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None.

## 3.4 Cultural and Tribal Cultural Resources

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### 3.4.1 Introduction

This section addresses cultural and Tribal resources in Humboldt County (unincorporated and incorporated areas) as well as the relevant regulatory framework. This section also analyzes the potential impacts to cultural resources and Tribal cultural resources anticipated to result from implementation of the RCAP.

### 3.4.2 Environmental Setting

#### Cultural Resources Definitions

The term “cultural resources” under CEQA encompasses historic, archaeological, and Tribal cultural resources as well as burial sites. Below is a brief summary of each definition:

- **Historical Resources:** Historical resources are resources listed in, or determined eligible for listing in, the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources or identified in a historical resources survey, or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. Historical resources may include eligible built environment resources of the precontact<sup>1</sup> or historic periods. For the purposes of this section, historical resources are associated with the recent past. Specifically in California, historical resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years of age.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with prehistoric indigenous cultures as well as historic periods.
- **Tribal Cultural Resources:** Tribal cultural resources include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.
- **Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred.

#### Overall Cultural Setting

Following is a brief overview of the indigenous history, ethnographic background, and post-contact history of the proposed plan area. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview. Further details can be found in ethnographic studies, records, and major published sources.

##### *Indigenous History*

During the twentieth century, many archaeologists developed chronological sequences to explain prehistoric cultural changes within all or portions of northern California.<sup>2</sup> The project area lies within

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<sup>1</sup> Precontact refers to the period prior to European settler contact with Native Americans, in this case specifically in California.

<sup>2</sup> Terry Jones and Kathryn Klar, *California Prehistory: Colonization, Culture and Complexity*, (Rowman Altamira Press, 2007); Michael Moratto, *California Archaeology*, (New York: Academic Press, 1984).

the Northwest California archaeological region.<sup>3</sup> The prehistoric chronology for the area can be generally divided into six periods: the Pleistocene- Holocene transition (11,500 to 8,000 B.C.), the Early Holocene (8,000 to 5,000 B.C.), the Middle Holocene (5,000 to 2,000 B.C.), and the Late Holocene (Post 2,000 B.C.).<sup>4</sup>

### **PLEISTOCENE-HOLOCENE TRANSITION (CA. 11,500 TO 8,000 B.C.)**

Very little is known about this period in the Northwest California archaeological region. Limited finds dating to the Pleistocene-Holocene transition have been made in the Northwest Coast region, including Post Pattern sites near Clear Lake and Cache Creek in Lake County and isolated finds in Mendocino County and at Bodega Head.<sup>5</sup> Post Pattern assemblages typically include fluted (Clovis-like) projectile points.

### **EARLY HOLOCENE (8,000 TO 5,000 B.C.)**

The Early Holocene in this area is primarily categorized by the Borax Lake Pattern, which has been extensively studied throughout the interior of Northwest California.<sup>6</sup> This pattern is categorized by large, wide-stemmed projectile points, serrated bifaces, ovoid flake tools, handstones, millingslabs, and edge-flaked spalls, and is found in a variety of contexts. Due to the associated material culture and the lack of evidence of storage, the Borax Lake Pattern suggests a mobile forager strategy. Evidence for this period in coastal areas is lacking. Only one clear Borax Lake Pattern site has been identified near the ocean, a hunting camp apparently focused on hunting Roosevelt elk, located approximately two kilometers from the coast.

### **MIDDLE HOLOCENE (5,000 TO 2,000 B.C.)**

The Middle Holocene is poorly represented throughout Northwest California, particularly the early part of the period.<sup>7</sup> North of Cape Mendocino, no occupation evidence has been identified until after 3,000 B.C., when the Mendocino Pattern becomes apparent. Common artifacts attributed to this pattern include various side-notched, corner-notched, and concave-base projectile points, handstones, and millingslabs, and several types of flake tools.

### **LATE HOLOCENE (POST 2,000 B.C.)**

The Late Holocene in the project vicinity demonstrates a continuation of the Mendocino Pattern of the Middle Holocene. By A.D. 500, however, a major change occurs with the emergence of the Gunther Pattern, a precursor to the ethnographic cultures of the area.<sup>8</sup> The Gunther Pattern is represented by Gunther barbed projectile points, and concave-based points used on harpoons, ground and polished stone artifacts, and artistic items. Sites are often complex, with defined house areas, cemeteries, storage, and midden areas.

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3 William R. Hildebrandt, "Northwest California: Ancient Lifeways Among Forested Mountains, Flowering Rivers, and Rocky Shores," in *California Prehistory: Colonization, Culture, and Complexity*, (Rowman Altamira Press, 2007).

4 Hildebrandt, "Northwest California: Ancient Lifeways Among Forested Mountains, Flowering Rivers, and Rocky Shores," 2007.

5 Hildebrandt, 2007.

6 Hildebrandt, 2007.

7 Hildebrandt, 2007.

8 Hildebrandt, 2007.

### *Ethnographic Background*

The archaeological record of the north coast includes Native American data from over 12,000 years ago.<sup>9</sup> Historically, the Humboldt County area was one of the most culturally diverse regions in present-day California and was home to more than a dozen distinct peoples. Native American tribes occupied discrete areas with precise boundaries conforming to the natural watershed basins. Humboldt County consisted of three ethnolinguistic groups: Athabascan, Hokan, and Algic/Algonquin. Tribal groups with ancestral territories in the project area include: Yurok and Wiyot (Algic/Algonquin); Chilula, Whilkut, Hoopa, Nongatl, Lassik, Mattole, Sinkyone, and Mailaki (Athabascan); and Karuk (Hokan).

The Yurok ancestral territory includes a coastal strip from Little River in today's Humboldt County to Del Norte County, and inland along the Klamath River. At the time of anthropological documentation, there were over 70 known villages within the ancestral territory, situated along the banks of the Klamath River, ocean streams, and lagoons.<sup>10</sup> Wiyot territory extends eastward from the Pacific to the crest of the first mountain range some 15 to 20 miles inland, bounded on the north by the Little River and to the south by the Bear River.<sup>11</sup> Their territory thus includes Humboldt Bay and many miles of ocean front and the lower courses of rivers, as well as inland redwood forest.

The Chilula inhabited the area located on or adjacent to lower Redwood Creek. All but one of their known 18 village sites were located on the east side of Redwood Creek.<sup>12</sup> The Whilkut inhabited the area south of the Chilula on or near the Upper Redwood Creek and Mad River, except at the mouth, and up to the vicinity of Iaqua Buttes.<sup>13</sup> The Hoopa ancestral territory includes valleys on the lower part of the Trinity River (present-day Hoopa Valley), beginning at the South Fork of the Trinity River to Klamath River, and including portions of present-day Trinity County.<sup>14</sup>

The southern portion of Humboldt County was inhabited by Southern Athapaskan speakers, sometimes collectively referred to as the Eel River Athapaskans, including: Lassik, Mattole, Sinkyone, and Wailaki. The Lassik occupied the drainage of the Main Eel River between the mouths of Dobbyn and Kekawawa creeks and the headwaters of the North Fork Eel and Mad Rivers. They were bordered by the Nongatl to the north, the Sinkyone to the west and the Eel River Wailaki to the south.

The Karuk ancestral territory is inland, mostly within Siskiyou County and the northeastern part of Humboldt County, and bordered by Bluff and Red Cap Creek to the south along the Klamath River and by Walker Creek to the north. Archaeological excavations of the interior area of Northwestern California suggests that while Karuk generally settled in villages adjacent to the river, there were also sites present on high ridges.<sup>15</sup>

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9 Michael J. Moratto, *California Archaeology* (New York: Academic Press, 1984).

10 Alfred J. Kroeber, *Handbook of the Indians of California*. Bulletin 78, Bureau of American Ethnology, (Washington DC: Government Printing Office, 1925); TT Waterman, *Yoruk Geography* (Trinidad: Trinidad Museum Society, 1920); A. Pilling, "c, Volume 8, California, (Washington DC: Government Printing Office, 1978).

