

3.5 Cultural Resources

This section evaluates potential impacts on cultural resources from construction, invasive plant management and maintenance of the Project. Construction activities include the earthwork involved in the estuarine restoration and infrastructure improvement portions of the Project. Invasive plant management activities include the removal of dense-flowered cordgrass (*Spartina densiflora*), European beachgrass (*Ammophila arenaria*), and dwarf eelgrass (*Zostera japonica*) using any one or a combination of the methods described in Section 2.5 (Proposed Invasive Plant Management). Maintenance activities include periodic repairs and improvements to the non-motorized boat put-in, trails, parking lot and road within the Project Area, and also include monitoring activities. For the purposes of this section, cultural resources include prehistoric or historic archaeological sites, structures, or objects. Refer to Section 3.15 (Tribal Cultural Resources) for a discussion of tribal cultural resources, or resources that are of specific concern to California Native American tribes, and where knowledge of such resources is limited to tribal people. Refer to Section 3.6 (Geology and Soils) for a discussion of paleontological resources. For the purpose of this section, the study area for cultural resources is the same as the Project Area.

3.5.1 Setting

This Section is largely based on a *Historic Resources Study* prepared for the Project by Origer & Associates (Origer & Associates 2017).

Prehistoric Context

The study area is located within the ethnographic territory of the Wiyot Indians who had an original population of 1,000 to 3,300 prior to European settlement. According to Humboldt State University linguist Victor Golla, the Wiyots arrived in the Humboldt Bay area approximately 2,000 years ago, inhabiting a lagoon environment that afforded the use of coastal resources (Roscoe and Associates 2016). The Yuroks then came “at a much later date,” sometime subsequent to the arrival of the first Athabascan speakers, who came after 600 Common Era (CE) (Roscoe and Associates 2016).

The Wiyot lived almost exclusively in villages along the protected shores of Humboldt Bay and near the mouths of the Eel and Mad Rivers. They were hunter-gatherers in rich environments that allowed for dense populations. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary villages were inhabited throughout the year while other sites were visited seasonally to obtain particular resources (Origer & Associates 2017).

Historic Context

After the start of the California Gold Rush, from 1850 to 1860, Wiyot territory became the center for the largest concentrations of European settlers in California north of San Francisco. The settlers utilized Humboldt Bay as a major shipping point for supplies to the gold mines on the Trinity, Klamath, and Upper Sacramento Rivers. In addition, the establishment of the redwood timber industry, and homesteading of the Eel River and Arcata Bottom for ranching and farming purposes, brought more

people into the area. This Euro-American settlement notably changed the natural systems in the Eel River Delta, with reclamation projects converting marshes to agricultural land for cultivated crops, dairying, and ranching.

Records and Literature Search

The background research for this Project included archival research of the library and project files at Origer & Associates as well as a search through the California Historical Resources Information System (CHRIS). Sources of information included but were not limited to the current listings of properties in the National Register of Historic Places (NRHP), California Historical Landmarks, California Register of Historical Resources (CRHR), and California Points of Historical Interest as listed in the Office of Historic Preservation's *Historic Property Directory*. The CHRIS records search included an examination of archaeological site records, base maps, survey reports, and project files at the Northwest Information Center (NWIC). In addition to the private library and NWIC record search, ethnographic literature that describes appropriate Native American groups, county histories and other primary and secondary sources were reviewed.

The records search at the NWIC revealed that several studies have taken place within the study area (Grangaard 2002; Van Kirk 1998; Warnock 1987), and one additional study had been conducted within a half-mile of the study area (Raskin and Roscoe 2008).

One recorded cultural resource has been identified within the study area. The recorded site, referred to as the *Welapl* site (P-12-000170), is a Wiyot archaeological site discovered by Loud in 1918. There is little information about this site in Loud (1918), but it is likely it was used as a dwelling place by Wiyot people before the turn-of-the-century (Origer & Associates 2017).

Three additional resources are recorded within a half mile of the study area. One of these, the Ocean Ranch Complex (P-12-003452), includes three barns, a house, and several associated outbuildings discovered by Grangaard and Jorgenson in 2002. The Ocean Ranch Complex does not extend into the study area.

In addition to recorded resources, a review of 20th century maps show additional buildings located within the study area. Specifically, the 1929 United States Coast & Geodetic Survey (USC&GS) map of False Cape to Table Bluff, California indicates that there were four buildings (possibly a farm complex) within the study area. The 1919 USACE map shows no buildings at this location, and the 1940 aerial photograph and the 1959 USGS map also show no buildings at this location, which suggests that this building complex may have existed for approximately 25 years at most. This potential feature is known as the "1929 USC&GS Complex" (Origer & Associates 2017).

