

Cultural and Tribal Resources

This section of the EIR assesses potential project impacts on historical resources, archaeological resources, Native American human remains and tribal resources. The potential for such resources to exist within the project site is examined, with results reported herein.

Information in this section is derived from a variety of sources including:

- *A Cultural Resources Investigation for the McKinleyville Rezone Project, McKinleyville, Humboldt County, California* (William Rich and Associates 2024a);
- *A Cultural Resources Investigation for the Life Plan Humboldt Residential Development Project at APN 508-251-060 and 510-133-013* (William Rich and Associates 2024b); and
- *Humboldt County General Plan for the Areas Outside the Coastal Zone* (Humboldt County 2017).

Information in this section is taken largely from the two cultural resources reports prepared by William Rich and Associates (WRA) listed above. The *A Cultural Resources Investigation for the McKinleyville Rezone Project* (hereinafter “archaeological survey report”), covers all portions of the site other than the Life Plan Humboldt project site. The second covers only the Life Plan Humboldt project site. Together, these reports address cultural resource conditions across the entire site, with a focus on the vacant or largely vacant parcels on which future development could occur. The archeological survey report is the primary reference source as it addresses conditions within the majority of the project site. The two reports are included in [Appendix D](#).

Responses to the Notice of Preparation

There were no NOP comments received regarding cultural or tribal cultural resources.

7.1 Environmental Setting

Cultural and Historic Resources

The General Plan states that over one thousand sites of cultural significance have been designated as cultural resources. The Board of Supervisors established a policy in 1971 to evaluate archeological sites not only for their scientific value, but also for their importance to the Native American community (Resolution No. 71-14.1).

The County currently maintains an agreement with the Northwest Information Center of the California Historical Resources Information System to provide data inputs to be used for assessing potential impacts to cultural resources. The County also refers development proposals to local tribes for review and recommendation when the proposals are located within a defined tribal area of interest.

The archaeological survey report identifies one existing cultural resource within the site. A single log totem pole, which was once listed as the world's tallest totem pole in the Guinness Book of World's Records (1968-1973), is located at the west end of the McKinleyville Shopping Center on APN 510-132-031. However, it does not appear to have the integrity necessary for recommendation to the National Historic Register.

There are also several structures that are over 50 years of age located within the site as shown on Figure 17 of the archaeological survey report. Several of these are located within the McKinleyville Shopping Center, while others are located on parcels outside of the shopping center. These structures have potential to be historical resources.

Tribal Cultural Resources

On April 11, 2024, the County submitted a formal notification letter, pursuant to Assembly Bill 52, to the Native American contacts on the Native American Contact List from the Native American Heritage Commission, regarding the proposed project. Consultation was not requested by any of the tribes. Consequently, the consultation process yielded no information on whether tribal cultural resources exist within the site.

North West Information Center Search Results

The archaeological survey report includes the results of an archival cultural resources records search. The project site has been included in three previous cultural resources surveys, and an additional ten surveys have been conducted within 0.5 miles of the project site. Based on these surveys, there are no records of archaeological resources within the project site. Two cultural resources are reported in the area, but outside the site. The Kellerer House at 1245 School Road, recorded as P-12-001515, is located 2,631 feet (0.49 mile) to the south. It has been deemed ineligible to local, state and national registers. In a separate record, a single chert flake, was noted, but not recorded, in a location about 0.48 mile to south.

National Register of Historic Places Search Results

According to the archaeological survey report, the project site is not associated with or located near a historic district, historical landmark, locally registered historic resource, or nationally registered historic property.

Sacred Lands Search Results

As part of the process to prepare the archaeological survey report, local tribes were contacted for information regarding the project. Letters were sent on October 7, 2024 to Tribal Historic Preservation Officers Ted Hernandez of the Wiyot Tribe, Bill Matsubu of the Blue Lake Rancheria, and Edwin Smith of the Bear River Band of the Rohnerville Rancheria. The Wiyot Tribe and Bear River Band of the Rohnerville Rancheria responded with no concerns; however, a standard inadvertent discovery protocol for any ground disturbing activities was requested.

7.2 Regulatory Setting

Federal

National Historic Preservation Act

The Act was passed into law in 1966 to establish systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. Title I, Historic Preservation Programs, Section 101, states the Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Additional information about this Act can be found under Title 54 U.S.C. Chapter 3021-National Register of Historic Places, 54 U.S.C. 302101 (National Park Service 2018).

Native American Graves Protection and Repatriation Act

This Act, passed into law on November 16, 1990, describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. Additional information about this Act can be found under Public Law 101-601; 54 U.S.C. (National Park Service 2018).

State Laws, Regulations, and Statutes

California Environmental Quality Act Archaeological Resources

California Code 21083.2 describes that the lead agency shall determine whether a project may have a significant effect on archaeological resources. If a project may have a significant effect on unique archaeological resources, the environmental document must address the issue of those resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state (California Office of Historic Preservation 2019).

