

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 659**

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**Introduced by Senator Hancock**

February 22, 2013

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~~An act to amend Section 5020.4 of the Public Resources Code, relating to the State Historical Resources Commission. An act to add Section 21083.2.5 to the Public Resources Code, relating to environmental quality.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 659, as amended, Hancock. ~~Archaeologists: recommended qualifications. Environmental quality: archaeological resources: qualifications.~~

*The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires a lead agency to determine whether a project may have a significant effect on archaeological resources.*

*CEQA requires the Office of Planning and Research to prepare, develop, and review on a biennial basis, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA.*

*This bill would require the office, on its next review of the guidelines, to prepare and develop proposed changes and amendments to the guidelines to establish professional qualifications for a person performing an archaeological evaluation for the purposes of CEQA.*

~~Existing law prescribes the different qualifications that are required of various professions and vocations, including geologists and geophysicists.~~

~~Existing law establishes the State Historical Resources Commission and requires the commission, among other things, to develop and adopt criteria for the rehabilitation of historic structures, recommend to the Department of Parks and Recreation the criteria and standards for acceptance of historical buildings, structures, sites, or places for registration as historical landmarks or points of historical interest, and to develop criteria and methods for determining the significance of archaeological sites.~~

~~This bill would permit the State Historical Resources Commission to develop and adopt standards for evaluating the qualifications of an archaeologist that may be useful when hiring, employing, obtaining, consulting with, or otherwise selecting an archaeologist and, in developing and adopting these standards, would require the commission to consider, at a minimum, education, training, and experience. This bill would provide that an archaeologist who does not meet the standards prescribed by the commission shall not be prohibited from engaging in the practice of archaeology if the archaeologist has otherwise met the applicable requirements.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 *SECTION 1. Section 21083.2.5 is added to the Public*
- 2 *Resources Code, to read:*
- 3 *21083.2.5. (a) On or after January 1, 2014, at the time of the*
- 4 *next review of the guidelines prepared and developed to implement*
- 5 *this division pursuant to subdivision (f) of Section 21083, the Office*
- 6 *of Planning and Research, in cooperation with the State Historical*
- 7 *Resources Commission, shall prepare, develop, and transmit to*
- 8 *the Secretary of the Natural Resources Agency recommended*
- 9 *proposed changes or amendments to the guidelines establishing*

1 *professional qualifications for a person performing an*  
2 *archaeological evaluation for the purposes of Section 21083.2.*

3 *(b) Upon receipt and review, the Secretary of the Natural*  
4 *Resources Agency shall certify and adopt the recommended*  
5 *proposed changes or amendments prepared and developed*  
6 *pursuant to subdivision (a).*

7 SECTION 1. ~~Section 5020.4 of the Public Resources Code is~~  
8 ~~amended to read:~~

9 5020.4. (a) ~~The commission shall do all of the following:~~

10 ~~(1) Receive and evaluate applications for, and make~~  
11 ~~recommendations with respect to entries on, the National Register~~  
12 ~~of Historic Places to the officer.~~

13 ~~(2) Conduct a statewide inventory and maintain comprehensive~~  
14 ~~records of historical resources pursuant to federal and state law,~~  
15 ~~including, but not limited to, historical landmarks and points of~~  
16 ~~historical interest.~~

17 ~~(3) Establish criteria for the recording and preservation of~~  
18 ~~historical resources, and for deletions from historical registers~~  
19 ~~warranted by destruction or damage of a historical resource or~~  
20 ~~other change in conditions.~~

21 ~~(4) Develop and adopt criteria for the rehabilitation of historic~~  
22 ~~structures.~~

23 ~~(5) Establish policies and guidelines in compliance with state~~  
24 ~~and federal requirements for a comprehensive statewide historical~~  
25 ~~resources plan which includes, but is not limited to, architecture,~~  
26 ~~history, archaeology, and folklife.~~

27 ~~(6) Develop and update annually, based upon public hearings~~  
28 ~~and active public participation, the statewide historical resources~~  
29 ~~plan.~~

30 ~~(7) Make recommendations to the department, based upon the~~  
31 ~~statewide historical resources plan, including the listing of~~  
32 ~~historical resource projects on a priority basis.~~

