



CEQA and the California Register

Understanding the 50-year Threshold

CEQA is a California Statute, so logically the CEQA Guidelines rely on the California Register of Historical Resources (California Register) eligibility criteria. It is important for Lead Agencies to understand the references made in the CEQA Guidelines as they pertain to the California Code of Regulations (CCR), Title 14, Chapter 11.5 which provides the California Register's criteria for significance and integrity. Understanding the California Register is integral to understanding identification and evaluation pursuant to the CEQA process.

There is a common misconception that resources of 50-years and older need to be evaluated, but anything younger cannot be considered significant. The 50-year threshold originally comes from *36 Code of Federal Regulations 60.4*, which pertains to the National Register. Those regulations require a resource to be "exceptionally important" to be considered eligible for listing. On the other hand, the California Register criteria (CCR § 4852) state that in order for a resource to achieve significance within the past 50-years, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. The language provided in CCR § 4852, is much broader than the National Register eligibility requirement for exceptional significance. Specifically, the California Register statute allows CEQA Lead Agencies a fair amount of flexibility in justifying that a resource is significant, even if that resource is less than 50-years old. This flexibility also puts greater responsibility on Lead Agencies to evaluate resources based on substantial evidence, rather than relying on the age of the resource alone. Finally, many local preservation ordinances do not include an age threshold, and a property listed on a local register is presumed to be a historical resource for the purposes of CEQA.

In this CEQA case study, a Lead Agency proposed to redevelop an existing civic center complex for use as a

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.

community college. The project site included a courthouse building, a public works office building, a public library, and a sheriff's substation. The majority of the buildings in the civic center would be reused for the new community college, except for the sheriff's substation, which would be demolished. The civic center buildings were all constructed in a mid-century architectural style known as New Formalism. This style of architecture was common in the post WWII-period and has received a fair amount of scholarly attention for its use on capital improvement projects, such as civic centers. The sheriff's substation building in our case study was the largest and most architecturally distinct resource in the civic center complex.

The historic resource evaluation determined that because the sheriff's substation building was 46-years old, rather than 50-years old, it did not need to be evaluated pursuant to the California Register eligibility criteria. The evaluation cited a "general rule" of eligibility for listing on the California Register. However, as we discussed above, the environmental document should first use the historic context to determine if enough time has passed to gain a scholarly perspective on the events or individuals associated with the resource. Second, the evaluation should determine if the civic center and the sheriff's substation are historically significant and contain sufficient integrity for listing on the California Register. By relying on the strict 50-year threshold established by the National Register regulations, the civic center complex was never evaluated to determine if it should be treated as a historical resource for the purposes of CEQA.

Reliance on the National Register criteria for eligibility is a common misstep in CEQA documents because the National Register and California Register are intentionally very similar. However, the California Register is more flexible and was intended to create a comprehensive list of historical resources in California. As demonstrated by our civic center case study, familiarity with the CCR Title 14, Chapter 11.5 is important when using the CEQA Statute and Guidelines to determine if a specific project may impact historical resources.



CEQA CASE STUDIES

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

1725 23rd Street, Ste 100
Sacramento, CA 95816-7100

Phone: 916-445-7000
Fax: 916-445-7053
E-mail:

VISIT US ONLINE!

WWW.OHP.PARKS.CA.GOV



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](#)