Tribal Cultural Resource

For purposes of CEQA, Public Resources Code Sections 21073 and 21074 define “California Native American tribe” and “tribal cultural resources.” A California Native American tribe is defined as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission (NAHC).

(a) Tribal cultural resources are defined as:

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 archaeological 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).

Public Resources Code Section 21080.3.1 provides guidance for tribal consultation. Prior to the public release of a CEQA document, the lead agency must consult with any California Native American tribe if: 1) the California Native American tribe has submitted a written request to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe; and 2) the tribe provides a written response requesting consultation within 30 days of receipt of the formal notification.

The NAHC will help the lead agency identify California Native American tribes that are traditionally and culturally affiliated with the project area. Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to traditionally and culturally affiliated California Native American tribes that have requested notice. The written notice will include a

brief description of the proposed project, project location, lead agency contact information, and a 30-day notice for the California Native American tribe to request consultation. The tribal consultation process must begin within 30 days of receiving the written consultation request from the California Native American tribe.

State Historical Resources Commission

Under California Code 5020.5, the State Historical Resources Commission is required to develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted. The commission is also required to develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens. The Commission oversees the California Register (California Office of Historic Preservation 2019).

State Historic Preservation Office

In consultation with the State Historical Resource Commission, under California Code 5020.6, the State Historic Preservation Office acts as the executive secretary of the commission and is the chief administrative officer of the Office of Historic Preservation (California Office of Historic Preservation 2019).

California Register of Historical Resources

The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (California Office of Historic Preservation 2019).

Native American Heritage Commission

Under California Code 5097.9, the NAHC is required to identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The NAHC must notify landowners on whose property such graves and cemeteries are determined to exist, and identify the Native American group most likely descended from those Native Americans who may be interred on the property. The NAHC is to make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans (California Office of Historic Preservation 2019).

Human Remains

Per California Health and Safety Code 7050.5, every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstance, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his/her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his/her determination within two working days from the time the person responsible for the excavation, or his/her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his/her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission (California Office of Historic Preservation 2019).

Assembly Bill 52

On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52, which creates a new category of environmental resources “tribal cultural resources” that must be considered under CEQA. The legislation imposes new requirements for consultation regarding projects that may affect a tribal cultural resource, includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures. AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, unique archaeological, and paleontological resources. AB 52 requires lead agencies to provide notice to 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.

To participate in AB 52, a tribe requests, in writing, that they wish the lead agency to notify them through a formal notification of proposed projects within the tribe’s geographic area where they are traditionally and culturally affiliated. The lead agency has 14 days after determining that an application for a project is complete, or a decision by a public agency to undertake a project, to provide formal notification to the designated contact or tribal representative of traditionally and culturally affiliated California Native American tribes that have requested notice.

Local

Humboldt County General Plan

The Humboldt County General Plan contains several cultural resources policies and a standard that are relevant to the proposed project:

Policy 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) Section 5020.1.

Policy CU-P2. Native American Tribal Consultation. Native American Tribes 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.

Policy 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.

Policy 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).

Policy 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-P3; or
- b. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.

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

Standard CU-S4E. Standard Conditions and Notations for Inadvertent Archaeological or Native American Remains Discoveries. In addition, for discretionary projects and ministerial permits that involve ground disturbing activities, the following measures shall be included as standard conditions of approval or as notations to be placed on development plans:

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

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

Pursuant to California Health and Safety Code §7050.5, if known or suspected Native American or other human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with PRC §5097.98.

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

Standard CU-S6B. Assessment and Treatment of Impacts to Significant Historic Structures, Buildings and Districts - Discretionary Project Review. For discretionary projects, a records check will be conducted by staff, and if no listing or survey for eligibility has been done, an initial screening will be conducted to determine whether there is a potential for significant historic structures, buildings or districts to be significantly impacted by the project. Where it is found that there is a potential for significant adverse impacts, an historic architectural resources report meeting the Secretary of the Interior’s Standards for Historic Preservation prepared by a qualified professional shall be required. The report shall assess the presence, extent, condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources found to qualify as significant historical resources under CEQA. The report shall include recommendations for avoiding and/or mitigating identified significant adverse impacts.

7.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of cultural resources, tribal cultural resources, and paleontological resources, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of cultural and tribal cultural resources impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries presented in Appendix G and to use that language in fashioning thresholds. The County has done so here. Therefore, for purposes of this EIR, a significant impact would occur if implementation of the proposed project would:

Historic and Unique Archaeological Resources

- Cause a substantial adverse change in the significance of a historical resource;
- Cause a substantial adverse change in significance of a (unique) archaeological resource; or
- Disturb any (Native American) human remains, including those interred outside of dedicated cemeteries.