33 ~~(8) Oversee the administration of the California Register, receive~~  
34 ~~and evaluate nominations to, and cause qualified resources to be~~  
35 ~~listed in, the California Register, and adopt, as necessary, timely~~  
36 ~~revisions of the California Register criteria and procedures as may~~  
37 ~~be advisable.~~

38 ~~(9) Recommend to the department the criteria and standards for~~  
39 ~~acceptance of historical buildings, structures, sites, or places for~~  
40 ~~registration as historical landmarks or points of historical interest.~~

1     ~~(10) Receive and evaluate applications for registration of~~  
2     ~~structures, sites, or places as historical landmarks or points of~~  
3     ~~historical interest. The commission shall select and designate~~  
4     ~~historical landmarks and points of historical interest that it~~  
5     ~~determines meet the criteria in subdivision (a) of Section 5031.~~  
6     ~~The commission shall maintain a register which identifies historical~~  
7     ~~landmarks and points of historical interest by number and~~  
8     ~~description.~~

9     ~~(11) Make recommendations to the office with respect to a~~  
10    ~~standard design and detail for the marker or plaque which may be~~  
11    ~~erected or raised at registered historical landmarks or historical~~  
12    ~~resources, and with respect to the use of the marker or plaque. The~~  
13    ~~commission shall consult with cities and counties in developing~~  
14    ~~design and placement standards. These standards shall not prevent~~  
15    ~~a city or county from implementing its own standards if they meet~~  
16    ~~the minimum criteria established by the commission.~~

17    ~~(12) Recommend to the department the type of directional sign~~  
18    ~~to be erected in connection with the registration of a point of~~  
19    ~~historical interest. The commission shall consult with cities and~~  
20    ~~counties in developing design and placement standards. These~~  
21    ~~standards shall not prevent a city or county from implementing its~~  
22    ~~own standards if they meet the minimum criteria established by~~  
23    ~~the commission.~~

24    ~~(13) Submit an annual report in January to the director and the~~  
25    ~~Legislature giving an account of its activities, identifying~~  
26    ~~unattained goals of historical resources plans and programs, and~~  
27    ~~recommending needed legislation for the support of those~~  
28    ~~programs. The director shall advise the commission of new and~~  
29    ~~continuing plans, policy, and programs concerning statewide~~  
30    ~~historical resources and shall receive and consider the views of~~  
31    ~~the commission.~~

32    ~~(14) Consult with, and consider the recommendation of, public~~  
33    ~~agencies, civic groups, and citizens interested in historic~~  
34    ~~preservation.~~

35    ~~(15) Develop criteria and procedures based upon public hearings~~  
36    ~~and active public participation for the selection of projects to be~~  
37    ~~funded through the National Historic Preservation Fund, the~~  
38    ~~California Heritage Fund, and other federal and state programs~~  
39    ~~that have as their primary purpose the preservation and~~  
40    ~~enhancement of historical resources.~~

1     ~~(16) Prepare, or cause to be prepared, and recommend to the~~  
2     ~~director, a budget with respect to those duties and responsibilities~~  
3     ~~of the commission contained in this section.~~

4     ~~(b) (1) The State Historical Resources Commission may develop~~  
5     ~~and adopt standards for evaluating the qualifications of an~~  
6     ~~archaeologist that may be useful when hiring, employing,~~  
7     ~~obtaining, consulting with, or otherwise selecting an archaeologist.~~

8     ~~(2) In developing and adopting these standards, the commission~~  
9     ~~shall consider, at a minimum, education, training, and experience,~~  
10    ~~and shall consult with interested persons and organizations,~~  
11    ~~including, but not limited to, relevant professional societies and~~  
12    ~~members of the descendent community, if applicable.~~

13    ~~(3) Nothing in this paragraph shall be construed to prohibit an~~  
14    ~~archaeologist who does not meet the standards prescribed by the~~  
15    ~~commission pursuant to paragraph (1) from engaging in the practice~~  
16    ~~of archaeology if the archaeologist otherwise meets the applicable~~  
17    ~~requirements.~~

18    ~~(e) The commission may adopt guidelines for the review of~~  
19    ~~applications for excavation and salvage permits submitted pursuant~~  
20    ~~to Section 6313 and make recommendations thereon to the State~~  
21    ~~Lands Commission.~~