11 Albert B. Elsasser, "Wiyot" in *Handbook of North American Indians*, Volume 8, California, (Washington DC: Government Printing Office, 1978).

12 Edwin C. Bearss, "Redwood National Park History Basic Data," (Washington DC: National Park Service, 1969), [https://www.nps.gov/parkhistory/online\\_books/redw/index.htm](https://www.nps.gov/parkhistory/online_books/redw/index.htm). Accessed October 2024.

13 Kroeber, 1925.

14 Pliny Earle Goddard, *Life and Culture of the Hupa*, *American Archaeology and Ethnology*, (Berkeley: University of California, 1903), <https://digitalassets.lib.berkeley.edu/anthpubs/ucb/text/ucp001-003.pdf>. Accessed October 2024.

15 John F. Salter, *White Paper on Behalf of the Karuk Tribe of California: A Context Statement Concerning the Effect of Iron Gate Dam on Traditional Resource Use and Cultural Patterns of the Karuk People within the Klamath River Corridor*, (2003), [https://sipnuuk.karuk.us/system/files/atoms/file/AFRIFoodSecurity\\_UCB\\_JenniferSowerwine\\_001\\_009.pdf](https://sipnuuk.karuk.us/system/files/atoms/file/AFRIFoodSecurity_UCB_JenniferSowerwine_001_009.pdf) Accessed October 2024

While some people lived in permanent villages occupied by the entire population for the majority of the year along the coast and rivers, both coastal and inland groups moved to seasonal coastal villages for specific harvesting and gathering opportunities.<sup>16</sup> Northwestern California supported relatively high populations of people who resided in sub-terranean plank houses within permanent villages. There are two types of semi-subterranean plank houses used among Native Americans in Northwestern California: family houses and sweathouses. Although houses varied in minor design details, their general form and function was similar throughout the region. Houses were “snug, well-made structures engineered to keep out the constant wind and rain”.<sup>17</sup> Typically there were three family houses for every sweathouse group, clustered according to extended family lines.<sup>18</sup> Sweathouses were used by men and post-pubescent boys and women were not permitted entry except for ceremonial purposes.<sup>19</sup> Men sweated once or twice daily. Sweathouse activities included gambling and the construction of bows, nets, and harpoons.

The household was the fundamental social and economic unit throughout the Pacific Northwest Coast. Though household size and organization varied between tribes, there was no political organization beyond the local group. Northwestern California sociopolitical organization is typified by a high social group structure involving family-based households. Tribes in the area were closely involved by marriage, ceremony, and culture. The region’s rivers – Klamath and Trinity, connected people in every regard except language.<sup>20</sup> The area’s linguistic diversity meant inhabitants near Tribal boundaries, however, were frequently bilingual or trilingual due to the personal kin and economic ties across boundaries.<sup>21</sup>

All California indigenous peoples, at the time of colonization, subsisted by hunting and gathering. Coastal groups relied heavily on marine food resources, such as fish, shellfish, and marine mammals, as well as terrestrial resources, while interior groups within the North Coast Region relied primarily on terrestrial resources for subsistence. Acorns were the main dietary staple of most Contact Period groups in California.<sup>22</sup> In Northwestern California, however, acorns were second to salmon. Elaborate fishing technology was utilized to catch spawning species of fish in the region including Chinook salmon, silver salmon, and steelhead, among others. Variability in fishing technology among groups is understood in terms of environmental positions and constraints rather than cultural differences. Technologies included weirs, harpoons, plunge nets, snares, traps, diving, and hook/line.<sup>23</sup>

The pursuit of wealth and its link to status is a defining element of Northwestern California culture. Wealth items including obsidian blades, white deerskins, and dentalium shell money were acquired through various means: dowries, trade, or collection of fines.<sup>24</sup> These items were only occasionally used to purchase necessities such as food, which was abundant, rather the importance of wealth was a marker of social status (Kennedy 1949). In addition to all wealth items, all valuable property

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16 Marine Line Protection Act Initiative (MLPAI), Regional Profile of the North Coast Study Region, (2010), <https://stacks.stanford.edu/file/druid:vq778kb5323/profile.pdf>. Accessed October 2024.

17 Richard Gould, *Archaeology of the Point St. George Site and Tolowa Prehistory*, (Berkeley: UC Berkeley, 1966).

18 Kroeber, 1925.

19 Shannon Tushingam, *Archeology, Ethnography, and Tolowa Heritage at Red Elderberry Place, Chvn-su’lh-dvn, Jedidiah Smith Redwoods State Park*, (Sacramento: California State Parks, 2013),

[https://www.parks.ca.gov/pages/22491/files/CA\\_State\\_Parks\\_Archaeological\\_Report\\_Vol30\\_JedediahSmith.pdf](https://www.parks.ca.gov/pages/22491/files/CA_State_Parks_Archaeological_Report_Vol30_JedediahSmith.pdf). Accessed October 2024.

20 Salter, 2003.

21 Marc A. Baker, *The Ethnobotany of the Yurok, Tolowa, and Karok Indians of Northwest California*, (Humboldt: Humboldt State University, 1981).

22 Kroeber, 1925.

23 Alfred L. Kroeber and Samuel A. Barrett, “Fishing Among the Indians of Northwestern California,” (Berkeley: University of California Anthropological Records, 21, 1960).

24 Tushingam, 2013.

was owned, including fishing spots, oak groves, and certain technologies.<sup>25</sup> Valuable fishing spots were owned individually or shared by several people, and was not limited to the vicinity of the owner's residence.<sup>26</sup>

Northwestern California groups shared many cultural traits, including World Renewal Rituals, including the Hoopa and Yurok White Deerskin Dance, which was done to stabilize a preferred way of life. Other spiritual ceremonies included the Jump Dance, to solicit support from ancestors; the Kick Dance, a prayerful adjustment of spiritual powers; and the Brush Dance, to cure a sick child.<sup>27</sup> Although some tribes to the south practiced cremation, Northwest California tribes generally buried their dead in plank-lined graves, and cemeteries were established near the permanent villages. Archaeologically significant sites have been identified by the presence of refuse from marine life, debris from stone toolmaking, mortar, and tools.

The Yurok village of Tsurai at Trinidad Bay is documented as the most frequently visited site by Euro-American explorers in Northwestern California prior to the Gold Rush of 1849, apparently due to its proximity to the coast and accessibility relative to other places along the rocky shore of the north coast. Humboldt Bay was generally avoided due to rough waters and to avoid conflict with the Wiyot. Jedidah Strong Smith's 1828 expedition is regarded as the first direct Euro-American contact with Northwestern California groups.<sup>28</sup> Inland groups like the Karuk were less impacted by the invasion of Europeans than their Yurok and Hoopa neighbors because of their relative remoteness.<sup>29</sup> However, once gold was discovered on the Trinity River in 1848 an influx of miners arrived in the area. For local populations, the Gold Rush Era was a time of rapid change. Violent encounters commenced with the founding of major towns, including Eureka (1850) and Crescent City (1853). The Yurok participated in a revolt against settlers in 1855, the Red Cap War, which was successful at stemming white settlement for a short time.<sup>30</sup> Multiple massacres of Native people took place across Northwestern California, including the 1860 massacre of nearly an entire Wiyot village on Tuluwat Island in Humboldt Bay. Survivors were scattered to the Klamath River, Hoopa, and Smith River Reservations.<sup>31</sup> By 1860, the population had shrunk from 1,000 to 200; by 1910, only 152, including 58 full-blooded, local people were left.<sup>32</sup>

Other factors contributed to the decline of Native people during this time including malnutrition, kidnapping, and forced servitude. People were forcibly removed to reservations including Klamath Reservation on the lower Klamath River, the Hupa Reservation in Hoopa, Round Valley in Yuki territory, and the Siletz Reservation in southwest Oregon.<sup>33</sup>

Today, there are several federally recognized and unrecognized tribes, rancherias, and sovereign tribal governments in Humboldt County and its vicinity. These include: Big Lagoon Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community, Elk Valley Rancheria, Estom Yukema Maidu Tribe of the Enterprise Rancheria, Grindstone Rancheria, Hoopa Valley Tribal Council, Karuk Tribe of California, Bear River Band of Rohnerville Rancheria, Melochundum Band of Tolowa Indians, Quartz Valley Indian Community, Round Valley Reservation/Covelo Indian Community, Shasta Indian Nation, Tolowa Dee-ni' Nation, Trinidad Rancheria, Tsnugwe Council, Wiyot Tribe and the Yurok

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25 Tushingam, 2013.

