have an opportunity to understand and appreciate the City's unique heritage.	Consistent	N/A	N/A
Policy OS 14.2: Promote neighborhood / City identity and the role of historic preservation in community enhancement.	Consistent	N/A	N/A
Policy OS 14.3: Promote an understanding of the significance of the City's cultural resources, the criteria for historic designation, historic design review	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
processes, building permit requirements, and methods for rehabilitating and preserving historic buildings, sites and landscapes.			
Objective OS 15.1: Identify, preserve and enhance archaeological, cultural and historical resources.	Consistent	N/A	N/A
Policy OS 15.1: Require archaeological studies by a certified archeologist / historian in areas determined by the City or by a state or federal agency to have potential archeological or historical significance prior to approval of development and redevelopment projects.	Consistent	N/A	N/A
Policy OS 15.2: Protect sites of archaeological significance and ensure compliance with all applicable state and federal cultural resources protection and management laws in its planning and project review process.	Consistent	N/A	N/A
Policy OS 16.1: Promote the preservation and restoration of historical sites and structures within the City of Chowchilla of local, regional, state or national significance.	Consistent	N/A	N/A
Policy OS 17.1: Support public and private efforts to preserve, rehabilitate and continue the use of cultural and historic structures, sites and districts. Where applicable, preservation efforts shall confirm to the current state federal standards for the treatment of historic property guidelines for preserving rehabilitating, restoring and reconstructing historic buildings.	Consistent	N/A	N/A
Policy OS 17.2: Promote and encourage adaptive reuse of historic buildings. Consistent with health and safety, other	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
basic considerations, the City shall be flexible in applying building and zoning standards to encourage continued use and adaptive reuse of historic buildings.			
Policy OS 17.3: Utilize historic preservation as a tool for encouraging and supporting mixed use development and redevelopment of the City's urban core and Downtown District.	Consistent	N/A	N/A
Policy OS 17.4: Buildings and other cultural resources that are not historically significant but have historical or architectural value should be preserved or relocated, wherever feasible. Where this is not feasible, the resource shall be documented and the information retained in a secure, but publicly accessible location.	Consistent	N/A	N/A
Policy OS 17.5: Historically significant buildings shall not be modified in a way that affects their historic value or demolished except to protect public health and safety, or where saving the structure is infeasible.	Consistent	N/A	N/A
Policy OS 17.6: The City of Chowchilla shall assume its responsibility for historic preservation by protecting and maintaining publicly owned cultural resources. Historic resources include, but are not limited to, buildings, monuments, landscapes, entry monuments, street lighting, street trees, and the scoring, dimensions, and patterns of sidewalks, driveways, curbs and gutters.	Consistent	N/A	N/A
City of Waterford General Plan (2006)			
Policy SD-2.1: Identify and preserve the City's archaeological resources.	Consistent	N/A	N/A

Applicable Local and Regional Plan / Law	Inconsistency	Reconciliation	Rationale
Policy SD-2.2: Identify and preserve the City's historic and cultural resources.	Consistent	N/A	N/A

Sources: City of Chowchilla 2011; City of Merced, 2015; City of Waterford, 2006; Fresno County 2003; Madera County 1995; Merced County 2013; Stanislaus County, 2016

HSR = high-speed rail

IAMF = impact avoidance and minimization feature

MM = Mitigation Measure

Authority = California High-Speed Rail Authority

N/A = not applicable. Reconciliation nor the rationale behind it are provided as it has been determined that the Central Valley Wye alternatives are consistent with requirements and reconciliation will therefore not be required.

References

- City of Chowchilla. 2011. *City of Chowchilla 2040 General Plan. Adopted May 2. Open Space Element, Public Facilities and Services Element and Public Safety Element.* www.ci.chowchilla.ca.us/dept.%20forms/Com%20Dev/General%20Plan/Table%20of%20Contents.pdf (accessed: April 8, 2015).
- City of Merced. 2015. Merced Vision 2030 General Plan. Adopted with resolutions January 3, 2012. Available at https://www.cityofmerced.org/depts/cd/planning/merced_vision_2030_general_plan.asp Merced, CA. Adopted January 3, 2012 and Updated August 2015.
- City of Waterford. 2006. *Waterford Vision 2025 General Plan.* Adopted October 26, 2006. <http://cityofwaterford.org/departments/planning/general-plan> (accessed: August 2016)
- Fresno County. 2003. *Fresno County General Plan.* Adopted October 3, 2000; reflects amendments through March 25, 2003. <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=68048> (accessed September 26, 2016).
- Madera County. 1995. General Plan policy document. Available: <http://www.madera-county.com/index.php/forms-and-documents/category/46-general-plan-document-materials> (accessed: January 2015).
- Merced County. 2013. *2030 Merced County General Plan.* Public Review Draft. www.co.merced.ca.us/pdfs/planning/generalplan/focusgroup4/policies/focus4combined.pdf (accessed: December 31, 2014).
- Stanislaus County. 2016. *Stanislaus County General Plan.* Adopted August 23, 2016. <http://www.stancounty.com/planning/pl/general-plan.shtm> (accessed: August 2016/March 2018)