Tribal Cultural Resources

- 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.

7.4 Analysis, Impacts, and Mitigation Measures

Historic Resources and Unique Archaeological Resources

IMPACT 7-1	Loss of or Damage to Historic Resources and/or Unique Archaeological Resources During Construction	Less than Significant
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Historic Resources

As described in Section 7.1, Environmental Setting, there no recorded historic resources within the project site with potential to be adversely affected by future development activities. However, there are several buildings identified on Figure 17 of the archaeological survey report that are currently 50 years old or more. Such structures could have potential to be historical resources, as would any structure within the project site that becomes 50 years old or more as the project site builds out over time. The archeological survey report did not include a detailed assessment of the potential historical significance of any of the noted structures because none are currently proposed for alteration or demolition. Some or all of these structures could be proposed for demolition as the sites on which they are located are proposed for development or redevelopment over time. Loss of or damage to a historical resource would be a significant impact.

This potentially significant impact would be reduced to less than significant with implementation of General Plan policy CU-P5 and General Plan standard CU-S6B. The standard, identified in the Regulatory Setting section above, requires that for a development project on a site that may contain historical resources, an initial screening be done to determine whether the resource may be historical. If so, a historical resources report must be prepared to identify potential impacts on resources that qualify as significant under CEQA and to include mitigations for reducing the impact. Required implementation of this uniformly applied standard at the time development is proposed on any individual site would ensure that potential impacts on historical resources would be less than significant. No additional mitigation is required.

Archeological Resources

The archaeological survey report determined that there are no observable archaeological resources within the boundaries of the area surveyed as part of that report. The cultural resources report prepared for the Life Plan Humboldt project determined that there are no observable archaeological resources within the boundaries of that portion of the project site. Therefore, there are no known archaeological resources that would be impacted by constructing new development within the vacant portions of the project site as a whole. However, it is possible that unknown historic and unique archaeological resources could be uncovered during ground disturbance activities.

This potentially significant impact would be reduced to less than significant with implementation of General Plan policy CU-P4 and General Plan standard CU-S4E. The policy and standard, identified in the Regulatory Setting section above, specify that language to mitigate impacts on unknown buried cultural resources, should they be uncovered during site development activities, be included as a condition of approval for all new development projects. Required implementation of the uniformly applied policy and development condition would ensure that potential impacts on unknown archaeological resources would be less than significant. No additional mitigation is required.

Life Plan Humboldt

The Life Plan Humboldt project would have no new or more severe cultural resources impacts than identified in the analyses above. The cultural resources investigation conducted for the project did not identify the presence of historical resources within the site. Therefore, no impact on such resources is possible. No archaeological resources were identified within the project site, but unknown buried archaeological resources could be present. Required conformance with General Plan policy CU-P4 and General Plan standard CU-S4E as described above would reduce potential impacts on known, buried archaeological resources to less than significant.

Native American Human Remains

IMPACT 7-2	Loss of or Damage to Native American Human Remains During Construction	Less than Significant
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Like the analysis for potential impacts on archaeological resources, it is possible that unknown Native American human remains, if present within the site, could be uncovered during ground disturbance activities associated with future development. This potentially significant impact would also be reduced to less than significant with implementation of General Plan policy CU-P4 and standard CU-S4E. The policy and standard, identified in the Regulatory Setting section above, specify that language to mitigate impacts on Native American remains be included as a

condition of approval for all new development projects. Required implementation of these uniformly applied measures would ensure that potential impacts on Native American human remains would be less than significant. No additional mitigation is required.

Life Plan Humboldt

The Life Plan Humboldt project would have no new or more severe impacts on Native American remains than assumed for the project as a whole. Implementation of General Plan policy CU-P4 and General Plan standard CU-S4E as described above would ensure that potential impacts on unknown Native American human remains would be less than significant.

Tribal Cultural Resources

IMPACT 7-3	Loss of or Damage to Tribal Cultural Resources During Construction	Less than Significant
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Potential impacts on tribal cultural resources would be similar to those for cultural resources and Native American remains. There is no evidence, based on the AB 52 consultation process and outreach conducted with Native American tribes, that tribal cultural resources are present within the project site. However, it is possible that unknown tribal cultural resources could be uncovered during site preparation and/or other site disturbance activities. Required implementation of General Plan policy CU-P4 and General Plan standard CU-S4E, as described above, would reduce potential impacts on such resources, if present, to less than significant.

Life Plan Humboldt

The Life Plan Humboldt project would have no new or more severe impacts on tribal cultural resources than assumed for the project as a whole. Required implementation of General Plan policy CU-P4 and General Plan standard CU-S4E, as described above, would reduce potential impacts on such resources, if present, to less than significant.