26 Kroeber, 1925.

27 Baker, 1981.

28 Janet P. Eidsness, *A Summary of Cultural Resources Projects: Redwood National Park*. (Arcata: Redwood National Park, 1988).

29 Salter, 2003.

30 Tushingam, 2013.

31 Elsasser, 1978.; Llewellyn L. Loud, *Ethnogeography and Archaeology of the Wiyot Territory*, (Berkeley: University of California Publications in American Archaeology and Ethnology, 1918).

32 Edward S. Curtis, "The Wiyot," in *The North American Indian*, (New York: Johnson Reprint Co., 1929); Loud, 1918.

33 Tushingam, 2013.

Tribe. Membership are active in ceremony and traditions, and several participate in archaeological research. Many area tribes also participate in the InterTribal Sinkyone Wilderness Council Northern California. The Council's ten federally recognized, sovereign Tribes have members hailing from various Northern California indigenous ethnicities including: Bear River, Cahto, Coast Yuki, Concow, Huchnom, Hupa, Karuk, Lassik, Mattole, Nomlaki, Nongath, Pit River, Pomo, Sinkyone, Tolowa, Wailaki, Wintu, Wiyot, Yuki, Yurok, and many others and work collectively to protect culturally important lands.<sup>34</sup>Post-Contact History

Post-contact history for the State of California is generally divided into three periods: the Spanish Period (1769–1822), Mexican Period (1822–1848), and American Period (1848–present).

Although Spanish, Russian, and British explorers visited the area for brief periods between 1529 and 1769, the Spanish Period in California begins with the establishment in 1769 of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States.

### **SPANISH PERIOD (1769 – 1822)**

Spanish explorers made sailing expeditions along the coast of California between the mid-1500s and mid-1700s. Juan Rodriguez Cabrillo in 1542 led the first European expedition to observe what was known by the Spanish as Alta (upper) California. For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta California coast and made limited inland expeditions, but they did not establish permanent settlements.<sup>35</sup> The Spanish crown laid claim to Alta California based on the surveys conducted by Cabrillo and Vizcaíno.<sup>36</sup>

By the 18th century, Spain developed a three-pronged approach to secure its hold on the territory and counter against other foreign explorers. The Spanish established military forts known as presidios, as well as missions and pueblos (towns) throughout Alta California. The 1769 overland expedition by Captain Gaspár de Portolá marks the beginning of California's Historic period, occurring just after the King of Spain installed the Franciscan Order to direct religious and colonization matters in assigned territories of the Americas. Portolá established the Presidio of San Diego as the first Spanish settlement in Alta California in 1769. Franciscan Father Junípero Serra also founded Mission San Diego de Alcalá that same year, the first of the 21 missions that would be established in Alta California by the Spanish and the Franciscan Order between 1769 and 1823.

Construction of missions and associated presidios was a major emphasis during the Spanish Period in California to integrate the Native American population into Christianity and communal enterprise. However, no missions or presidios were established in Humboldt County.

Spanish Captains Heceta and Bodega landed in in Trinidad Bay on June 9, 1775 during their expedition of the northwest coast. On June 11, 1775, Trinity Sunday, the explorers and two Franciscan friars marched from shore to the summit of Trinidad Head and erected a cross and took possession in the name of Charles III of Spain.<sup>37</sup> They stayed for over a week to hunt game and

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34 MLPAL, 2010.

35 Walton Bean, *California: An Interpretive History*, (New York: McGraw Hill, 1968)

36 Blake Gumprecht, *The Los Angeles River: Its Life, Death, and Possible Rebirth*, (Maryland: The Johns Hopkins University Press, 1999).

37 California Office of Historic Preservation, "Historical Landmark – Trinidad Head," n.d., <https://ohp.parks.ca.gov/ListedResources/Detail/146?ref=travellens.co>, Accessed October 2024.

collect water for their expedition, and had friendly interactions with the residents of Tsurai. Spain never returned to assert their claim.

### **MEXICAN PERIOD (1822 – 1848)**

Several factors kept growth within Alta California to a minimum, including the threat of foreign invasion, political dissatisfaction, and unrest among the indigenous population. After more than a decade of intermittent rebellion and warfare, New Spain won independence from Spain in 1821. In 1822, the Mexican legislative body in California ended isolationist policies designed to protect the Spanish monopoly on trade, and decreed California ports open to foreign merchants.<sup>38</sup>

Extensive land grants were established in the interior during the Mexican Period, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated their colonization efforts. The secularization of the missions following Mexico's independence from Spain resulted in the subdivision of former mission lands and establishment of many additional ranchos. Commonly, former soldiers and well-connected Mexican families were the recipients of these land grants, which now included the title to the land.<sup>39</sup> No ranchos were established in Humboldt County and it remained largely untouched by Euro-American visitors. Jedediah Strong Smith's 1828 expedition is regarded as the first direct Euro-American contact in the area. Smith led a party of 18 men and 300 horses to establish a trading post in the area. He entered the region via the Trinity River, traveled through the Hoopa Valley, continuing up the west coast, and into Oregon. Other contact during this period was limited to short encounters in Trinidad Bay, like Captain George Vancouver's visit in 1793 and Russian fur traders in the following decades.

### **AMERICAN PERIOD (1848 – PRESENT)**

The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico \$15 million for conquered territory including the present-day states of California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming. Settlement of Southern California continued to increase during the early American Period. Ranchos were sold or otherwise acquired by Americans, with many subdivided into agricultural parcels or towns.

The discovery of gold in northern California in 1848 led to the California Gold Rush and California's population grew exponentially. The discovery of gold in the Trinity River in 1848 led to dramatic changes in Humboldt County. Gold seekers soon poured in, and the founding of the County's first major town, Eureka (1850), followed. The miners' need for great quantities of timber made sawmills the foremost branch of manufacturing in the state and Humboldt County's abundance of redwoods made it one of the forefronts of lumber production.<sup>40</sup> The need to ship timber stimulated a local ship building industry, and fishing followed. Other productive activities included the arrival of new agricultural uses, blacksmiths, bankers, and dairies. An influx of Chinese immigrants led to the founding of Chinatowns in Eureka and Arcata, but anti-Chinese discrimination led to a conflict and mass expulsion of the Chinese population in 1885.

The influx of outsiders resulted in turmoil for the Native American population. In addition to massacres and other acts of violence, populations were forcibly removed to reservations. Additionally, the settlers' use and transformation of the land restricted Native Americans from

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<sup>38</sup> Ramon Gutierrez et al., *Contested Eden: California Before the Goldrush*, (Berkeley: University of California Berkeley Press, 1998).

<sup>39</sup> Burgess Shumway, *California Ranchos*, (San Bernardino: Borgo Press, 2007).

<sup>40</sup> Walton E. Bean, *California: An Interpretive History*, (New York: McGraw Hill Book Company, 1968).



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accessing traditional lands and resources. In 1853, Fort Humboldt was established to introduce an Army presence to quell conflict, and closed in 1867.

