

## 4.4 Cultural and Tribal Cultural Resources

This section evaluates the potential impacts related to cultural and tribal resources during construction and operation of the project. This section is based on the Archaeological Survey Report for the Samoa Peninsula Wastewater Project, prepared for this project (Roscoe and Associates 2018).

### 4.4.1 Existing Setting

The following sections describe the environmental setting for cultural resources within the project area. Potential impacts to cultural resources would be confined to the actual project site, but the setting of both the project site and immediate vicinity are described to account for uncertainties about potential locations of buried cultural and paleontological resources.

#### Cultural Chronology

Initial Northwest California archaeological research was focused on identifying Native American assemblages and delineating a pre-contact chronology. Recent studies address such issues as paleo-environmental reconstruction, technology and adaptive responses to environment, trade, and the shifting focus from terrestrial to marine resources during early coastal occupations of California.

Early research in Northwest California includes excavations at Late or Emergent Period sites near Humboldt Bay (CA-HUM-67); Patrick's Point (CA-HUM-118), Trinidad Bay (CA-HUM-169); and on Stone Lagoon (CA-HUM-129). The seminal work defining early period assemblages in the North Coast Ranges of California however is the Pilot Ridge-South Fork Mountain (PR-SFM) project sponsored by Six Rivers National Forest for logging and road building undertakings. These studies have provided insight into some of the major environmental and archaeological trends within the region over the past 8000 years. This pre-contact cultural sequence for the region is summarized below.

#### ***Paleo-Indian Period (Prior to 8,500 B.P.)***

No known sites dating from this period occur in Humboldt County's coastal and interior wetlands. Characteristic artifacts of this period include large, lanceolate, concave-base, fluted projectile points, and chipped stone crescents. No evidence exists for the presence of a developed plant food milling technology. Subsistence adaptation was highly mobile hunting and plant gathering. Exchange between groups presumably took place on an individual, one-to-one basis, with social groups not being heavily dependent upon exchange.

#### ***Lower Archaic (8,500 to 5,000 B.P.)***

The Borax Lake Pattern, characterized as generalized hunting and gathering by small, highly mobile family groups, defines the Lower Archaic period in the Northwest coast. Provisional dates of 3000 to 6000 years B.P. were assigned to the Borax Lake Pattern sites at PR-SFM based on obsidian hydration data, although radiocarbon dates were not obtained at that time. Subsequent data based on corrected dates documented by Fitzgerald and Hildebrandt (2001) from carbon found in a soil sample at site CA-HUM-573 on Pilot Ridge, date the pattern to 7120 +/- 50 radiocarbon years. This is one of the earliest archaeological deposits to be dated in Northwest California.

The pattern includes relatively large wide-stemmed projectile points (typically made of locally available chert), handstones, milling slabs, and ovoid- and dome- scrapers. Borax Lake Pattern sites typically contain a similar array of artifact types, implying each served as a base camp where similar activities

took place, with a lack of specialization. Obsidian is poorly represented in the pattern; suggesting exchange networks with obsidian rich areas (southern North Coast Ranges, Northeast California) were not established.

This adaptive pattern corresponded to a significant exothermic warming trend that followed the Ice Age, when higher elevations could have been occupied for a longer portion of the year. Palynological studies demonstrated that the upland environments within the PR-SFM survey area had been affected by mid-Holocene warm periods (between 7500 and 6300 cal BP and between 5900 cal BP and 3800 cal BP) with the result of an upward migration of the oak woodland environment. Borax Lake Pattern Sites have been identified in upland areas on Pilot Ridge, Dow's Prairie near McKinleyville, along the Trinity River near Big Bar, and on the Smith River near Hiouchi Flat.

#### ***Middle Archaic Period (5,000 to 2,500 B.P.)***

The Middle Archaic Period within Northwestern California is represented by smaller projectile point forms as proposed by Hildebrandt and Hayes (1983, 1984). This adaptive pattern was oriented towards use of low elevation villages located along salmon bearing streams near acorn crops which were occupied by relatively large concentrations of people during the winter months. Compared to the earlier Borax Lake Pattern, this technological change is hypothetically linked to the advent of storage facilities, particularly for fish and acorns to feed growing populations. It represents an adaptive shift where resources were collected and returned to a permanent settlement area, resulting in a variety of functionally different site types that reflect more specialized activities. This shift coincided with a significant cooling trend, the Neo-glacial, approximately 3300 years ago, which particularly affected the resource base of interior Northwest California. The variety and productivity of upland resources declined; whereas annual salmon runs were more productive and reliable in local rivers.

Archaeologically, Mendocino Pattern sites are marked by a greater variety of generally smaller projectile point forms (Willits Series, Trinity Series, and Oregon Series), distinct unifacial flake tools (McKee Uniface), and greater reliance on mortars and pestles (associated with acorn processing) over milling slabs and handstones. Middle Period components excavated on the high elevation PR-SFM implied specialized activities, including the establishment of native burning practices to maintain open prairies as implied by Palynological dates. Hildebrandt and Hayes (1983) noted that Mendocino Pattern components at lower elevations in interior northwest California contained a diversity of artifacts including bowl mortars, pestles, non-utilitarian items, and well-developed middens. Initial use of coastal resources is evident by Mendocino Pattern components investigated at sites located at the mouth of the Mattole River and the mouth of Randall Creek. Mendocino Pattern time markers and obsidian hydration data support the finding of a Middle Archaic Period component on the northern margin of Humboldt Bay at the Arcata Sports Complex Site (CA-HUM-351).

#### ***Upper Archaic Period (2,500 to 1,100 B.P.)***

The artifacts and assemblages of this period generally represent a continuation of the patterns developed in the Middle Archaic Period. Sites are found throughout the central North Coast Ranges in moderate density. Large side- and corner-notched projectile points continue to occur. Medium-to-large, shouldered, lanceolate points appear. Leaf shaped points also are present. Bowl mortars and pestles, indicating initial development and elaboration of the "acorn complex"; replace mano-metate grinding technology. Bone tools such as fishing equipment are present. In general, artifact numbers become greater, artifact categories become broader, and tool kit variability higher. Obsidian becomes the preferred tool stone in many parts of the central North Ranges, often manifested by an

elaborate obsidian biface reworking industry. This is reflective of greater complexity in exchange systems, characterized by occurrence of regular, sustained exchange between social groups.

The Upper Archaic Period is marked by the development of non-utilitarian features and artifacts (e.g., beads, pendants, and rock art) that begin to be manufactured in substantial numbers. In particular, shell beads become an important grave good artifact, and may be indicators of sustained exchange and social status differentiation. During this period, the growth of sociopolitical complexity is demonstrated by the apparent development of status distinctions based upon wealth, and emergence of group-oriented religions.

