

Comments from the
Humboldt County Resource Lands Working Group (HCRLWG)
To the Humboldt County Board of Supervisors
regarding
Section 10.6 Cultural Resources

The structure for this document is as follows:

Title of the Goal, Standard, Policy, or Implementation Measure

HCRLWG RECOMMENDATION: Recommended language for that section from the Humboldt County Resource Lands Working Group in blue.

HCRLWG COMMENTS: Rationale for the changes and other comments in blue.

Any portions in green are related to changes made at the planning commission and were indicated that way in the version sent to the Board of Supervisors.

Items in red were indicated that way in the version sent to the Board of Supervisors.

September 19, 2014

CU-P1. Identification and Protection.

CU-P1. Identification and Protection. ~~Cultural resources~~ The potential for significant impacts to cultural resources shall be identified during ministerial and discretionary permit review, assessed as to significance, and if found to be significant, protected from substantial adverse change, deterioration, loss, or destruction.

Add definition to glossary: (per PRC 5020.1):

Substantial Adverse Change. Demolition, destruction, relocation, or alteration such that the significance of an historical the resource or it's immediate surroundings would be impaired.

HCRLWG COMMENTS:

We support the development of a definition for consistency throughout this section. It should be ensured that this definition is consistent with the CEQA definition 15064.5 and PRC 5020.1. It is unclear what “and its immediate surroundings” and “impaired” mean in this definition. More clarity would be helpful.

CU-P3. Avoid Loss or Degradation.

HCRLWG RECOMMENDATION:

The group can support the version sent forward to the Board of Supervisors from the Planning Commission with the small modifications indicated.

CU-P3. Avoid Substantial Adverse Change Loss or Degradation. Projects located in areas ~~found known~~ to have ~~cultural resources~~ historic or prehistoric ruins, burial grounds, or archeological sites shall be conditioned and designed to avoid **substantial adverse change** ~~loss or substantial degradation~~ of these resources, including standard provisions for post-review inadvertent discoveries of archaeological or Native American remains.

HCRLWG COMMENTS:

For consistency, the defined term “substantial adverse change” should be used.

CU-P4. Findings Necessary for Loss or Destruction

HCRLWG RECOMMENDATION:

The group can support the version sent forward to the Board of Supervisors from the Planning Commission with the small modifications indicated.

CU-P4. Findings Necessary for Substantial Adverse Change Loss or Destruction. Cultural resources shall not be knowingly **caused substantial adverse change** ~~destroyed or lost~~ through a ministerial or discretionary action unless:

- A. The site or resource has been found not to be of ~~insignificant~~ value **after consultation with** ~~by~~ representatives of the cultural resources community and relevant experts; or
- B. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.

HCRLWG COMMENTS:

For consistency, the defined term “substantial adverse change” should be used.

September 19, 2014

CU-S3. Cultural Resources Community.

CU-S3. Cultural Resources Community. The cultural resources community includes:

a) Native American Tribes, defined as federally recognized and non recognized tribes and tribal organizations that have ancestral lands in Humboldt County that are on the contact list maintained by the Native American Heritage Commission; and, the appointed Tribal Historic Preservation Officers (THPOs) of such tribes.

b) Applicable agencies and organizations, including the Native American Heritage Commission, the California State Office of Historic Preservation, the North Coastal Information Center, the Northwest Information Center, Humboldt County Public Works Department and the Planning and Building Divisions, and local historical societies and museums.

c) Other interested parties who have requested in writing to be notified of such matters.

HCRLWG COMMENTS: The County should maintain the list.

CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss.

CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss. Conditioning, designing, and/or mitigating projects to avoid (loss of cultural resources in general, but) *impacts to* archeological or paleontological resources (in particular,) *significant for their scientific value* shall include, where applicable:

- A. ~~Change building and construction sites and/or road locations to avoid sensitive areas; Design projects involving any ground disturbance to avoid known archaeological or paleontological sites, or~~
- B. Provide protective cover (e.g. cap with geotextile material and/or other barrier and cover with imported fill soil using light-weight rubber tired equipment) for all or portions of known (for) sites that cannot be feasibly avoided, ~~or~~ after the site has been adequately characterized (depth, area, constituents) and reported on using appropriate scientific excavation techniques, or
- C. ~~Where site avoidance is infeasible, design and implement a research design guided mitigation excavation program, in consultation with culturally affiliated Tribe(s) or other descendant groups, as appropriate, under the direction of a qualified and locally experienced professional, to document significant scientific information that would otherwise be lost by project implementation. Provide for removal or transfer of culturally significant material by a cultural heritage specialist, professional archeologist, or geologist where appropriate and with the approval of all parties concerned.~~
- D. For discretionary **and ministerial** projects that *will* involve ground disturbing activities, the following measures shall be included as ~~a~~ *standard* conditions of approval or as notations to be placed on development plans:

~~The project site is not located within an area where known *cultural resources archaeological or paleontological sites* have been identified. *located.* However, as there exists the possibility that undiscovered *cultural resources archaeological or paleontological resources* may be encountered during construction activities, the following *post-review, inadvertent archaeological discovery mitigation* measures are required under state and federal laws:~~

~~If *cultural resources archaeological or paleontological resources* are encountered, all ground disturbing work at the find location plus a reasonable buffer zone must be immediately suspended *cease* and a qualified professional contacted to analyze the significance of the find and formulate further mitigation (e.g., project relocation, excavation plan, and protective cover) in consultation with culturally affiliated tribes or other descendant groups, where applicable.~~

September 19, 2014

Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all ground-disturbing work must cease and the County Coroner contacted.

The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition."

E. Voluntary deeding of the site into a permanent conservation easement.

HCRLWG COMMENTS: It is unclear what effect adding ministerial projects will have on the building permit process.

CU-Sx. Cultural Resources Report Contents.

HCRLWG RECOMMENDATION: The group recommends deletion of this standard.

CU-Sx. Cultural Resources Report Contents. A Cultural Resources Report should, at the minimum, contain:

- (1) Evidence of a full background literature search through the depository at the Humboldt County Historical Society. Whether the resource is on any federal, State or local list of designated historic resources. Whether the resource is identified in any information in the historical archives;
- (2) A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;
- (3) A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the *Secretary of the Interior's Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION* [As Amended and Annotated]—http://www.cr.nps.gov/local-law/arch_stnds_0.htm;
- (4) A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;
- (5) A description and evaluation of any structures and a determination of whether or not they qualify as historical resources. This evaluation should answer the following questions with respect to possible historic significance:
 - a) Is it associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California, or the United States;
 - b) Is it associated with the lives of persons important to local, California, or national history;
 - c) Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master or possess high artistic values;
 - d) Has it yielded, or does it have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.
- (6)
 - a) Given the answers to 5. a. through d., Does the resource qualify as an historic resource? If the answer to 6a is no, and any of the answers to 5a through 5d is yes, explain why, in your assessment, the resource does not qualify as historic.
 - b) Does the resource have integrity for the period of significance? The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.

September 19, 2014

e) — Identify whether or not the resource retains enough of its historic character or appearance to be recognizable as an historical resource and able to convey the reasons for significance. If it is determined that a resource has lost its historic character or appearance, does it still have the potential to yield significant scientific or historical information or specific data?

d) — Is the historic resource located within a historic district or a concentration of historic buildings, structures, objects, or sites with precise boundaries that share a common historical, cultural or architectural background? If so, and if it is determined that the resource lacks individual significance as an historic resource, could the resource be considered a contributor to the significance of the historic district or concentration of historic structures?

(7) — If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s);

(8) — The names of any local persons consulted during the preparation of the report;

(9) — Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources).

HCRLWG COMMENTS: Is this necessary since archeological reports have a required structure outlined by the State or federal agencies?

CU-Sxxx. CEQA Review.

HCRLWG RECOMMENDATION:

The group suggests deleting this from the standards and including it in the glossary as the definition of historical resources.

CU-Sxxx. CEQA Review. Historical resources as provided in Section 15064.5 of the State CEQA Guidelines shall include: 1) a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources; 2) a resource listed in a local register of historical resources; or 3) any object, building structure, site, area or place which the County Planning Division determines to be historically or culturally significant.

CU-IM3. Historical Registration Cultural Resources Designation.

HCRLWG RECOMMENDATION:

The group can support the version sent forward to the Board of Supervisors from the Planning Commission with the small modifications indicated.

CU-IM3 ~~Historical Registration~~ Cultural Resources Designation Develop a program to encourage and actively support nominations to the federal, state, and local historical cultural resource registration programs.

HCRLWG COMMENTS: The group recommends reverting back to the original version presented to the planning commission and not developing a new program.