The area’s moderate climate later encouraged farmers to the area and sheep raising became a primary industry. The relative isolation of the area was removed beginning in the early 20<sup>th</sup> century with the completion of rail connections and completed with the construction of the Redwood Highway and the rise of the automobile.

After World War II and with the increased demand for lumber in the housing industry, timber harvesting expanded to the Douglas fir forests. By 1952, Humboldt County had 258 small lumber mill operations, which depleted the Douglas fir population on private land in the area by the late 1960s, and made a serious impact of timber growth on Forest Service lands by the 1980s.

Since the diminishment of the timber industry, the tourism industry has grown to take advantage of the region’s beauty and recreational opportunities. With the “back-to-the-land movement” in the 1960s and 1970s, several individuals left urban centers for the area further boosting the population and making way for the new marijuana cultivation economy still seen in the area today.<sup>41</sup>

**Existing Cultural Resources**

*Historical Resources in RCAP Area*

A review of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), the California State Office of Historic Preservation Built Environment Directory (BERD), Humboldt County Register, and local City inventories revealed that there are hundreds of historical resources in Humboldt County. Listed resources in unincorporated Humboldt County are outlined below in Table 3.4-1. Listed resources in incorporated cities are outlined in Table 3.4-2 through Table 3.4-7.

**Table 3.4-1 Unincorporated Humboldt County Historical Resources**

Community	Resource Name	National Register	State Landmark	California Register	Humboldt County Register
Bayside	Old Jacoby Creek School	X		X	
Bayside	Bayside Grange Hall			X	
Bayside	Bayside Temperance Hall			X	
Bayside+	Myrtle Avenue and Myrtle Road Houses			X	
Bayside	Jacoby Creek Cabin			X	
Bayside	1686 Old Arcata Road			X	
Bayside	3333 Old Arcata Road			X	
Bayside	Andrain House			X	
Bayside	Peterson-Hendrickson House			X	
Bridgeville	Lower Blackburn Grade Bridge (Van Duzen)	X		X	

41 Thomas S. Keter, “Environmental and Cultural History of the Eel River Basin,” <http://wordpress.solararch.org/wp-content/uploads/2021/02/Environmental-and-Cultural-History-of-the-Eel-River-Basin-updated-112017.pdf>. Accessed October 2024.

Community	Resource Name	National Register	State Landmark	California Register	Humboldt County Register
Carlotta	Carlotta Hotel	X		X	
Centerville	Petersen-Machado Centerville Dairy				X
Fernbridge	Fernbridge	X		X	
Ferndale	Grizzly Bluff School	X		X	
Ferndale	Fern Cottage Historic District	X		X	
Ferndale	FW Andreasen/John Rossen House	X			X
Fortuna	56025 US 101 S			X	
Garberville	Benbow Inn	X		X	
Garberville	Garberville Civic Clubhouse				X
Hoopla	De-No-To Cultural District	X		X	
Hoopla	Hoopla Valley Adobe	X		X	
Humboldt Hill	No. 882 Humboldt Harbor Historical District		X	X	
Loleta	Humboldt Fish and Gun Club Cabin			X	
Myers Flat	Myers Flat Hotel				X
Loleta	Bank of Loleta	X		X	
Orick*	Bald Hills Archaeological District	X		X	
Orick*	Lyons Ranches Historic District	X		X	
Orick*	Prairie Creek Fish Hattery	X		X	
Orleans	Tishawnik	X		X	
Petrolia	Punta Gorda Light Station	X		X	
Petrolia	Beatty Cabin			X	
Samoa	Humboldt Bay Life-Saving Station	X		X	
Weott*	California Federation of Women's Clubs Grove Hearthstone	X		X	
Willow Creek	Gambi Waterwheel			X	
Table Bluff	Southport Landing/Charles Henry House				X
Centerville	No. 173 Centerville Beach Cross <sup>1</sup>		X		
Korbel	No. 164 The Old Arrow Tree <sup>1</sup>		X		
Petrolia	No. 543 California's First Drilled Oil Wells <sup>1</sup>		X		

\*located in Redwood National and State Parks

+ Comprised of several individual properties assigned a BERD Status Code "2S" indicating properties were determined eligible for the National Register by the Keeper and are listed in the California Register. Full list in Appendix C.

<sup>1</sup> California State Historical Landmarks below #770 are not generally considered historical resources for the purposes of CEQA.

**Table 3.4-2 City of Arcata Historical Resources**

Resource Name	National Register	State Landmark	California Register
John G. Chapman House	X		X
Hotel Arcata	X		X
Jacoby Building	X	X	X
James Kleiser House	X		X
Phillips House	X		X
Schorlig House	X		X
Stone House	X		X
Whaley House	X		X
Pythian Castle	X		X
No. 215 Camp Curtis <sup>1</sup>		X	
John Van Duzer Theatre			X
McKenzie House			X
Vaissade House			X
Stewart School			X

<sup>1</sup> California State Historical Landmarks below #770 are not generally considered historical resources for the purposes of CEQA.

In addition to national and State-listed resources, the City of Arcata also adopted a Historic Resource Preservation Ordinance, providing the authority to designate local Historic Landmarks, Historic Districts, and Neighborhood Conservation Areas. The City has listed 94 individual local Historic Landmarks, one Historic District, and two Neighborhood Conservation Areas. Listed resources are outlined in Appendix C.

**Table 3.4-3 City of Blue Lake Historical Resources**

Resource Name	National Register	State Landmark	California Register
Arcata and Mad River Railroad Company		X	X
Hasty Property			X

The City of Blue Lake’s municipal code includes provisions for designating local Landmark Sites and Historic Districts. The City has not officially designated any local Landmark Sites or Historic Districts to date.

**Table 3.4-4 City of Eureka Historical Resources**

Resource Name	National Register	State Landmark	California Register
Bank of Eureka Building	X		X
Carnegie Free Library	X		X
William S. Clark House	X		X
John A. Cottrell House	X		X

Resource Name	National Register	State Landmark	California Register
Eureka Inn	X		X
Eureka Theatre	X		X
First and F Street Building	X		X
Humboldt Bay Woolen Mill	X		X
F. Janssen Building	X		X
D.C. McDonald Building	X		X
George McFarlan House	X		X
Odd Fellows Hall	X		X
Thomas F. Ricks House	X		X
Odd Fellows Hall	X		X
Simpson Vance House	X		X
Sweasey Theater-Loew's State Theatre	X		X
U.S. Post Office and Courthouse	X		X
Washington School	X		X
Magdalena Zanone	X		X
Eureka Old Town Historic District	X		X
Falk Archaeological District	X		X
Gunther Island Site 67	X		X
Tsahpek	X		X
Vance Hotel			X
McAdam House			X
1413 D Street			X
1737 J Street			X
1016 F Street			X
The Professional Building			X
811 M Street			X
226 West Grant Street			X
2115 Albee Street			X
W.J. Little Building			X
2335 Union Street			X
Dolbeer & Carson Company Railroad Line			X
No. 154 Fort Humboldt <sup>1</sup>		X	
No. 477 City of Eureka <sup>1</sup>		X	
No. 882 Humboldt Harbor Historical District		X	X

<sup>1</sup> California State Historical Landmarks below #770 are not generally considered historical resources for the purposes of CEQA.

**Regional Climate Action Plan and CEQA GHG Emissions Thresholds**

In addition to national and State-listed resources, the City of Eureka also adopted a Historic Preservation Ordinance, which provides the City the authority to designate local Historic Districts and Properties. They maintain the City of Eureka Local Register of Historic Places. To date, the City has listed 532 individual local Historic Properties. Locally listed resources are outlined in Appendix C.