***Late or Emergent Period (1,100 to 150 B.P.)***

The Late Period in Northwestern California exemplifies some of the most socially complex hunter-gather populations who relied on marine and/or riverine resources in California. The Tuluwat Pattern (formerly the Gunther Pattern) characterizes the Late Period adaptation in north-coastal California. The Tuluwat Pattern dates from ca. 1100 years B.P. to historic contact around 150 years B.P., and characterizes the material culture of the ethnographically described Sinkyone, Wiyot, Yurok, Tolowa and other north coast tribes. Sites dating to this time are found throughout the western North Coast Ranges in moderate density.

The Late Period assemblage was first described by Loud (1918) based on data collected during an archaeological excavation of CA-HUM-67, the Wiyot village of Tuluwat on Gunther Island in Humboldt Bay. Tuluwat evidences several specialized tool kits intended for a variety of subsistence activities, including sea and terrestrial mammal hunting, fishing, and vegetal resource procurement and storage. Significant traits include a well-developed wood-working technology, riverine fishing specialization, wealth consciousness, and distinctive artifact types including zoomorphs, large obsidian ceremonial blades, antler spoons, steatite bowls and pipes, and small distinctive barbed projectile points. Late period Wiyot populations were concentrated in permanent villages situated around Humboldt Bay and coastal lagoons, protected coastal terraces, and adjacent to rivers and stream intersections. This adaptation is similar to, but a more refined and specialized form of, the preceding adaptation. Exchange networks had become regularized in the Late Period. Trade is documented both archaeologically and ethnographically, with exchange relationships reaching north to Vancouver Island for dentalium shells, east to the Warner Mountains and Medicine Lake Highlands for obsidian, and south to the San Francisco Bay region for obsidian and clam shell disc beads.

Late period sites on the Samoa Peninsula have recently been investigated near Samoa, 1.0 mile northeast of the project site, and at Manila, 2.7 miles northeast of the project site. Site CA-HUM-0023 (P-12-000081), located 0.5 mile northwest of the town of Samoa on the east side of the peninsula, contains the remains of the ethnographic Wiyot site of Wikti (Loud 1918:231, 274-275). The ceremonial village site was first documented by L.L. Loud in 1918 and subsequently by Gladys Nomland and Alfred Kroeber (1936), and by Sonia Tamez in 1975, C. Hart Merriam in 1976 and Bob Benson in 1977 (Tushingham et al. 2016). The excavation of a single 1x1 meter unit at this site revealed an assemblage “consistent with those recovered at other shell middens around Humboldt Bay”.

The excavation at Manila was important in its identification of the first evidence on California's north coast of mass-harvesting of fish (particularly smelt) and shellfish, and of site components which exceed in age by several hundred years those at the Wiyot village of Tuluwat (CA-HUM-0067) on Indian Island, which was excavated by Loud in 1918. The Manila site (CA-HUM-0321) was found to contain an intact, stratified midden deposit up to a depth of 205 centimeters.

Both of these sites contain intact midden deposits capable of yielding data which would make them eligible for inclusion on the NRHP under Criterion D. The Samoa site (CA-HUM-0023) was an important ceremonial site for the Wiyot people and is also likely eligible under Criterion A for being associated with important events (the occurrence of ceremonial dances significant to the Wiyot people).

### ***Post Contact (150 B.P. to Present Day)***

Generally, traditional Native Californian material, economic, social, and ideological culture was disrupted by contact with Russian traders, Spanish sea vessels, Euro-American settlement, and U.S. government policy. This produced significant depopulation and relocation of Native Californians from most of the lands they occupied as Euro-American culture became dominant. As a result, Native American populations reacted and their material culture changed through a system of pressured assimilation and acculturation into Euro-American society. These pressures resulted in a change in settlement patterns and procurement strategies; as well as a synthesis of adaptive material culture expressed by projectile points and tools made from flaked window glass, tin cans converted to uses other than food storage (candle holders, strainers), and the presence of glass beads.

### **Ethnographic Context**

The project is located on the Samoa Peninsula, one mile west of Eureka, California. This is within the traditional territory of Wiyot Tribe, which once encompassed several hundred square miles extending from the Bear River Mountains in the south to the Little River in the north; and in general, the first mountain range crest to the east. The territory was divided into three regions, with the inhabitants of each speaking a mutually intelligible language: lower Mad River (batwat), Humboldt Bay, including the project area (wiki), and lower Eel River (wiyot). It is the name of the Eel River division, which is now used exclusively in accounts pertaining to the entire group.

The Wiyot language has been categorized as Algonquian-based. In it, the people called themselves the Soolah- te-luk. The name “Wiyot” itself is derived from the Yurok term “weyet or “weyot”; the Yurok, who lived to the north, also spoke a language classified as Algonkian. Although the Wiyot and Yurok languages are distinctly different, linguists have linked the two in “a provisional group called Ritwan” that is alternatively classified as Algic.

Specific ethno-geographical information for the project vicinity is provided by L. Loud (1918) and is summarized below.

Ethnographic sites in the project vicinity which were mapped by Loud in 1918, include CA-HUM-0014, -15, -16, -17, -18, -19, -20, -21, -22, and -23. All of these sites, which were mapped by Loud roughly equidistant from each other, were plotted on the east side of the Peninsula, close to the shore of the Humboldt Bay channel. These sites are located within the project’s study area (defined as the project site and the area within 0.5 mile of the project site); however, none of these sites are within the project site. All of the sites with the exception of the two southernmost, HUM-15 and -16, were plotted in areas now occupied by abandoned lumber storage yards and other industrial facilities. These sites are described below, listed from north to south.

**Site CA-HUM-0023**, a mile northeast of the project site, is believed to have been one of the largest shellmounds in the area and a significant gathering place for dances. The site is located within the travel line between Tuluwat (Gunther Island) and Mad River Slough. Loud (1918) mentions that in more recent times, native peoples built signal fires here to attract

the attention of individuals on Tuluwat. The latter would then cross the bay by boat to collect the signalers. A large shell midden still remains from this site along Vance Ave north of State Route 255.

**Site CA-HUM-0022** was recorded by Loud about 0.4 mile northeast of the project site, where the Hammond Lumber Company lumber storage yards were later built. The village was called *djō'mak* and “according to tradition once had a large population”. Along with the larger site #23 to the northeast, this was one of a very few villages on the North Spit of “which informants said there were stories of the people who used to live on them... ‘a long time ago’”.

**Site CA-HUM-0021** was mapped adjacent to the northern end of the project site, between the proposed project and Humboldt Bay, beneath what is now concrete foundations associated with lumber storage yards formerly operated by L-P. The only description of this site is the name *watšeLwatšk*.

**Site CA-HUM-0020**, is mapped on the east side of the peninsula, at the south end of the former plywood mill built by Georgia-Pacific Corporation in 1958. This site was plotted between the proposed project site and the bay-shore, but not otherwise mentioned in Loud’s ethno-geographic review.