Native American Contact

Origer & Associates initiated contact with the Native American Heritage Commission (NAHC) on October 26, 2017 requesting information on any known sacred lands or other cultural sites that may be present within the study area (Origer & Associates 2017). Origer & Associates also sent letters to representatives of the Bear River Band of Rohnerville Rancheria and of the Wiyot Tribe on November 7, 2017. No

response from the NAHC, the Bear River Band of Rohnerville Rancheria, or the Wiyot Tribe has been received to date.

Formal consultation for this Project was also initiated between the lead agency (CDFW) and California Native American tribes culturally affiliated with the study area pursuant to CEQA and Public Resources Code (PRC) Section 21080.3.1, as well as CDFW's Tribal Communication and Consultation Policy. Specifically, on July 26, 2018, CDFW notified ten individuals representing seven Native American tribes in writing. The letters included a thorough description of the Project and invited tribes to provide information or concerns specific to the study area generally or Project specifically. A response was received from the Cher-Ae Heights Indian Community of the Trinidad Rancheria on August 23, 2018 stating that the study area is outside the geographical area of concern for the Trinidad Rancheria. No other responses have been received to date, and no tribes requested formal consultation for the Project.

Field Survey

An archaeological field reconnaissance survey of the Project Area was conducted by Origer & Associates on November 9, 10, and 11, 2017. The field survey was designed to suit the study area's sensitivity for the occurrence of prehistoric and historic cultural resources based on pre-field research. Prehistoric archaeological site indicators expected to be found in the region include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and hand stones and mortars and pestles; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits.

The study area was surveyed in transects with corridors spaced 15 to 20 meters apart. Ground visibility ranged from good to poor, with vegetation such as European beachgrass, blackberry vine, and cordgrass being the primary hindrances. Hoes were used, as needed, to clear patches so that the ground surface could be inspected. In addition to the vegetation, water was a major hindrance. Several areas within the study area were heavily inundated, making an intensive survey of these areas impossible. In these areas, a mixed-strategy survey method was incorporated. Special attention was paid to flatter areas and areas without excessive flooding where the ground surface could be inspected.

Inventory Results

During the field investigation, locations of remnant and standing buildings and building complexes were identified. The areas in which the Welapl site (P-12-000170) were plotted by the NWIC and Loud (1918) were inspected, but no archaeological evidence was found of this archaeological site. The area on the 1929 USC&GS map where four buildings are shown was also carefully inspected in the field. No evidence of any buildings or land uses (e.g., lumber, foundations, archaeological specimens) was identified. A north-south trending barbed wire fence with modern peeler poles and T-posts, a cement water trough, and a short possible power pole are present. At low tide, the remains of a gravel road and a concrete

culvert can be seen leading from the sand dunes to the west toward the site location (Origer & Associates 2017).

The Ocean Ranch Complex, located outside of the study area to the north, was also reviewed in the field. For informational purposes, the northern location within the Ocean Ranch Complex consists of the ruins of the Ocean Ranch House, Barn 1, Barn 2, a pump house and the surrounding area. The southern location consists of the possible garage/shed (standing), the corrals and livestock chute (standing), the location of Barn 3, and milk barns. The southern location is adjacent to the Project Area (north of Area B) near where the parking lot is proposed. No historic resources were found at this location (Origer & Associates 2017) and proposed Project activities would not modify existing infrastructure in this location. The Ocean Ranch Complex is not discussed further as it is not located within the study area and would not be affected by the Project.

3.5.2 Regulatory Framework

Federal

Section 106 of the National Historic Preservation Act

The proposed Project will require a permit from the U.S. Army Corps of Engineers (USACE) and is funded in part by federal grant money administered by the National Oceanic and Atmospheric Administration (NOAA) Restoration Center. Section 106 of the National Historic Preservation Act (NHPA) requires that, before beginning an undertaking, a federal agency, or projects that require a federal permit or utilize federal funds, 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 Code of Federal Regulations (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 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 resource 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 are defined as buildings, sites, structures, or objects, each of which may have historic, architectural, archaeological, cultural, or scientific importance. Under CEQA, 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 (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 [CCR] Title 14, 15064.5). The following steps are normally taken in a cultural resources investigation to comply with CEQA:

- Identify cultural resources within a study area
- 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.