**Table 3.4-5 City of Ferndale Historical Resources**

Resource Name	National Register	State Landmark	California Register
Alford-Nielson House	X		X
A Berding House	X		X
Ferndale Public Library	X		X
Catholic Church of the Assumption Rectory	X		X
Shaw House	X		X
Ferndale Main Street Historic District	X		X
No. 883 – The entire town of Ferndale		X	X

**Table 3.4-6 City of Fortuna Historical Resources**

Resource Name	National Register	State Landmark	California Register
Gushaw-Mudgett House	X		X
Humboldt County Fairgrounds			X

**Table 3.4-7 City of Trinidad Historical Resources**

Resource Name	National Register	State Landmark	California Register
Holy Trinity Church	X		X
Trinidad Head Light Station	X		X
No. 146 Trinidad Head		X	X
No. 216 Town of Trinidad <sup>1</sup>		X	
No. 838 Old Indian Village of Tsurai		X	X

<sup>1</sup> California State Historical Landmarks below #770 are not generally considered historical resources for the purposes of CEQA.

There are no listed historical resources in the City of Rio Dell. The City has not adopted a Historic Preservation Ordinance. The unincorporated area of Humboldt County and many of the County's incorporated Cities include California State Historical Landmarks below #770 and are generally not considered historical resources under CEQA unless they are listed separately in the CRHR or locally, but such resources may be historical resources pending further evaluation. In addition to the properties outlined above, the BERD includes over 125 properties that have been identified as potentially eligible for listing in the NRHP or CRHR or as a State Historical Landmark throughout Humboldt County that may be historical resources pending further analysis (Appendix C).

### *Archaeological Resources in RCAP Area*

Rincon Consultants requested a review of the Sacred Lands File (SLF) on behalf of Humboldt County and received a response from the Native American Heritage Commission (NAHC) on October 24, 2024 that indicated that the County is positive for Sacred Lands. There are several known archaeological resources in Humboldt County, including two NRHP-listed districts and one site in unincorporated Humboldt County and one NRHP-listed district and two sites in the City of Eureka. It is also known that other archaeological resources, though unlisted, have also been identified within the County. However, information on archaeological resources is confidential and will not be further discussed here. The California Historical Resources Information System (CHRIS) maintains a wide range of documents relating to historical resources. The Northwest Information Center (NWIC), located at Sonoma State University, is the official State repository for cultural resources and records and reports for sites located in Humboldt County.

### *Tribal Cultural Resources in RCAP Area*

As part of its Tribal Cultural Resource identification process pursuant to California Assembly Bill (AB) 52, Humboldt County sent letters via certified mail on September 5, 2024 to 32 Native American Tribal contacts identified by the NAHC as being traditionally and culturally affiliated with the RCAP area. The Tribal contacts included the following:

- Josefina Frank, Chairwoman, Bear River Band of Rohnerville Rancheria
- Virgil Moorehead, Chairperson, Big Lagoon Rancheria
- Jacob Pounds, THPO, Blue Lake Rancheria
- Rachel Sundberg, THPO, Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Garth Sundberg, Chairperson, Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Amy Atkins-Kelley, Executive Manager, Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Crista Stewart, Tribal Administrator, Elk Valley Rancheria
- Kevin Mealue, Cultural Resource Specialist, Elk Valley Rancheria
- Dale Miller, Chairperson, Elk Valley Rancheria
- LaWanda Green, THPO, Elk Valley Rancheria
- Glenda Nelson, Chairperson, Estom Yumeka Maidu Tribe of the Enterprise Rancheria
- Ronald Kirk, Chairperson, Grindstone Rancheria of Wintun-Wailaki
- Keduescha Lara-Colegrove, Tribal Historic Preservation Officer, Hoopa Valley Tribe
- Bill Tripp, Dept of Natural Resources, Karuk Tribe
- Russell Attebery, Chairperson, Karuk Tribe
- Melochundum, Melochundum Band of Tolowa Indians
- Fawn Murphy, Chairperson, Pulikla Tribe of Yurok People (formerly Resighini Rancheria)
- Megan Rocha, Executive Director, Pulikla Tribe of Yurok People (formerly Resighini Rancheria)
- Shaunna McCovey, Director of Governmental Affairs, Pulikla Tribe of Yurok People (formerly Resighini Rancheria)
- Moonchay Dowd, Natural Resource Manager, Pulikla Tribe of Yurok People (formerly Resighini Rancheria)
- Kathy Dowd, THPO, Pulikla Tribe of Yurok People (formerly Resighini Rancheria)

**Regional Climate Action Plan and CEQA GHG Emissions Thresholds**

- Harold Bennett, Chairperson, Quartz Valley Indian Community
- James Russ, President, Round Valley Reservation/ Covelo Indian Community
- Shawn Davis, Chairperson, Scotts Valley Band of Pomo
- Sami Jo Difuntorum, Culture Preservation Officer, Shasta Indian Nation
- Roy Hall, Chairperson, Shasta Nation
- Jeri Lynn Thompson, Chairperson, Tolowa Dee-ni' Nation
- Paul Ammon, Chairperson, Tsnungwe Council
- Michelle Vassel, Tribal Administrator, Wiyot Tribe
- Marnie Atkins, Tribal Secretary, Wiyot Tribe
- Ted Hernandez, Chairperson, Wiyot Tribe
- Joe James, Chairperson, Yurok Tribe

Under AB 52, tribes have 30 days to respond and request consultation. The County did not receive any requests for consultation under AB 52.

### 3.4.3 Regulatory Framework

#### **Federal Regulations**

##### *National Historic Preservation Act*

Properties which are listed in or have been formally determined eligible for listing in the NRHP are automatically listed in the CRHR. The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation’s official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Per Code of Federal Regulations, Title 36, Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

- Criterion A:** Are associated with events that have made a significant contribution to the broad patterns of our history
- Criterion B:** Are associated with the lives of persons significant in our past
- Criterion C:** Embody the distinctive characteristics of a type, period, or method of installation, 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
- Criterion D:** Have yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

<b>Location:</b>	The place where the historic property was constructed or the place where the historic event occurred
<b>Design:</b>	The combination of elements that create the form, plan, space, structure, and style of a property
<b>Setting:</b>	The physical environment of a historic property
<b>Materials:</b>	Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
<b>Workmanship:</b>	The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
<b>Feeling:</b>	A property's expression of the aesthetic or historic sense of a particular period of time
<b>Association:</b>	The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluate significance (National Park Service 1997:41). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

#### *Archaeological Resources Protection Act*

The ARPA amended the Antiquities Act of 1906 (16 USC 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of the ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

#### *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites.

#### *Native American Graves Protection and Repatriation Act*

The NAGPRA of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants



or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

## **State Regulations**

### *California Register of Historical Resources*

The CRHR was established in 1992 and codified by PRC §§5024.1 and 4852. The CRHR 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 (Public Resources Code, 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (Public Resources Code, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation 2006). Further, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation 2006). Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).

Properties are eligible for listing in the CRHR if they meet one of more of the following criteria:

- Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
- Criterion 2:** Is associated with the lives of persons important to our past
- Criterion 3:** 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
- Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

### *California Environmental Quality Act*

#### **CEQA GUIDELINES SECTION 15064.5(A) – CEQA DEFINITION OF HISTORICAL RESOURCES**

California Public Resources Code (PRC) Section 21804.1 requires lead agencies to determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources (CRHR); a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g); or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or culturally significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the National Register of Historic Places (NRHP) are automatically listed in the CRHR and are, therefore, historical resources under CEQA.

Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

#### **CEQA GUIDELINES SECTION 15064.5(B) – SUBSTANTIAL ADVERSE CHANGE IN SIGNIFICANCE**

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines §15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (CEQA Guidelines §15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC §21083.2[a], [b]).