**Site CA-HUM-0019** was mapped in the vicinity of the project site at the intersection of Bay Street and Fay Street, in an area now asphalt-paved and formerly used as sawdust storage for the G-P plywood mill. If correctly mapped, this site would today be beneath the concrete foundation formerly used by Louisiana-Pacific Corporation (L-P) for shipping wood chips and other forest products. The site was reportedly named *tsērketšok*. Both this and site HUM-21 were described as village or camp sites used by Wiyot people as late as 1850. No other description of either of these sites is provided; and no evidence of Loud’s site #19 has been reported since 1918.

**Site CA-HUM-0018** was mapped by L.L. Loud between the project site and the bay-shore, where the Georgia-Pacific pulp mill was later built, but not otherwise mentioned by him or by any other known ethnographer or archaeologist. This site was likely destroyed during construction of the pulp mill.

**Site CA-HUM-0017** was described as being located about a quarter-mile south of the shipyards at Fairhaven, close to the bay-shore east of the project site near the old Rolph schoolhouse in Fairhaven, in an area now also asphalt-paved. This village was listed as one of the six “chief centers of population” in the Eureka area. The village’s name was recorded as *iugutkuk* but may also have been *hiegetgak* or *hieratgak*. Loud also reported that shells of various species, including soft shell mussel, is scattered here over a considerable area with three main centers of deposit. When L.K. Wood’s exploring party came down the coast “riding on the backs of big elks having long tails,” they stopped two days near this village. When they found their advance southward blocked by the entrance to the harbor, they turned back and were guided around the north end of the bay by an Indian from this village, who was killed by the whites some years later. Captain Jim, the mauweema, made this village his headquarters a great deal of the time, he and his relatives occupying four or five houses. He was living here in 1873 and for four or five years afterwards, having escaped the Gunther island massacre, although his wife was killed there.

**Site CA-HUM-0016** was mapped in the vicinity of the project site near the Eureka City Airport, between New Navy Base Road and the bay-shore. Its name was *lalil-wak* which means “stream-at”, reportedly a reference to a small slough and marsh which were present at this site and mapped on contemporary US Coast and Geodetic Survey charts. This area is still marshy today.

**Site CA-HUM-0015** was described as the village of *walepL*, directly west of the US Coast Guard Station south of the project site, but no other information was provided.

**Site CA-HUM-0014**, mapped at the extreme southern end of the North Peninsula, close to a mile southwest of the project site, was a camping spot of the name *hotwaiyorwok* or *katawayawik*. It was described “at the entrance to the harbor, was sometimes used as a camping place for clam roasting. Soldiers also detained the Wiyot Indians here for a time after the massacre of February, 1860, before taking them to the reservations. Some died and were buried here at that time, and drifting sands have since exposed skeletons with blue cloth and soldier buttons”.

Sites -17, -18, -19, -20, -21 and -22 were plotted in areas now paved in asphalt for use in lumber storage and other industrial activities. It is likely that the six northernmost ethnographic Wiyot village sites mapped by Loud in the vicinity of the project site were damaged and possibly ultimately destroyed during construction activities throughout the 20th century. Sites CA-HUM-0016 and -15, although in close proximity to historic-period activities including construction of the railroad, New Navy Base Road, the Coast Guard Station and the Eureka City Airport (formerly the US Navy LTA Base), may yet have intact, unidentified deposits in the vicinity of the project site.

Despite being subject to massacres and other depredations aimed at Indian peoples, the Wiyot survived and today live on the Table Bluff Reservation, the Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria and in other communities in the area. The 2010 census revealed a combined population of 884, up from 674 recorded in the 2000 census.

### Historic Context

The North Peninsula or so-called Samoa Peninsula was developed fairly early in Humboldt County’s history, due to its proximity to the lumber mills and shipping ports along Humboldt Bay, particularly Eureka which is situated directly across the bay from the towns of Samoa and Fairhaven. Samoa took its name from the Samoa Land and Improvement Company, a business formed in 1889 to promote a small resort on the peninsula. That name in turn was used to promote the resort in the wake of the U.S. takeover of the South Pacific island nation of Samoa. Prior to that the land was operated as a diary ranch by James Henry Brown, who established the ranch in 1859. The Samoa “resort” operated by Eureka businessman David Page Cutten and his associates featured a heated swimming pool and a bath house, but was sold only four years after it was built to Eureka lumberman John Vance.

Named Samoa after the failed resort, the town grew quickly around Vance’s new lumber mill. The company cookhouse began serving millworkers the year Vance bought the property, 1893; this cookhouse began serving the public in the 1950s and still operates as a restaurant today. Also in 1893, the Eureka and Klamath River Railroad was built from the mill north to connect to the Arcata and Mad River Railroad. The post office was established in 1894. Just six years later, the Vance holdings, including the railroad, were purchased by Andrew Benino Hammond, who formed the Vance Redwood Company and opened what was then the largest redwood mill in the country. In 1903

Southern Pacific Co. vice president Henry E. Huntington purchased the railroad to prevent expansion of the Santa Fe Railway, and leased it back to Hammond. The lumber company was renamed Hammond Lumber Company in 1912, and within a few years began building wooden “liberty” ships to ship lumber. The company built seven such ships in just two years at the Samoa shipyard; was known for shipping lumber by wooden vessel, but was the first to ship lumber in a steelhulled ship.

### ***Fairhaven***

To the south of the Samoa lies the town of Fairhaven, named for Fairhaven Connecticut, from whence came George M. Fay and his brother Nathan. The Fay brothers built a shingle mill here in the 1860s, and their property is shown on county maps from 1865-1898. In 1872, Hans D. Bendixsen bought a piece of the Fays’ land in Fairhaven, where he relocated his new shipbuilding facility. Mr. Bendixsen, born in Jutland Denmark in 1842, was well educated and experienced in shipbuilding when he arrived in Eureka to work in the shipyard of Euphronius Cousins for two years, before forming his own shipyard at the foot of L Street in Eureka. He rose to become the most prominent shipbuilder in the county, launching 113 shipping vessels in his 33 years in the business on Humboldt Bay. Bendixsen sold the company in 1901 and died the following year.

A large area on the north side of Fairhaven became known as Finntown after numbers of emigrant Finnish families settled there. A park just north of Finntown gained popularity after it was purchased and developed in 1910 by Walter Coggeshall, who is known in the area for running ferries from Eureka to various points on the bay. New Era Park at that time contained a dance pavilion with an elevated bandstand, a high viewing platform, a picnic area and barbecue pits. The pavilion burned down in the late 1920s; the site was later buried beneath wood chips for the old Georgia-Pacific pulpmill.

### **History of Eureka City Airport**

In July 1943 a Navy airfield was built along the southern part of the project site, north of the Coast Guard station, commissioned as an auxiliary of Moffett Field in Santa Clara County. Known as the Naval Auxiliary Air Facility or the Lighter than Air (LTA) Base, it was situated on 429 acres near the Rolph School and contained a 700’ x 1400’ paved blimp operating mat, two mooring circles and a 2,400-foot asphalt-paved runway. The LTA worked in conjunction with the Coast Guard Station and a small seaplane base with a wooden dock built at the southern end of the project site, as well as other bases along the west coast. From these facilities flew 150-foot long blimp airships, which had a range of over 1,900 nautical miles and were capable of carrying six bombs, and other aircraft to search for enemy submarines.