California Coastal Act

The Project Area is within the Coastal Zone. The California Coastal Act (Coastal Act) contains policies relevant to cultural resources. The following Coastal Act sections are relevant to this analysis:

Public Resources Code Section 30116 Sensitive coastal resource areas

“Sensitive coastal resource areas” means those identifiable and geographically bounded lands and water areas within the coastal zone of vital interest and sensitivity. “Sensitive coastal resource areas” include the following:

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

Public Resources Code Section 30244 Archaeological or paleontological resources

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

State Lands Commission

The State Lands Commission (SLC) has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine. The title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the SLC.

Office of Historic Preservation

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California’s irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer and the State Historical Resources Commission.

OHP reviews and comments on federally sponsored projects pursuant to NHPA Section 106, and state programs pursuant to PRC Sections 5024 and 5024.5, which provide policies and plans for preserving and maintaining all state-owned historical resources or eligible historical resources. OHP also reviews and comments on local government and state projects pursuant to CEQA.

A variety of programs have been created by OHP in order to manage historic resources and to determine eligibility for classification as a historic resource. The programs that OHP administer includes: the NRHP, the CRHR, the California Historical Landmarks, and the California Points of Historical Interest. Each program has different eligibility criteria and procedural requirements; the eligibility criteria listed through the NRHP (mentioned above) and CRHR (mentioned below) are used to evaluate significance of potential cultural resources within this Project.

California Register of Historic Resources

Cultural resource significance is evaluated in terms of eligibility for listing in the CRHR. The State Historical Resources Commission has designed the CRHR program for use by state and local agencies, private groups and citizens to identify,

evaluate, register and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources. Criteria for listing a resource in the CRHR include:

- Criterion 1. 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.
- Criterion 2. Associated with the lives of persons important to local, California or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The CRHR criteria is nearly identical to the federal NRHP criteria, and are used in tandem as "1/A" or "2/B" when identifying impacts in Section 3.5.5 (Impacts and Mitigation Measures). There is a slight difference in meaning between the CRHR and NRHP regarding Criterion 3 (Criterion C in the NRHP), which will be accounted when determining impacts and significance in Section 3.5.5 (Impacts and Mitigation Measures).

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 resources.

Several sections of the PRC protect cultural resources. Under Section 5097.5, no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic ruins, burial grounds, archaeological site, inscriptions made by humans, rock art, or any other archaeological, 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 area, the landowner must work with the Native American Most Likely Descendant (MLD) as identified by the 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.

On September 25, 2014, Assembly Bill 52 (AB 52) was signed, which included amendments to PRC Section 5097.94. AB 52 requires tribal cultural resources to be considered under CEQA. AB 52 requires lead agencies to provide notice to Native American tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. See Section 3.15 (Tribal Cultural Resources) for more information on AB 52 compliance and tribal cultural resources.

California Health and Safety Code

California Health and Safety Code (HSC) 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.

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.

Regional and Local

Lands within the study area are owned by CDFW or are under the jurisdiction of the SLC, and therefore will not require a Conditional Use Permit from Humboldt County nor adherence to the Humboldt County General Plan or the Local Coastal Program Eel River Area Plan. Because potential impacts related to cultural resources would be limited to the study area, local and regional regulatory policies are not included in this analysis.

3.5.3 Evaluation Criteria and Significance Thresholds

Under criteria based on Appendix G of the CEQA Guidelines, the Project would be considered to have a significant impact on cultural resources if it would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

3.5.4 Methodology

The evaluation of potential impacts on cultural resources is based on the potential for ground disturbance during construction and maintenance activities to disturb or destroy known or previously unrecorded cultural resources. The impact analysis included in this section is largely based on the *Historic Resources Study* prepared for the Project by Origer & Associates (2017), and consultations with California Native American tribes traditionally and culturally affiliated with the geographic area of the Project.

3.5.5 Impacts and Mitigation Measures

Impact CR-1: Would the Project cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5?

As described in Section 3.5.1, one archaeological site (Welapl) and one potential historical complex (the 1929 USC&GS Complex) are located in the study area. Welapl is an archaeological site that was recorded by Loud in 1918, and is described as a site that was “not used by the turn of the century Wiyot as dwelling places.” The 1929 USC&GS Complex is a complex within the Project Area where four buildings are believed to have existed between 1919 and 1940.