#### **CEQA GUIDELINES SECTION 15064.5(C) – EFFECTS ON ARCHAEOLOGICAL RESOURCES**

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a “unique archaeological resource” as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (CEQA Guidelines Section 15064.5[c][4]). CEQA Guidelines Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

#### **CEQA GUIDELINES SECTION 15064.5(D) – EFFECTS ON HUMAN REMAINS**

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the county coroner must be contacted. If the county coroner determines that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC must identify the most likely descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendent communities, then under CEQA, the appropriate mitigation may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

#### **CEQA GUIDELINES SECTION 15126.4 – CULTURAL RESOURCES MITIGATION**

Section 15126.4 of the CEQA Guidelines stipulates an EIR shall describe feasible measures to minimize significant adverse impacts. In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impacts of the project. Generally, a project which is found to comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (the Standards) is considered to be mitigated below a level of significance (CEQA Guidelines Section 15126.4(b)(1)). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4(b)(3)).

#### *California Health and Safety Code (Human Remains)*

Section 7050.5 of the California Health and Safety Code states that 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 remains are discovered has determined if the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

#### *California Public Resources Code §5097.91 (Sacred Lands Inventory)*

Section 5097.91 of the Public Resources Code established duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. This inventory is referred to as the NAHC Sacred Lands File. Under Section 5097.9 of the Public Resources Code, a State policy of noninterference

with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

*California Assembly Bill 52 (Effects on Tribal Cultural Resources & Tribal Consultation)*

AB 52 expanded CEQA by defining a new resource category, "Tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a Tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code [PRC] Section 21084.2). AB 52 further states when feasible, the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a Tribal cultural resource (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines Tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe," and meets either of the following criteria:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC 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 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.

In recognition of California Native American Tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American Tribal governments and with respect to the interests and roles of project proponents, it is the intent of AB 52 to accomplish the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in Tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called "Tribal cultural resources" that considers the Tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
3. Establish examples of mitigation measures for Tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their Tribal history and practices, which concern the Tribal cultural resources with which they are traditionally and culturally affiliated (because CEQA calls for a sufficient degree of analysis, Tribal knowledge about the land and Tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources).
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American Tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning Tribal cultural resources, early in the CEQA environmental

review process, so that Tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision-making body of the lead agency.

6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and Tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to Tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, Tribal cultural resources.
9. Establish that a substantial adverse change to a Tribal cultural resource has a significant effect on the environment.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. AB 52 requires that lead agencies “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed in the jurisdiction of the lead agency.

## **Regional and Local Regulations**

### *Humboldt County General Plan, Conservation and Open Space Element*

The Humboldt County General Plan, which was adopted in 2017, includes goals and policies relevant to the discussions of cultural and Tribal cultural resources. As presented in the Conservation and Open Space Element these include:

- **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 ministerial or discretionary access 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.
- **CU-S4 Conditioning, Designing, or Mitigating Projects to Avoid Loss or Reduce Impacts to Archaeological Resources.** Conditioning, designing, and/or mitigating projects to avoid or reduce impacts to archaeological resources, significant for their cultural value to descendent communities and/or scientific value shall consider the following options:
  - **A. Avoidance.** Design projects involving any ground disturbance to avoid known archaeological sites, or
  - **B. Capping.** Provide protective cover (e.g. cap with geotextile material and/or other barrier and cover with imported fill soil using light-weight rubber tired equipment) and confine development to the protective cover for all or portions of known sites that cannot be feasibly avoided, after the site has been adequately characterized (depth, area, constituents) and reported on using appropriate scientific excavation techniques, or
  - **C. Data Recovery.** Where site avoidance or capping is infeasible, design and implement a research design guided mitigation excavation program, in consultation with culturally affiliated Tribe(s) or other descendant groups, as appropriate, under the direction of a professional archaeologist knowledgeable about regional archaeology, to recover and document significant scientific information that would otherwise be lost by project implementation. Preserving Native American remains undisturbed in place shall be selected as the preferred alternative unless substantial factual evidence is presented demonstrating that no alternative(s) is (are) feasible.
  - **D. Conservation Easements.** Voluntary deeding of the site into a permanent conservation easement.

- **E. 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."

- **CU-S6 Assessment and Treatment of Impacts to Significant Historic Structures, Buildings and Districts.**
  - **A. Ministerial Permit Review.** For ministerial permits, a records check will be conducted by staff. If the project site and/or structures are listed on the local, State, or federal register, or has been surveyed and determined to be eligible for listing on the local, State, or federal register, it will be considered a significant cultural resource. The project will either be modified as may be necessary to ensure continued protection of the significant historic structures, buildings or districts, or the project will be subjected to the discretionary review process described below.
  - **B. 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.
  - **C. Areas of Historic Concern.** To assist in protecting potential historical structures yet to be surveyed, the Board of Supervisors may designate areas of historical concern, in which all structures 45 years or older would be assessed as outlined for discretionary projects above. Designating an "area of historic concern" shall require providing written notice to all the

affected property owners and at least one public hearing by the Board of Supervisors prior to approving the designation.

- **D. Encouraging Nomination to the California Register.** To assist in identifying historical resources of significance, the County encourages the cultural resources community to utilize the nomination process for the California Register of Historical Resources, which provides notice and comment opportunities for local government and the property owner, in determining eligibility for register listing.

### *Humboldt County Code*

Chapter 71.1 of the Humboldt County Code (HCC) addresses County Historic Structures and states the following:

- **71.1.2 Designation of County Historical Structures.** The Board of Supervisors may, by resolution, designate any structure within the unincorporated areas of the County to be a County historical structure. In making this designation, the Board of Supervisors shall review the significance of the structure in the context of Humboldt County history.
- **71.1.3 Demolition of Exterior Alteration of Designated County Historical Structures.** No designated County historical structure shall be demolished, altered, improved, or otherwise changed in exterior appearance except as hereinafter provided:
  - 71.1.3.1 Normal repair and maintenance of a County historical structure shall be allowed without first securing Design Review approval.
  - 71.1.3.2 Exterior alterations of County historic structures shall be limited to necessary repairs and shall be subject to Design Review.
  - 71.1.3.3 Within the sixty (60) day period, the Board of Supervisors shall determine whether any Federal, State, or local agencies or organizations can acquire the structures and site, or make other suitable arrangements with the owner which would protect the historical significance of the structure.

### *City of Arcata General Plan, Plan Design and Historical Preservation Element*

The City of Arcata General Plan Design and Historical Preservation Element includes policies for the identification and treatment of historical and cultural resources. The following Historical Preservation Element policies relate to the proposed plan.<sup>42</sup>

- **H-1 Historic Landmarks.** Designate and preserve significant structures and sites that are representative of the city's social and physical development; that are reminders of past eras, events, and persons important in local, state, or national history; which provide significant examples of architectural styles of the past; or which are unique and irreplaceable assets to the city, and the neighborhood in which the structure or site is located.
- **H-2 Noteworthy Structures.** Identify and encourage retention of structures which could qualify as historical landmarks, but are not currently designated. Although some of these structures may lack the level of significance attached to designated landmarks, they have an architectural or design character which represents particular building styles or eras in the City's development, and they contribute to the overall character and historical texture of a neighborhood.

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<sup>42</sup> City of Arcata. 2008. Historic Preservation Element. <https://www.cityofarcata.org/DocumentCenter/View/35/Chapter-5-Design-and-Historical-Preservation---2-Historical-Preservation-Element-PDF> (accessed October 2024).