Following the conclusion of the war in 1945, the LTA base and seaplane base were closed in October of that year. The LTA base was re-commissioned as a public airport, the Eureka Municipal Airport, now known as the Samoa Field Airport.

### ***Summary***

Two-hundred-forty-five resources have been documented within the Study Area, however none are within the project site. These include eleven Native American habitation sites, two multi-component sites, six historic-era buildings, structures and sites. The Samoa Town Historic District (P-12-002640) is also located within the Study Area and encompasses 225 contributing buildings, structures and features. Only two historic-era structures are located in close proximity (within 10 meters of) the project site, P-12-000719 and 12-003142, neither are associated with the Samoa Town Historic District.

Approximately 1,150 feet south of the New Navy Base Road and Lincoln Avenue intersection is the Fey Homestead (P-12-000719), dating to the mid-19th century. Additionally, two (approximately 300-foot) segments of the Hammond Lumber Railroad (P-12-003142) are documented just west of Vance Avenue, in the vicinity of the southern staging area.

Roscoe and Associate's field investigation failed to identify any evidence of Native American habitation in the areas immediately adjacent to the paved road. Survey of the direct excavation areas was impossible however, because they are covered by pavement and archaeological deposits could be present. The locations for four previously documented Native American Archaeological sites (P-12-000075, 12-000076, 12-000078 and 12-000079) have not been confirmed by modern researchers and they have not been identified since 1918. The exact locations of these sites are unknown.

### Consultation with Native American Tribal

Formal consultation for this project was conducted between the lead agency (Humboldt County) and interested tribal groups, prior to the cultural investigation conducted by Roscoe and Associates. On March 9th, Humboldt County Planning and Building held a meeting with representatives of the Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and the Wiyot Tribe. On April 24, 2018, John Miller, Senior Planner for Humboldt County Planning and Building, sent a follow-up e-mail to these representatives to provide a copy of the Samoa Peninsula Wastewater Project Notice of Preparation for an Environmental Impact Report. On April 30, 2018, Janet Eidsness, Tribal Historic Preservation Officer for the Blue Lake Rancheria responded, stating that Cultural Resources and Tribal Cultural Resources are two general types of properties that may be affected by this project.

Roscoe and Associates initiated correspondence regarding this project with local tribal representatives based on prior knowledge of the area, and professional relationships with the area's three local Wiyot groups who have shown interest in the Samoa Peninsula area. James Roscoe contacted representatives of the Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and the Wiyot Tribe by phone in May of 2018. Mr. Roscoe corresponded with Ms. Eidsness throughout the investigation. This correspondence resulted in a request from Ms. Eidsness, to include *Humboldt Bay Harbor District's Protocols for Inadvertent Archaeological Discoveries for Ground Disturbing Project Permits, Leases and Franchises Issued by The Humboldt Bay Harbor, Recreation and Conservation District, Humboldt Bay, California* (adopted in May 2015). This is because much of the project site is paved, and survey of the direct area of impact is impossible without removal of the pavement. Ms. Eidsness also requested that the THPOs for all three Wiyot groups be contacted prior to project implementation and provided the opportunity to monitor ground-disturbing activities.

## 4.4.2 Regulatory Framework

### Federal

#### ***National Historic Preservation Act***

Section 106 of the National Historic Preservation Act (NHPA) requires that, before beginning an undertaking, a federal agency, or those they fund or permit, must take into account the effects of the undertaking on historic properties and afford the Advisory Council on Historic Preservation and other interested parties an opportunity to comment on these actions.

Section 106 of the NHPA prescribes specific criteria for determining whether a project would adversely affect a historic property, as defined in 36 CFR 800.5. An impact is considered significant

when prehistoric or historic archaeological sites, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) are subjected to the following effects:

- physical destruction of or damage to all or part of the property
- alteration of a property
- removal of the property from its historic location
- change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- neglect of a property that causes its deterioration
- transfer, lease, or sale of the property.

Cultural resources significance is evaluated in terms of eligibility for listing in the NRHP. NRHP significance criteria applied to evaluate the cultural resources for this project are defined in 36.CFR 60.4 as follows: The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, association, and

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. that are associated with the lives of persons significant in our past; or
- C. that embody the distinctive characteristics of type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. that have yielded, or may be likely to yield, information important in prehistory or history.

Specific regulations regarding compliance with Section 106 state that, although the tasks necessary to comply with Section 106 may be delegated to others, the federal agency is ultimately responsible for ensuring that the Section 106 process is completed according to statute.

## State

### ***California Environmental Quality Act***

#### Cultural Resources

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historic, architectural, archaeological, cultural, or scientific importance. Under CEQA statutes, an impact on a cultural resource is considered significant if a project would result in an impact that may change the significance of the resource (Public Resources Code [PRC] Section 21084.1). Demolition, replacement, substantial alteration, and relocation of historic properties are actions that would change

the significance of a historic resource (California Code of Regulations, Title 14, 15064.5). The following steps are normally taken in a cultural resources investigation to comply with CEQA:

- Identification of cultural resources
- Evaluate the significance of the cultural resources based on established thresholds of significance
- Evaluate the impacts of a project on cultural resources
- Develop and implement measures to mitigate the impacts of the project on significant cultural resources.

Because the project is located on non-federal land in California, it is also necessary to comply with State laws pertaining to the inadvertent discovery of human remains of Native American origin. The procedures that must be followed if burials of Native American origin are discovered on non-federal land in California are described in the Impacts and Mitigation Measures section, below.

#### Tribal Cultural Resources

The CEQA Guidelines define a tribal cultural resources as: (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are included or determined to be eligible for inclusion in the California Register of Historical Resources, or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

While some tribal cultural resources include physical archaeological resources, tribal cultural resources are not limited to physical resources that have scientific significance. Tribal cultural resources also include cultural landscapes and non-unique archaeological resources. Non-unique resources are resources that are deemed culturally significant to a tribe, but do not contain information needed for scientific purposes, and may not be the best specimen in terms of quality, uniqueness, or age.

#### ***California Register of Historical Resources***

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register.

To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or State level under one or more of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

- Has yielded, or may be likely to yield, information important in prehistory or history (CEQA Guidelines Section 15064.5 [a][3]).

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. The seven aspects of integrity are: location, design, setting, materials, workmanship, feeling and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data (OHP 2011).

California's list of special considerations is shorter than the criteria considerations for the National Register listed above. It includes some allowances for moved buildings, structures, or objects, as well as requirements for proving the significance of resources that are less than 50 years old and discussion of the eligibility of reconstructed buildings.

### ***California Public Resources Code***

As part of the determination made pursuant to PRC Section 21080.1, the lead agency must determine whether a project would have a significant effect on archaeological and paleontological resources.