The historical significance of both sites was assessed by Origer and Associates (2017) using state and federal criteria provided by the CRHR and NRHP (see Section 3.5.2). As summarized in Table 3.5-1, both Welapl and the 1929 USC&GS Complex may be significant under Criterion 4/D as resources that have or may have archaeological value. They would not be considered significant under Criterion 1/A, 2B, or 3/C.

Table 3.5-1 Identified Cultural Resources Compared to NRHP and CRHR Eligibility Criteria

Feature	Criterion 1/A – Broad Patterns of History	Criterion 2/B – Broad Patterns of Important People	Criterion 3/C – Notable Examples of the Built Environment	Criterion 4/D – Have or May Have Archaeological Value
Welapl	Not Significant	Not Significant	Not Significant	Potentially Significant
1929 USC&GS Complex	Not Significant	Not Significant	Not Significant	Potentially Significant

The Welapl site and the 1929 USC&GS Complex do not meet Criterion 1/A because there is nothing to suggest that any of the features were associated with events that made a significant contribution to regional or local history. The Welapl site and the 1929 USC&GS Complex do not meet Criterion 2/B because there is nothing to suggest the locations are associated with the lives of persons important to local, California, or national history. The Welapl site and the 1929 USC&GS site do not meet Criterion 3/C because neither site has distinctive characteristics; the Welapl site is described as “neither occupied nor named by recent Wiyot” in Loud (1918), and no evidence of any buildings or land uses (e.g., lumber, foundations, archaeological specimens) were found at the 1929 USC&GS Complex, outside of the remains of a gravel road and a concrete culvert in the vicinity of the site. The Welapl site could be significant under Criterion 4/D, though no evidence of an archaeological site was found during the field survey. Similarly, the 1929 USC&GS

Complex could be significant under Criterion 4/D, as map evidence indicates that buried artifacts and features from a short occupation could mark this location.

Project activities that would take place in the areas where the Welapl site and the 1929 USC&GS Complex are believed to be located include invasive plant management with a focus on eradicating dense-flowered cordgrass. As noted above, an archaeological field reconnaissance survey of the plotted areas did not identify archaeological evidence at either site. However, if the Welapl site or 1929 USC&GS Complex are encountered during Project activities, a significant impact could occur.

In addition, it is possible that additional unrecognized surficial resources or subsurface archaeological deposits are present within the study area. If as-of-yet unknown archaeological materials that qualify as a historical resource or unique archaeological resource as defined by CEQA are encountered during construction or maintenance activities, a significant impact could occur.

Mitigation Measures: Implement Mitigation Measures CR-1, CR-2, CR-3, and CR-4.

Mitigation Measure CR-1: Environmental Awareness Training

Prior to the initiation of any construction work, an archaeologist who meets the U.S. Secretary of Interior's professional standards shall conduct environmental awareness training for construction crews and other relevant Project personnel. At a minimum, the training will cover the kinds of cultural materials that may be present in the Project Area and the protocols to be followed should any such materials be uncovered during construction. Training shall be required at the onset of each year of construction and maintenance activities to educate new construction personnel.

Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

Mitigation Measure CR-2: Protection of the Welapl Site

Prior to initial ground disturbing work in the vicinity of the Welapl site, an archaeologist who meets the U.S. Secretary of Interior's professional standards shall re-survey the area for the presence of surficial cultural resource deposits. The archaeologist shall also excavate 4-5 auger borings in the vicinity of the site to assess subsurface conditions.

If historical or archaeological resources are found in the vicinity of the site, CDFW shall implement measures to protect the integrity of the resource and ensure that no additional resources are impacted, as provided in Mitigation Measure CR-4. If no historical or archaeological resources are identified

during the surface inspection or subsurface exploration, Project activities may commence without monitoring by an archaeologist.

Subsequent invasive plant management activities in the vicinity of the Welapl site would not be subject to the surface and subsurface assessment requirements provided above, unless otherwise required by CDFW and/or SHPO in accordance with Mitigation Measure CR-4.

Mitigation Measures CR-3: Protection of the 1929 USC&GS Complex

Prior to initial ground disturbing work in the vicinity of the 1929 USC&GS Complex, an archaeologist who meets the U.S. Secretary of Interior's professional standards shall re-survey the area for the presence of surficial cultural resource deposits. The archaeologist shall also employ a metal detector and excavate 4-5 auger borings in the vicinity of the site to assess subsurface conditions.

Due to the lack of clear map evidence of where structures may have been located at this site, an archaeological monitor shall be present during initial ground disturbing activities to identify resources that may have escaped detection during the surface and subsurface investigations. If historical or archaeological resources are found in the vicinity of the site, CDFW shall implement measures to protect the integrity of the resource and ensure that no additional resources are impacted, as provided in Mitigation Measure CR-4.