- **H-3 Arcata Plaza Area Historic District.** Protect and preserve the Arcata Plaza and the older structures that border the adjacent streets and help define the Plaza's character, for the unique historical, architectural, aesthetic, and economic values that it represents to the city.
- **H-4 Neighborhood Conservation Areas.** Designate the Central Arcata, Arcata Heights, Bayview, and Bayside areas as Neighborhood Conservation Areas and assure that new construction, modifications or alterations of noteworthy structures, and significant changes to other structures are harmonious with the existing character of these neighborhoods.
- **H-5 Controls on Demolitions of Structures.** To prevent the premature demolition of existing buildings without first evaluating whether they are contributory to the historical or architectural character of the City or neighborhood and to consider the potential for preservation of those found to contribute to such character.
- **H-7 Archaeological and Cultural Resources.** Protect and preserve Native American and Euro-American archeological sites and cultural resources within the City of Arcata

#### *City of Arcata Municipal Code*

The City of Arcata adopted a Historic Resource Preservation Ordinance, which outlines designation procedures for designating local buildings, structures, sites, objects, district, and cultural landscapes. As outlined in Chapter 9.53.040 of the City's Municipal Code, it also includes procedures for the treatment of inadvertent archaeological discoveries.<sup>43</sup>

#### *City of Blue Lake General Plan, Land Use Element*

The City of Blue Lake's General Plan identifies policies for the treatment of cultural resources. The following Land Use Element policies relates to the proposed plan.<sup>44</sup>

- **Character Policy 8** The City shall encourage preservation of all historically significant properties.
- **Cultural Resources Policy 1:** The potential for significant impacts to cultural resources shall be identified, as required by State law, during discretionary project review under the California Environmental Quality Act (CEQA)
- **Cultural Resources Policy 2:** Projects not subject to CEQA shall be required to adhere to an inadvertent discovery protocol for archaeological resources.
- **Commercial Center Policy 5:** The City shall pursue historical district designation of the Downtown area and adjacent areas; and proposed historical district shall include as much of the Downtown area as qualifies for designation.

#### *City of Blue Lake Municipal Code*

The City of Blue Lake Municipal Code Section 15.12.020 provides provisions for inadvertent discovery protocol for archaeological resources encountered during permitted or non-permitted grading activities<sup>45</sup>.

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<sup>43</sup> City of Arcata. Chapter 9.53 Historic Resource Preservation.

<https://www.codepublishing.com/CA/Arcata/#!/LUC/ArcataLUC0950/ArcataLUC0953.html#9.53.100>. (accessed October 2024).

<sup>44</sup> City of Blue Lake. General Plan, Land Use Element, 2021. [https://bluelake.ca.gov/wp-content/uploads/2023/05/Blue-Lake-Land-Use-Element-Update\\_Amended-4-27-21.pdf](https://bluelake.ca.gov/wp-content/uploads/2023/05/Blue-Lake-Land-Use-Element-Update_Amended-4-27-21.pdf). (accessed October 2024).

<sup>45</sup> City of Blue Lake. Municipal Code Section 15.12.020.

<https://www.codepublishing.com/CA/Arcata/#!/LUC/ArcataLUC0950/ArcataLUC0953.html#9.53.100>. (accessed October 2024).

Section 17.20.060 of the City of Blue Lake Municipal Code provides procedures for the designation of local Landmark Sites and Historic Districts.<sup>46</sup>

*City of Eureka General Plan, Historic and Cultural Preservation Element*

The City of Eureka's Historic and Cultural Preservation Element guides the identification and treatment of the City's cultural resources. The following Historic and Cultural Preservation Element policies relate to the proposed plan.<sup>47</sup>

- **HCP 1.1 Preservation.** Encourage and support the identification, preservation, rehabilitation, and restoration of historically significant buildings, landscape features, significant trees and plantings, hardscapes, fountains, lighting, sculptures, signs and other natural or designed features through incentives such as reduction of Historic Preservation application fees and programs such as the Local Register of Historic Places and the Mills Act.
- **HCP 1.4 Procedures for Demolition of Eligible Historic Resources.** Create a ministerial process to determine when a building or structure is an eligible historic resource. Once the process is established, require discretionary review for the issuance of demolition permits of eligible historic resources unless, consistent with City regulations: rehabilitation is not feasible; demolition is necessary to protect health, safety, and/or welfare; or the benefit of demolition outweighs the loss of the structure.
- **HCP 2.1 Protection.** Continue to identify, protect, and preserve significant archaeological sites and conduct good-faith government-to-government consultation with local Tribes to identify and protect Tribal Cultural Resources.
- **HCP 2.2 Coordination with Tribes.** Continue to solicit input from local Native American Tribes, and/or a qualified cultural resource professional early in project planning and review processes in areas known or believed to contain buried archaeological or cultural resources.
- **HCP-2.3 Consultation with Tribes.** For projects subject to CEQA, initiate formal consultation as early as feasible with local Tribes to identify and protect Tribal Cultural Resources in their respective areas of traditional and cultural affiliation. Topics to discuss during consultation include project alternatives, recommended mitigation measures, and significant effects; other topics may include type of environmental review, resource significance, impact significance, and tribal alternatives for mitigation.
- **HCP 2.5 Construction Monitoring.** Condition permit approval with inadvertent discovery language and/or require monitoring of ground-disturbing activities in areas known or believed to contain buried archaeological or cultural resources.
- **HCP-2.6 Coordination.** Coordinate with Humboldt County and local Tribes to promote the preservation of archaeological and cultural resources in the Study Area.
- **HCP 2.7 Discretionary Projects.** Require discretionary development projects be designed to avoid potential impacts to significant archaeological and cultural resources whenever feasible, reduce unavoidable impacts to the maximum extent feasible, and comply with mitigation measures as agreed upon during formal consultation. Make determinations of significance, impacts, and mitigation in conjunction with a qualified cultural resources professional and/or local Tribes.

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<sup>46</sup> City of Blue Lake. Municipal Code Section 17.20.060.

<https://ecode360.com/44213425?highlight=historic,historical&searchId=10705016760629394#44213425> (accessed October 2024).

<sup>47</sup> City of Eureka. General Plan 2040, 2018. <https://www.eureka.gov/DocumentCenter/View/3253/Final-Draft-2040-General-Plan> (accessed October 2024).

*City of Eureka Municipal Code*

The City of Eureka Municipal Code Chapter 157 establishes the City’s Historic Preservation Commission and the process by which the Commission reviews applications for additions, alterations, new construction, and demolition on properties listed on Eureka’s Local Register of Historic Places . Cultural resources are also addressed in the City’s Local Coastal Program, including establishing development standards in areas with known archaeological resources.<sup>48</sup>

*City of Ferndale General Plan, Historical and Cultural Resources Element*

The City of Ferndale’s Historical and Cultural Resources Element sets goals, policies, and implementation strategies for the City’s cultural resources. The following Historical and Cultural Resources Element policies relate to the proposed plan.<sup>49</sup>

- **Policy 1.1.** Use state recommended and federally established guidelines for designation of potential historic and cultural resources.
- **Policy 1.3.** Develop a program to identify and document historic buildings, structures, and sites. There shall be a clear process for both adding and removing identified resources.
- **Policy 1.4.** Encourage the use of the Secretary of Interior Standards and the State Historic Building Code as guidelines for the preservation and rehabilitation of historic properties.

*City of Fortuna General Plan, Natural and Cultural Resources Chapter*

The City of Fortuna’s General Plan’s Natural and Cultural Resources Chapter includes goals and policies related to the identification and protection of archaeological, cultural, and historical resources. The following chapter policies relate to the proposed plan.<sup>50</sup>

- **NCR-7.1 Historic, Archaeological and Paleontological Resources.** The City shall maintain a record of significant historic and archaeological resources and use applicable State and Federal Standards to evaluate the significance of development on those resources. For historic, archaeological and paleontological resources determined to be significant, the City shall require that these resources be studied, curated, and/or otherwise preserved as required by federal and state regulations.
- **NCR -7.3 Historic Resources Evaluation.** The City shall require the use of appropriate State and Federal standards to evaluate the significance of historic resources identified within the City.
- **NCR-7.14 Native American Consultation Regarding Archaeological Resources.** Where proposed development activities have the potential to impact archaeological resources, the City shall request Native American consultations.
- **NCR-7.15 Discovery of Human Remains.** If human remains are discovered during construction activities, applicable agency notifications shall be made (County Coroner, Native American groups, etc.) and remains treatment protocols followed.