Several sections of the PRC protect cultural resources and PRC Section 5097.5 protects vertebrate paleontological sites located on public land. Under Section 5097.5, no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site (including fossilized footprints), inscriptions made by humans, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency that has jurisdiction over the lands. Violation of this section is a misdemeanor.

PRC Section 5097.98 states that if Native American human remains are identified within a project site, the landowner must work with the Native American Most Likely Descendant as identified by the Native American Heritage Commission (NAHC) to develop a plan for the treatment or disposition of the human remains and any items associated with Native American burials with appropriate dignity. These procedures are also addressed in Section 15046.5 of the CEQA Guidelines. Section 30244 of the PRC requires reasonable mitigation for impacts on paleontological and archaeological resources that occur as a result of development on public lands.

Pursuant to §21084.1 a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, a historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of §5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of §5024.1, are presumed to be historically or culturally significant for the purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of §5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.

California Public Resources Code §21074 details what can be considered a Tribal Cultural Resource.

- a) Tribal Cultural Resources are either of the following:
  - 1) Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
    - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### ***California Health and Safety Code***

California Health and Safety Code Section 7050.5 prohibits disinterring, disturbing, or removing human remains from a location other than a dedicated cemetery. Section 7050.5 also requires that construction or excavation be stopped in the vicinity of discovered human remains until the Coroner can determine whether the remains are those of a Native American. If determined to be Native American, the Coroner must contact the California NAHC by telephone within 24 hours.

### ***California Native American Historical, Cultural and Sacred Sites Act***

This Act applies to both State and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the County Coroner be notified. If the remains are of a Native American, the Coroner must notify the NAHC. The NAHC then notifies those persons mostly likely to be descended from the Native American remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

### ***Assembly Bill 52***

Assembly Bill 52 (AB 52), the Native American Historic Resource Protection Act, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. AB 52 adds tribal cultural resources (TCR) to the specific cultural resources protected under CEQA. Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically

defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. A Native American Tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a TCR. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation. Prior to the passing of AB 52 the County had already implemented a Native American consultation process in cooperation with the local tribes. The County's consultation process is still in place and was implemented for this project.

### **Senate Bill 18**

Senate Bill 18 (SB 18) provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

## **Regional and Local**

### **Humboldt County General Plan**

The following goal and policies from the Humboldt County General Plan are applicable to the project with regard to cultural resources.

*Goal CU-G1 Protection and Enhancement of Significant Cultural Resources. Protected and enhanced significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations.*

**CU-P1** ***Identification and Protection.** The potential for impacts to significant cultural resources shall be identified during ministerial permit and discretionary project review, impacts assessed as to significance, and if found to be significant, protected from substantial adverse change per California Public Resources Code (PRC) §5020.1.*

**CU-P2** ***Native American Tribal Consultation.** Native American Tribes (as defined below in CU-S3) shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change to a significant cultural resource. At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential Tribal cultural resources located in project areas within their respective tribal geographical area of concern.*

**CU-P3** ***Consultation with Other Historic Preservation Agencies and Organizations.** Historic preservation agencies and organizations shall be consulted during discretionary project review for the identification, protection and mitigation of adverse impacts to significant cultural resources. These include, but may not be*

*limited to, the County's Cultural Resources Advisory Committee, Humboldt County Public Works Department and the Planning and Building Divisions, the Northwest Information Center of the California Historical Resources Information System (NWIC), the California Office of Historic Preservation, the Native American Heritage Commission, local historical societies, museums, colleges and universities, and incorporated cities historic preservation commissions or committees for their respective LAFCO sphere of influence, and local historians, cultural resources consultants and historic preservation staff affiliated with various state and federal agencies.*

**CU-P4** **Avoid Loss or Degradation.** *Projects located in areas known, or suspected to be archeological sites or Native American burial sites shall be conditioned and designed to avoid significant impacts to significant sites, or disturbance or destruction to Indian burial grounds. Preserving Native American remains undisturbed and in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) are feasible. Conditions of approval shall include standard provisions for post-review inadvertent archaeological discoveries and discovery and respectful treatment and disposition of Native American remains with or without funerary objects in accordance with state law (Health and Safety Code (HSC) §7050.5 and PRC §5097.98).*

**CU-P5** **Findings Necessary for Loss or Destruction.** *Substantial adverse changes to significant cultural resources shall not be allowed through a ministerial or discretionary action unless:*

- a. The cultural resource has been found not to be significant based on consultation with culturally affiliated Native American Tribe(s) and other historic preservation agencies and organizations as required by CU-P2 and CU-P2x; or*
- b. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.*

**CU-P6** **Mitigation.** *Mitigation measures shall be required for any permitted project or County action that would adversely impact significant cultural resources.*

### **Humboldt Bay Area Plan**

The following goal and policies from the Humboldt Bay Area Plan are applicable to the project with regard to cultural resources.

*Where new development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

1. *Reasonable mitigation measures may include but are not limited to:*
  - a) *Changing building and construction sites and/or road locations to avoid sensitive areas.*
  - b) *Providing protective cover for sites that cannot be avoided.*
  - c) *Where appropriate and with the approval of all parties concerned, provide for the removal or transfer of culturally significant material by a professional archaeologist or geologist.*

### **County Code**

The “A” combining zone of the Humboldt County Code is applicable to areas zoned as industrial coastal dependent (MC). The “A” combining zone provides for reasonable mitigation measures where development would have an adverse impact upon archaeological and paleontological resources.

### **4.4.3 Evaluation Criteria and Thresholds of Significance**

For the purpose of this EIR, the evaluation criteria and significance thresholds summarized below are used to determine if the project would have a significant effect related to cultural and tribal cultural resources. The following questions are from CEQA Guidelines’ Appendix G Environmental Checklist Section V. Would the project:

- a. Substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
  - Adverse alteration of those physical characteristics of a historical resource that justify its eligibility for the NRHP, CRHR or as a local landmark.
- b. Substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
  - Adverse alteration of those physical characteristics of an archaeological resource that justify its eligibility for the NRHP, CRHR or as a unique archaeological resource.
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
  - Disturbance of a known vertebrate fossil locality or within a geologic unit that has high sensitivity for vertebrate fossils.
- d. Disturb any human remains, including those interred outside of formal cemeteries?
  - Disturbance of human remains, including Native American human remains, associated grave goods, or items of cultural patrimony

In addition to the above criteria, the following questions are from CEQA Guidelines’ Appendix G Environmental Checklist Section XVII. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?
- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources

Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Adverse alteration of those physical characteristics of a tribal cultural resource that justify its eligibility for the NRHP, CRHR or in a local register of historical resources.

#### 4.4.4 Methodology

The *Archaeological Survey Report for the Samoa Peninsula Wastewater Project* (Archeology Report) was prepared that includes cultural and tribal cultural resources research and analysis (Roscoe and Associates 2018). The report's methodology summarized below.