Subsequent invasive plant management activities in the vicinity of the 1929 USC&GS Complex would not be subject to the surface and subsurface assessments or archaeological monitoring described above, unless otherwise required by CDFW and/or SHPO in accordance with Mitigation Measures CR-4.

Mitigation Measure CR-4: Protect Archaeological Resources During Construction

If potential archaeological resources are uncovered during construction, the Project contractor shall halt work within 100 feet (30 meters) of the discovery, and CDFW shall be immediately notified. Should any cultural resources be discovered during construction on lands under the jurisdiction of the SLC, CDFW shall consult with the SLC. Workers shall avoid altering the materials and their context, and shall not collect cultural materials.

A qualified archaeologist shall be retained to investigate the find. If the find potentially qualifies as a historic resource or unique archaeological resource under CEQA, all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. If the resources are Native American in origin, representatives of the appropriate culturally affiliated tribes shall also be enlisted to help evaluate the find and suggest appropriate treatment. The final disposition of archaeological and historical resources recovered on state lands under the jurisdiction of the SLC must be approved by the SLC.

The preferred treatment of a resource is protection and preservation. Protection and preservation can be achieved by avoidance (not disturbing areas within the boundaries of an archaeological site). In considering any recommended measures proposed by the archaeologist, CDFW shall determine whether avoidance is feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures as recommended by the archaeologist (e.g., data recovery or protection in place) shall be instituted. Work may proceed on other parts of the Project while mitigation for these resources is being carried out.

If data recovery is performed, it must be conducted by qualified archaeologists using standard archaeological techniques. Data recovery must include processing and analysis of recovered cultural materials using appropriate archaeological methods, and preparation of the recovered materials for permanent disposition (e.g., re-burial in a part of the Project Area that would be protected in perpetuity).

Level of Significance: Less than significant after mitigation.

Implementation of Mitigation Measures CR-1, CR-2, CR-3, and CR-4 would reduce potentially significant impacts on the Welapl Site, the 1929 USC&GS Complex, and potential undiscovered cultural resources to a less-than-significant level by providing a process for evaluation of any resources encountered during construction, and avoidance or data recovery of resources consistent with appropriate laws and requirements.

Impact CR-2: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

While no evidence exists for the presence of historic or prehistoric burials in the study area, the possibility of encountering archaeological resources that contain human remains cannot be discounted. Therefore, the impact related to the potential disturbance or damage of previously undiscovered human remains, if present, is considered potentially significant.

Mitigation Measures: Implement Mitigation Measure CR-5.

Mitigation Measure CR-5: Protect Human Remains if Encountered during Construction

If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, work shall halt in the vicinity of the find and the County Coroner and CDFW shall be notified immediately. The following procedures shall be followed as required by PRC Section 5097.9 and HSC Section 7050.5. The final disposition of archaeological, and historical resources recovered on state lands under the jurisdiction of the SLC must be approved by the SLC. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the MLD, who has 48 hours to make recommendations to the landowner for the disposition of the remains. A qualified archaeologist, CDFW, SLC (if appropriate) and the

MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

Level of Significance: Less than significant with mitigation.

Implementation of Mitigation Measure CR-5 would reduce the impact of Project activities on potentially unknown human remains to a less-than-significant level by addressing discovery of unanticipated remains, associated grave goods, or items of cultural patrimony consistent with appropriate laws and requirements.

3.5.6 Cumulative Impacts

Impact CR-C-1: Would the Project contribute to a cumulatively significant impact to cultural resources?

Implementation of the cumulative projects listed in Table 3-1 (Projects Considered for Cumulative Impacts) may require grading and excavation that could potentially affect cultural resources or human remains, or modify or otherwise impact historic buildings/structures. If these resources are not protected, the cumulative effect of the Project plus cumulative projects could be significant. CEQA requirements for protecting cultural resources and human remains would be applicable to each of the cumulative projects. As discussed in this section, record searches and research were undertaken to ensure that cultural resources and/or human remains that could be impacted by the Project were identified. Implementation of Mitigation Measures CR-1 through CR-5 would reduce impacts to a less-than-significant level. With implementation of the mitigation measures, the Projects contribution to this cumulative impact would not be cumulatively considerable, and therefore less than significant.

Mitigation Measures: No additional mitigation is necessary.

Level of Significance: Less than significant.

3.5.7 References

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