

## 3.17 TRIBAL CULTURAL RESOURCES

This section describes the environmental and regulatory setting for TCRs. It also describes existing conditions and potential impacts on TCRs that would result from implementation of the proposed project, and mitigation for potentially significant impacts, where feasible.

### 3.17.1 Environmental Setting

Refer to Section 3.5, Cultural Resources, for the ethnographic contextual information.

### 3.17.2 Regulatory Setting

Refer to Section 3.5, Cultural Resources, for the federal, state, and local regulations that apply to TCRs.

#### AB 52 Consultations

AB 52 changed sections of the PRC to add consideration of Native American culture to CEQA analyses. The goal of AB 52 is to promote the involvement of California Native American Tribes in the decision-making process when it comes to identifying and developing mitigation for impacts to resources of importance to their culture. To reach this goal, the bill establishes a formal role for tribes in the CEQA process. CEQA lead agencies are required to consult with tribes about potential TCRs in the project area, the potential significance of project impacts, the development of project alternatives, and the type of environmental document that should be prepared. AB 52 specifically states that a project that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment. The County initiated tribal consultation under AB 52, as appropriate.

#### AB 52 and Other Consultation Results

On December 8, 2016, Roscoe & Associates contacted the NAHC, requesting a search of their SLF and a list of local Native American groups and individuals who may have interests and/or concerns regarding the proposed project (Roscoe & Associates 2017).

The NAHC responded on December 14, 2016, stating that the search of the SLF yielded negative results. They also provided a list of Native American groups and individuals to be contacted regarding the project. On January 17, 2017, Roscoe & Associates sent letters to all of the contacts on this list.

Erika Cooper, THPO for the Bear River Band of Rohnerville Rancheria, and Janet Eidsness, THPO for the Blue Lake Rancheria, stated that they were not aware of any sites at the project site, but asked to be informed of the results of the archaeological field survey. Tom Torma, THPO for the Wiyot Tribe, stated that he was not aware of any sites at the project site.

Roscoe & Associates contacted THPO Cooper and THPO Eidsness following the completion of the field survey to inform them that no resources had been identified during the survey. No further concerns were expressed at the time. Please see the Roscoe & Associates report (Appendix D1) for additional information and for the records of this correspondence.

In early March 2020, as part of Humboldt County's compliance with AB 52, Trevor Estlow, Humboldt County Senior Planner, contacted the Blue Lake Rancheria, Bear River Band of the Rohnerville



Rancheria, and Wiyot Tribe to discuss the addition of the water storage tank site. Beyond recommending implementation of inadvertent archaeological discovery protocols, Janet Eidsness, THPO for the Blue Lake Rancheria, stated that the Blue Lake Rancheria did not require further consultation. She described the water storage tank site as previously disturbed and having a low sensitivity. Erika Cooper, THPO for the Bear River Band of the Rohnerville Rancheria, said that they do not request any further consultation for this project and requested the inclusion of the standard inadvertent discovery language. Wiyot Cultural Director and Chairman, Ted Hernandez, concurred with the Blue Lake Rancheria and Bear River Band of the Rohnerville Rancheria. Please see the email correspondence regarding the water storage tank site (Appendix I) for additional information and for the records of this correspondence.

### 3.17.3 Methodology for Analysis

The entire project site was considered as the limits of physical disturbance in relation to the geographical extent of where project actions could be implemented. Potential effects on significant TCRs, as defined by PRC Section 21074 were evaluated based on the background research conducted at NWIC's CHRIS, consultation with Native American Tribes (Appendix I and Section 3.5), an archaeological survey, and a review of historic maps and ethnographic documents.

### 3.17.4 Thresholds of Significance

The CEQA Guidelines' Appendix G Environmental Checklist was assessed during the NOP scoping process to identify the proposed project components that have the potential to cause a significant impact. The following thresholds of significance were used to determine if further evaluation within this EIR was warranted to ascertain whether the proposed project may cause a substantial adverse change in the significance of a TCR defined in PRC 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 CRHR, or in a local register of historical resources as defined in PRC 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.



### 3.17.5 Project Impact Analysis and Mitigation Measures

This section discusses potential impacts on TCRs associated with the proposed project and provides mitigation measures where necessary.

#### **Significant Tribal Cultural Resources**

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- Impact TRIB-1:** The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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:
- i) 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
  - ii) 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 § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
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#### **Impact Analysis**

The archival research, the NWIC records search, the archaeological field survey, and the Native American correspondence performed as part of the cultural resource analysis did not identify any known TCRs as defined by PRC Sections 21047 or 5020.1(k) within the project area. However, there is a potential for encountering previously undiscovered TCRs during project implementation, due to the proximity of Ryan Creek and Humboldt and Arcata Bays.

The proposed project is not anticipated to have an impact on any known or potential TCRs. However, ground disturbance and subsurface construction activities, such as trenching and grading associated with the proposed project, could potentially damage or destroy previously undiscovered TCRs. MM CUL-1, MM CUL-2, and MM CUL-3 require the implementation of standard inadvertent discovery procedures to reduce potential impacts to previously undiscovered TCRs (MM CUL-1), a cultural resource awareness training by a qualified archaeologist (MM CUL-2), and procedures for Human Burials encountered during construction (MM CUL-3). With the implementation of MM CUL-1, MM CUL-2, and MM CUL-3, potential impacts would be reduced to a level of less than significant.

#### **Level of Significance Before Mitigation**

Potentially Significant Impact

#### **Mitigation Measures**

MM CUL-1, MM CUL-2, and MM CUL-3 are required.

#### **Level of Significance After Mitigation**

Less Than Significant Impact with Mitigation Incorporated.



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