Background research for the proposed project included an examination of the archaeological site records and survey reports at the California Historical Resources Information System regional Northwest Information Center (NWIC) in Rohnert Park, California. The record search was conducted to determine if cultural or historical resources have been recorded within the project site or within 0.5 mile of the project site and to review cultural resource survey reports that either included the project site or were conducted within 0.5 mile of the project site.

The project site and the area within 0.5 mile of the project site comprise the Record Search Study Area (Study Area). Within this section, 'project area' refers to the project site and general surrounding area on the Samoa Peninsula. The following inventories were reviewed: the Historic Property Directory, the National Register of Historic Places (NRHP), the Determinations of Eligibility for the National Register of Historic Places, the California Register of Historical Places, and the California Inventory of Historic Resources.

The analysis considers direct and indirect impacts on cultural resources within the project area. Potential impacts on historic resources are assessed by identifying the activities that could affect the architectural resources that have been identified as historical resources for the purposes of CEQA.

#### 4.4.5 Impact Analysis

**Impact CTR-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

This impact analysis addresses CEQA Guidelines Appendix G checklist item V.a) identified in Section 4.4.3.

The NWIC records search found no records for historic-era sites within the project site; however, 11 Native American habitation sites, 2 multi-component sites, and 6 historic-era buildings, structures, and sites are located within the Study Area. The Samoa Town Historic District is also located within the Study Area. Specifically, the town of Samoa contains a "D" Design Control Combining Zone which is applied to the Approved Samoa WWTF site.

Two historic era structures are located in close proximity to the project site: the Fey Homestead (P-12-000719), dating to the mid-19th century; and two (approximately 300-foot) segments of the Hammond Lumber Railroad (P-12-003142) west of Vance Avenue, in the vicinity of the southern staging area.

During the pedestrian survey of the Study Area, it was determined that the project site includes a portion of the Eureka Naval Auxiliary Air Facility. As a result of the cultural investigation the Naval Base has been documented on the appropriate Department of Parks and Recreation 523 series form. Roscoe and Associates recommends the portion of Eureka Naval Auxiliary Air Facility as being eligible for the CRHR under Criterion A and C. The pedestrian survey also uncovered three additional segments of the Hammond Lumber Railroad resource (P-12-003142). The resource has been updated and recoded on the appropriate Department of Parks and Recreation 523 series forms. The railroad appears to be eligible under CRHR Criteria A for its association with early 20<sup>th</sup> century lumber milling and export operations in the Humboldt Bay Area.

### **Construction**

Project construction would result in disturbance within the project site including but not limited to in-road trenching, excavation, and grading. The Fey Homestead and the previously recorded segments of the Hammond Lumber Railroad resources are located outside of the project site boundary but adjacent to the portion of the pipeline alignment along Vance Avenue. Proposed project activities in the vicinity of these two historic era resources are limited to excavating within the roadway and do not pose a threat to either of these resources. Impacts to these two historic era resources would be **less than significant**.

Additionally, construction activities within Vance Avenue and Bendixsen Street would be within the “A” combining zone. Project activities within Vance Avenue and Bendixsen Street would occur within the roadway and do not pose a threat to archeological resources.

Additionally, implementation of the project would not cause a substantial adverse change to either the Eureka Naval Auxiliary Air Facility (LTA Base) or the additional segments of the Hammond Lumber Railroad (P-12-003142) that were discovered within the project site during the pedestrian survey. No aspects of these resources that would qualify them for the CRHR are proposed for removal or alteration. Pavement removal, excavation, and repaving may occur within the LTA Base's north mooring circle, however general maintenance of the resource has likely included re-paving and painting. The overlapping LTA Base resource within the project site would be utilized as a staging area during implementation of the project. The use of the resource for staging purposes is not anticipated to change the resources ability to convey its significance as a former WWII-era Naval Air Facility. The Hammond Lumber Railroad (P-12-003142) crosses the entrance to the Approved Samoa WWTF location. In this location, evidence of the railroad alignment is present, but the rails are encased in concrete. Project equipment will drive over the rails on the paved road, and will not alter the rails in any way. Therefore, the potential impact to the Naval Air Facility and Hammond Lumber Railroad would be **less than significant** related to disturbing historical resources.

The Approved Samoa WWTF site is within the Town of Samoa historic district, D Design Control Combining Zone, which is intended to provide design review for

conformance of new development with the policies and standards of the General Plan, and to provide for a design review process where neighborhoods within the same zone district desire to preserve or enhance the area’s historical, cultural or scenic values. The project improvements to the Approved Samoa WWTF would be within the D Design Control Combining Zone. Development within this zone may result in a **significant impact** to historic resources.

**Operations**

Project operations do not include any construction or earth-disturbing activity. All project improvements near the Fey Homestead would be below ground and therefore would not alter the context or physical characteristics of the resource that justify its eligibility. Therefore, **no impact** would occur to historic era resources.

**Summary**

The proposed project is located within a region that has multiple recorded historical resources. The majority of the resources are located outside of the project site and would not be affected by project implementation. Two resources, the LTA Base and the Hammond Lumber Railroad (P-12- 003142) are partially located within the project site. However, the construction activities would not disturb or change the ability of the LTA Base to convey its significance under the CRHR criteria and the Hammond Lumber Rails area is encased in concrete and would not be affected by construction activities. However, the improvements within the Approved Samoa WWTF are located within a historic district. Therefore, project construction impacts would be **significant**. Project operations would not affect historic resources. Therefore, **no impact** would result from the long-term phase.

*Significance*

*Significant*

**Mitigation**

**CTR-1: Minimize Impacts on Adjacent Historic Resources**

The County shall implement measures to minimize potential impacts of new development on adjacent contributing historic resources as a condition of approval of coastal development permits authorizing new construction of facilities within the Samoa Town Master Plan area subject to a D - Design Review Combining Zone. These shall include siting, design and screening of new buildings, consistent with Design Guidelines, including compatible building height, scale, materials, roof and wall mass and articulation.

*After Mitigation*

*Less than Significant with Mitigation*

Mitigation Measure CTR-1 would reduce impacts to historic resources within the town of Samoa historic district to a less-than-significant level by requiring consistency with the D Design Control Combining Zone design requirements.

**Impact CTR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?**

This impact analysis addresses CEQA Guidelines Appendix G checklist item V.b) identified in Section 4.4.3.

Two-hundred-forty-five resources have been documented within the Study Area; however, none are located within the project site. The project site has been identified as being within the traditional territory of Wiyot tribe. The pedestrian survey did not identify any evidence of Native American habitation in the areas immediately adjacent to the roadways where the pipeline would be installed, nor were any identified within the footprint of the WWTF. Survey of the direct excavation areas was impossible however, because they are covered by pavement. The locations of four previously documented Native American Archaeological sites (P-12-000075, 12-000076, 12-000078 and 12-000079) have not been confirmed by modern researchers nor identified since 1918. The exact locations of these sites are therefore unknown. However, they were originally documented between 110-150 meters from the defined project site.

