

**Testimony regarding the Consistency Certification
for the Foothill South Toll Road**

California Coastal Commission Hearing
Del Mar Fairgrounds – Wyland Hall
Milford Wayne Donaldson, FAIA
State Historic Preservation Officer
February 6, 2008

Mr. Chairman and members of the California Coastal Commission, my name is Milford Wayne Donaldson, State Historic Preservation Officer. Under the California Coastal Act, Public Resources Code, Section 30244, you have requested my presence to testify at this hearing to advise you and answer questions you and the Commission may have regarding the Foothill South Toll Road proposed by the Transportation Corridor Agencies or TCA and its possible effects on historical resources.

My staff and I are very familiar with the project since we have been consulting to the Federal Highways Administration and the Advisory Council on Historic Preservation as required under Section 106 of the National Historic Preservation Act a number of years. As of June of last year, my staff and I at the Office of Historic Preservation have offered advice and comment to your staff in the preparation of their report to you.

First, let me state that I appreciate the purpose of the toll road as a means to alleviate traffic congestion and accommodate better traffic flow through Orange county's arterial network. As you have requested, what follows is a summary of

my consultation regarding the significant archaeological and cultural resources along the proposed route and whether or not reasonable mitigation measures have been taken into account.

There are at least two major cultural resources that may be negatively impacted by the proposed route: one we know the Acjachemen village site of *Panhe* and another potential site, Trestles surf break. There may be more significant cultural resources in the area existence of which we are unaware of due to lack of evaluation by TCA.

The TCA has acknowledged through their consultant LSA that the *Panhe* site qualifies as a Traditional Cultural Property although no study fully evaluates the effects of this project on that site. However, as acknowledged by TCA, their proposed mitigation will not alleviate the physical destruction and social impact to the *Panhe* ethnographic village site. In addition, it will impact the Acjachemen people who currently gather at *Panhe* for various ceremonial purposes.

To date, Traditional Cultural Properties have been associated with Native American cultural and ceremonial use. While I believe additional studies are necessary to fully evaluate the effects, the consultants for TCA have acknowledged *Panhe* as a Traditional Cultural Property. A Traditional Cultural Property, however, does not have to be associated with Native American use to so qualify.

You have asked me to explain a Traditional Cultural Property and how it may potentially apply to Trestles. Traditional Cultural Properties may be a property type new to you. As noted in the National Register of Historic Places, Traditional Cultural Properties derive their significance from "...the role the property plays in a community's historically rooted beliefs, customs, and practices." Traditional Cultural Properties (commonly referred to as TCPs) were specifically called out in the 1992 amendments to the 1966 National Historic Preservation Act. This amendment made it clear that TCPs were eligible for the National Register.

When applying the National Register criteria for Trestles as a potential TCP, three major thresholds must be met. First, the property usually must be 50 years old; secondly, it must meet one or more of the National Register criteria dealing with events, people, type or period of construction, has yielded or is likely to yield important information and three, maintain a level of physical integrity to convey its historic significance. I will address each of these thresholds.

Trestles is a unique and classic Southern California surf site that is formed by the San Mateo river-mouth and is affected by sand, cobble, and other sediment load moving in and out of the area from San Mateo Creek.

The community's use of Trestles can be traced to the early 1930s and the property can be easily defined. Surfers typically park at a public lots inland - and

hike, skate, or bike to the main trail that traverses an additional 0.5 miles.

Trestles stretches about one mile and consists of five primary and several secondary breaks. The primary breaks are known locally as Cotton, Uppers, Lower, Middles, and Church. The property could potentially be defined as the trails, beach and breaks.

Surfing came to San Onofre in 1934 when surfers from Corona del Mar, displaced by Newport Harbor jetty expansion came to ride the multiple breaks along a seven hundred yard stretch ranging north as far as Church. Innovations in the design of surfboards in the early 1950s allowed surfing to spread to the more critical breaks at Uppers and Lower. Trestles appears to be associated with events important in our past. It might meet other National Register criteria.

Over one million surfers are estimated to surf once a week or more throughout the year in California. Trestles helped establish surfing as a recreation, a lifestyle, a culture, and a part of Southern California identity. The community might be defined as those who surf Trestles, those who surf, or those who reside in Southern California.

Trestles has a greater historic depth than many folks realize. It is a unique and integral component of Southern California culture. It appears to have significant associative values to the surfing community at large as a Traditional Cultural

Property. A Traditional Cultural Property's evaluation at Trestles will analyze how their site will be impacted and if mitigation measures are reasonable.

The mitigation proposals as found for *Panhe* as they appear in TCA's report are without sufficient information. Should these mitigation measures go forward they are not reasonable for the protection of that cultural site. Indeed, these potential impacts if not appropriately mitigated may render the ceremonial site unusable.

The preparation of a Traditional Cultural Property evaluation will analyze how the Acjachemen will be impacted and if mitigation measures are reasonable.

Under the Coastal Act, I support your staff's report findings that further investigation and research is needed and concludes that reasonable mitigation has yet to be fully proposed. My staff and I at the Office of Historic Preservation will continue to work with your staff and I am available to answer questions you may have.