#### **Construction**

Project construction would include activities within Vance Avenue, Bendixsen Street, Lincoln Avenue, New Navy Base Road, and portions of adjoining streets, as well as at the Approved Samoa WWTF. The construction activities within Vance Ave and Bendixsen Street would be within the "A" Archaeological Resource Area Combining Zone. Although no known archeological sites exist within the project site, the four previously documented Native American Archaeological sites mentioned above (P-12-000075, 12-000076, 12-000078 and 12-000079) were not confirmed as being outside of the project site. The exact locations of these sites are therefore, unknown and the proposed project activities have the potential to inadvertently uncover archaeological material. Additionally, as the majority of these areas have been previously developed, the project activities have the potential to inadvertently uncover subsurface archaeological material. In the event a previously unknown archaeological resource is discovered during project construction, a **significant impact** would result if the resource was altered of those physical characteristics that justify its eligibility for the NRHP, CRHR or as a unique archaeological resource.

#### **Operation**

Once construction is completed the project would require episodic maintenance trips to service the project facilities. Maintenance vehicles would use the paved roadways and would not disturb any archaeological resources. **No impact** would occur during operation of the project.

#### **Summary**

There are no known archaeological resources within the project site. However, project construction has the potential to disturb unknown or unconfirmed archaeological resources within the project site. The potential impact to unknown archaeological resources would be significant. Project operations would not

involve any ground-disturbing activities and, therefore, no impact to archaeological resources is anticipated to occur. There would be no impact from project operations.

*Significance*

*Significant*

**Mitigation**

**CTR-2: Protect Archaeological Resources during Construction**

The PCSD shall protect unknown archaeological resources. Should an archaeological resource be inadvertently discovered during ground-disturbing activities, the Tribal Historic Preservation Officers (THPO) appointed by the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria and Wiyot Tribe shall be immediately notified and a qualified archaeologist with local experience retained to consult with the PCSD, the three THPOs, Humboldt County and other applicable regulatory agencies to employ best practices for assessing the significance of the find, developing and implementing a mitigation plan if avoidance is not feasible, and reporting in accordance with the Harbor District's Standard Operating Procedures. The Standard Operating Procedures include, but are not limited to, the following:

- Ground-disturbing activities shall be immediately stopped if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.
- An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area plus a reasonable bufferzone by the Contractor Foreman or authorized representative, or party who made the discovery and initiated these measures.
- The discovery locale shall be secured (e.g., 24-hour surveillance) as directed by the PCSD if considered prudent to avoid further disturbances.
- The Contractor Foreman or authorized representative, or party who made the discovery and initiated these SOP, shall be responsible for immediately contacting by telephone the parties listed below to report the find:
  - the PCSD's authorized Point of Contact (POC), and
  - the Applicant's (District's permittee, lease or franchise holder) authorized POC, and it's General Contractor's POC if applicable.
- Upon learning about a discovery, the PCSD's POC shall be responsible for immediately contacting by telephone the POCs listed below to initiate the consultation process for its treatment and disposition:

- THPOs with Blue Lake Rancheria, Bear River Band and Wiyot Tribe; and Other applicable agencies involved in Project permitting (e.g., US Army Corps of Engineers, US Fish & Wildlife Service, California Department of Fish & Wildlife, etc.).
- Ground-disturbing project work at the find locality shall be suspended temporarily while PCSD, the three THPOs, consulting archaeologist and other applicable parties consult about appropriate treatment and disposition of the find. Ideally, a Treatment Plan will be developed within three working days of discovery notification. Where the project can be modified to avoid disturbing the find (e.g., through project redesign), this may be the preferred option. Should Native American remains be encountered, the provisions of State laws shall apply (see below). The Treatment Plan shall reference appropriate laws and include provisions for analyses, reporting, and final disposition of data recovery documentation and any collected artifacts or other archaeological constituents. Ideally, the field phase of the Treatment Plan may be accomplished within five (5) days after its approval, however, circumstances may require longer periods for data recovery.
- The PCSD's officers, employees and agents, including contractors, permittees, holders of leases or franchises, and applicable property owners shall be obligated to protect significant cultural resource discoveries and may be subject to prosecution if applicable State or Federal laws are violated. In no event shall unauthorized persons collect artifacts.
- Any and all inadvertent discoveries shall be considered strictly confidential, with information about their location and nature being disclosed only to those with a need to know. The PCSD's authorized representative shall be responsible for coordinating with any requests by or contacts to the media about a discovery.
- These Standard Operating Procedures shall be communicated to the field work force (including contractors, employees, officers and agents) of those entities that obtain a permit, lease or franchise from the PCSD, and such communications may be made and documented at weekly tailgate safety briefings.
- Ground-disturbing work at a discovery locale may not be resumed until authorized in writing by the PCSD.

*After Mitigation*

*Less than Significant with Mitigation*

Mitigation Measure CTR-2 would reduce impacts on undiscovered archaeological resources to a less-than-significant level by providing a process for evaluation of any unknown resources encountered during construction, and avoidance or data recovery of resources that meet the CEQA definition of unique archaeological resources.

**Impact CTR-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

This impact analysis addresses CEQA Guidelines Appendix G checklist item V.c) identified in Section 4.4.3.

According to the Humboldt County General Plan, there are prehistoric deposits known to exist within Humboldt County. However, there are no known unique paleontological resources or unique geologic features within the project site (Humboldt County 2017).

**Construction**

Although no known paleontological resources are located within the project site, it cannot be ruled out that there are no unknown resources. If unknown paleontological resources are encountered a **significant** impact could occur if they were disturbed.

**Operation**

No construction or earth-disturbance would be required during project operations and, therefore, there is no risk to unknown paleontological resources. There would be **no impact** from project operations.

**Summary**

There would be construction-period risk to encounter unknown paleontological resources. This would be a **significant** impact. Project operations do not include ground-disturbing activities and, therefore, there would be **no impact** to unknown paleontological resources.

*Significance* **Significant**

**Mitigation CTR-3: Recovery of Unknown Buried Paleontological Resources**

In the event that paleontological resources are discovered, the PCSD shall notify a qualified paleontologist. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossilized materials are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agency to determine procedures that would be followed before construction is allowed to resume at the location of the find.

If the PCSD determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan shall be submitted to the PCSD for review and approval prior to implementation.

*After Mitigation* **Less than Significant with Mitigation**

Mitigation Measure CTR-3 would reduce impacts on previously undiscovered paleontological resources to a less-than-significant level by providing a process

for evaluation of any unknown resources encountered during construction, and avoidance or data recovery of resources that meet the CEQA definition of unique paleontological resources.

**Impact CTR-4: Would the project disturb any human remains, including those interred outside of formal cemeteries?**

This impact analysis addresses CEQA Guidelines Appendix G checklist item V.d) identified in Section 4.4.3.

Four previously documented Native American sites (P-12-000075, 12-000076, 12-000078 and 12-000079) are located within or in the vicinity of the project site. These sites have not been confirmed by modern researchers and have not been identified since 1918.

**Construction**

While the exact locations of the Native American sites have not been confirmed, the potential exists for the project to inadvertently uncover subsurface human remains. If human remains were unearthed during project construction, particularly those that were determined to be Native American, a significant impact related to the disturbance of human remains would occur.

**Operation**

Project operation does not include construction or any ground-disturbing activities. Therefore, the project would not have the potential to encounter previously undiscovered historic or prehistoric human remains. **No impact** would occur.

**Summary**

Project construction may uncover undiscovered human remains. If human remains are discovered a significant impact would occur. Project operations do not include construction or earth-disturbing activities and, therefore, would not encounter human. No operational impact would occur.

*Significance*

*Significant*

**Mitigation**

**CTR-4: Protect Human Remains if Encountered during Construction**

Should human remains be inadvertently discovered during ground-disturbing activities, work at the discovery locale shall be halted immediately, the PCSD and County Coroner contacted, and the Harbor District's Standard Operating Procedures shall be followed, consistent with Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. The Standard Operating Procedures include, but are not limited to, the following:

- If human remains are encountered, they shall be treated with dignity and respect. Discovery of Native American remains is a very sensitive issue and serious concern of affiliated Native Americans. Information about such a discovery shall be held in confidence by all project personnel on a need-to-

know basis. The rights of Native Americans to practice ceremonial observances on sites, in labs and around artifacts shall be upheld.

- Violators of Section 7050.5 of the California Health and Safety Code may be subject to prosecution to the full extent of applicable law (felony offense).
- The Coroner has two working days to examine the remains after being notified of the discovery. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission (NAHC) in Sacramento at (916) 653-4082.
- The NAHC is responsible for identifying and immediately notifying the Most Likely Descendant (MLD) of the deceased Native American. (Note: NAHC policy holds that the Native American Monitor will not be designated the MLD.)
- Within 48 hours of their notification by the NAHC, the MLD will be granted permission by the property owner of the discovery locale to inspect the discovery site if they so choose.
- Within 48 hours of their notification by the NAHC, the MLD may recommend to the owner of the property (discovery site) the means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The recommendation may include the scientific removal and non-destructive or destructive analysis of human remains and items associated with Native American burials. Only those osteological analyses (if any) recommended by the MLD may be considered and carried out.
- Whenever the NAHC is unable to identify a MLD, or the MLD fails to make a recommendation, or the property owner rejects the recommendation of the MLD and mediation between the parties by NAHC fails to provide measures acceptable to the property owner, he/she shall cause the re-burial of the human remains and associated grave offerings with appropriate dignity on the property in a location not subject to further subsurface disturbance.

*After Mitigation*

*Less than Significant with Mitigation*

Mitigation Measure CTR-4 would reduce impacts on uncovering human remains to a less-than-significant level by providing direction on who to notify in the event human remains are found.

**Impact CTR-5:**

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section**

**5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

This impact analysis addresses CEQA Guidelines Appendix G checklist item XVII.a) and XVII.b) identified in Section 4.4.3.

As mentioned above in Impact CTR-1, there are two resources, the LTA Base and the Hammond Lumber Railroad (P-12- 003142), that are considered eligible for listing on the CRHR. These resources are attributed to the former WWII-era Naval Air Facility and early 20<sup>th</sup> century lumber milling and export operations in the Humboldt Bay Area, respectively. Tribes consulted indicated that Cultural Resources and Tribal Cultural Resources may be affected by this project (Roscoe and Associates 2018).

**Construction**

Construction of the project would result in ground-disturbing activities within the confines of the project site. As several tribal representatives have indicated that there may be cultural resources and tribal cultural resources within the project site, construction activities have the potential to disturb previously undiscovered tribal cultural resources. If such resources were to represent tribal cultural resources and are determined as being eligible for listing in a local register for historical resources, any substantial change to or destruction of these resources would be a significant impact.

**Operation**

Project operations do not include construction or any ground-disturbing activities. Therefore, project operations would not have the potential to encounter previously undiscovered tribal cultural resources. **No impact** would occur.

**Summary**

If tribal cultural resources are encountered during construction and altered or destroyed in any way a **significant impact** would occur. Project operations do not include ground-disturbing activities and would occur within paved areas and, therefore, present no risk to tribal cultural resources. **No impact** would occur from operation of the project.

*Significance*

*Significant*

**Mitigation**

**CTR-5: Minimize Impacts to Unknown Tribal Cultural Resources**

Prior to construction, all three Wiyot groups, Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, and the Wiyot Tribe, shall be contacted and provided the opportunity to monitor ground-disturbing activities. If potential tribal cultural resources are uncovered during construction, the PCSD shall halt work, and workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. The PCSD shall immediately notify the Tribal Historic Preservation Officers (THPO) appointed by the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria and Wiyot Tribe shall be immediately notified and a qualified archaeologist with local experience retained to consult with the PCSD, the three THPOs, other applicable regulatory agencies to employ

best practices for assessing the significance of the find, developing and implementing a mitigation plan if avoidance is not feasible, and reporting in accordance with the *Protocols for Inadvertent Archaeological Discoveries for Ground Disturbing Project Permits, Leases and Franchises Issued by The Humboldt Bay Harbor, Recreation, and Conservation District, Humboldt Bay, California*, with the substitution of PCSD staff for Harbor District Staff.

*After Mitigation*      *Less than Significant with Mitigation*

Mitigation Measure CTR-5 would reduce impacts on unknown tribal cultural resources to a less-than-significant level by providing direction on who to notify in the event tribal cultural resources are found.

#### **4.4.6** Cumulative Impacts

**Impact CTR-C-1: Would the project result in a cumulatively considerable contribution to a cumulative impact?**

Implementation of the cumulative projects listed in Table 4.1, Projects Considered for Cumulative Impacts, may require grading and excavation that could potentially affect cultural, paleontological, and tribal cultural resources, or human remains, or modify or otherwise impact historic buildings. . If these resources are not protected, the cumulative effect of the project under the cumulative scenario could be significant.

CEQA requirements for protecting cultural resources, human remains, and tribal cultural resources would be applicable to each of the cumulative projects. As described in this EIR, appropriate studies were undertaken to ensure that cultural resources that could be impacted by the project were identified, and that mitigation measures are put forth that would reduce the impacts to unknown cultural resources to a less-than-significant level. These measures are consistent with Humboldt County General Plan Policies CU-P1, CU-P4, and CU-P6, the HBAP, and California Health and Safety Code Section 7050.5. Therefore, with implementation of the mitigation measures, the project’s incremental effect to cultural resources would not be cumulatively considerable.

*Significance:*      *Less than Cumulatively Considerable (Less than Significant)*

**Mitigation**      **None Required**

#### **4.4.7** References

Roscoe and Associates. 2018. An Archaeological Survey Report for the Samoa Peninsula Wastewater Project Projects. September.

Humboldt County. 2017. Humboldt County General Plan Update Revised Draft Environmental Impact Report. April 19.