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48 City of Eureka. Municipal Code. [https://codelibrary.amlegal.com/codes/eureka/latest/eureka\\_ca/0-0-0-29214](https://codelibrary.amlegal.com/codes/eureka/latest/eureka_ca/0-0-0-29214) (accessed October 2024).

49 City of Ferndale. General Plan: Historical and Cultural Resources Element, 2012. [https://ci.ferndale.ca.us/wp/general-plan/Ferndale%20H%26CRE\\_adopted%20May%202012.pdf](https://ci.ferndale.ca.us/wp/general-plan/Ferndale%20H%26CRE_adopted%20May%202012.pdf) (accessed October 2024).

50 City of Fortuna. General Plan 2030, 2010.

[https://cms8.revize.com/revize/fortunaca/Document%20center/Department/Planning%20Division/General%20Plan%20and%20EIR%20Documents/Fortuna%20General%20Plan%202030%20-%20%20Policy%20Document\\_web.pdf](https://cms8.revize.com/revize/fortunaca/Document%20center/Department/Planning%20Division/General%20Plan%20and%20EIR%20Documents/Fortuna%20General%20Plan%202030%20-%20%20Policy%20Document_web.pdf). (accessed October 2024).

### *City of Rio Dell General Plan, Community Environment Chapter*

The City of Rio Dell's General Plan's Community Environment Chapter includes policies for the treatment of historic resources. The following cultural resources policies relate to the proposed plan:

- **P1.3.4-1.** Ensure that planning decisions integrate information about cultural resources, and provide for consultation and collaboration with outside entities.
- **P1.3.4-2.** Areas of archaeological, paleontological, and architectural significance should be identified, assessed, and protected from destruction.

### *City of Trinidad General Plan*

The City of Trinidad's General Plan Recreation and Community Design Chapters include policies for the treatment of cultural and historic resources. The following cultural resources policies relate to the proposed plan:

- **Policy 69.** Within the Tsurai Study Area, shown on Plate 1B, the State Historic Preservation Officer, in cooperation with the lineal descendants of Tsurai and the Northwest Indian Cemetery Protective Association, shall investigate and establish definitive boundaries around Tsurai. There shall be no disturbance, vegetative removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without the approval of the lineal descendants of Tsurai, Trinidad Rancheria, City of Trinidad, and the State Historic Preservation Officer. Lands designated as Special Environment within the Study Area may be developed as provided in the Special Environment regulations provided the State Historic Preservation Officer is consulted and reasonable measures are required to mitigate any adverse impacts on this cultural resource.
- **Policy 76.** The design assistance committee should ensure that any proposed development does not detract from these historical sites and structures.

### *City of Trinidad Municipal Code*

The City of Trinidad's Municipal Code Title 17 Sections 17.16, 17.20 and 17.60 includes provisions on the treatment of special environment zones and protected cultural resources, to maximize the natural and scenic character of these areas. It includes guidance on the treatment of the Tsurai study area, a recognized cultural resource.<sup>51</sup>

## 3.4.4 Impacts and Mitigation Measures

### **Significance Criteria**

The County utilizes the following 2024 CEQA Guidelines Appendix G significance criteria questions related to Cultural Resources and Tribal Cultural Resources.

Would the RCAP and CEQA GHG Emissions Thresholds:

- a) Cause a substantial adverse change in the significance of a historic resource pursuant to §15064.5?

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<sup>51</sup> City of Trinidad Municipal Code. Title 17.20 SE Zone.  
<https://www.codepublishing.com/CA/Trinidad/#!/Trinidad17/Trinidad1720.html#17.20.110>. (accessed October 2024).

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those interred outside of formal cemeteries?
- d) 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:
  - 1. 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
  - 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 Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

### **Approach to Analysis**

Environmental impacts to historical, archaeological, or Tribal cultural resources are assessed using impact significance criteria set forth in the CEQA Guidelines and federal, State, and local plans, regulations, and ordinances.

#### *Historical Resources*

The analysis of impacts related to historical resources is based on results of review of the NRHP, CRHR, and BERD, along with the Humboldt County Register, and local registers and inventories of incorporated cities in the RCAP area. Data used for this analysis are summarized in Section 3.4.1. Rincon Architectural Historians evaluated impacts on historical resources based on the likelihood that historical structures, sites, districts, or landscapes are present within the RCAP area, and the likely effects of construction or operation on these resources.

#### *Archeological Resources and Human Remains*

The analysis of the impacts related to archeological resources and human remains is based on a search of the SLF that was conducted by the NAHC. Since there are no known RCAP project locations at this time, a site-specific analysis was not completed, and a CHRIS records search was not completed.

#### *Tribal Cultural Resources*

In accordance with AB 52, Humboldt County sent letters via certified mail to 32 Native American Tribal contacts. The results of this Tribal consultation are utilized for the analysis of impacts related to Tribal cultural resources.

#### *EIR Scoping Comments Consideration*

No EIR scoping comments relevant to cultural and Tribal cultural resources were received.

### *CEQA GHG Thresholds Analysis and RCAP EIR Focus Approach*

The CEQA GHG Emissions Thresholds is a guidance document and does not propose development or changes to land use designations and zoning. Thus, implementation of the CEQA GHG Emissions Thresholds would not result in direct construction or operational impacts related to cultural and Tribal cultural resources. Therefore, the analysis in this section focuses on the potential for the RCAP to result in impacts related to cultural and Tribal cultural resources in Humboldt County.

### **Specific Threshold of Significance**

For the purposes of this analysis, the following thresholds are used to evaluate the significance of cultural resources and Tribal cultural resources impacts resulting from implementation of the proposed plan:

- Result in a substantial adverse change in the significance of an historical resource. Specifically, a substantial adverse change to a historical resource would occur if the proposed plan could result in the demolition, destruction, relocation, or alteration of the resources or its immediate surroundings such that the significance of the historical resource would be materially impaired. Specifically, the significance of a historical resource would be materially impaired if the proposed plan would:
  - Demolish or materially alter in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
  - Demolish or materially alter in an adverse manner those that account for its inclusion in a local register of historical resources, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
  - Demolish or materially alter in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.
  - Demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines Section 15064.5[b][2]).
- Physically damage or destroy archaeological data or human remains.
- Physically damage, destroy, or otherwise adversely impact a site, feature, place, or cultural landscape with cultural value to a California Native American tribe and that is a resource determined by the County, 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.

## Impact Evaluation

### Historical Resources

**Significance Criterion a:** Would the proposed plan cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

**Impact CR-1** IMPLEMENTATION OF THE RCAP COULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN HISTORICAL RESOURCE. MITIGATION MEASURE CR-1 WOULD REDUCE IMPACTS TO THE EXTENT FEASIBLE, BUT THIS IMPACT WOULD REMAIN SIGNIFICANT AND UNAVOIDABLE.

#### *Construction*

There are 37 known historical resources in unincorporated Humboldt County and hundreds of additional known historical resources in the plan area's incorporated Cities (see Appendix C). In addition to these known historical resources, there may be other yet unidentified resources within Humboldt that are age-eligible for listing in the NRHP, CRHR, or locally. Although there are no specific projects or locations identified in the RCAP, implementation of RCAP measures and corresponding actions to reduce GHG emissions would facilitate projects that could result in physical demolition, destruction, relocation, or alteration of identified or potential historical resources.

For example, the RCAP would promote the installation of renewable energy infrastructure (wind, solar, and hydrogen) per RCAP Measures BE-1, BE-2, BE-3 Urban and Rural, BE-7, and T-10, EV charging and parking infrastructure per RCAP Measures T-6 and T-7, and transportation infrastructure (transit, bicycle, and pedestrian) per RCAP Measure T-1 Urban and Rural, T-2 Urban and Rural, and T-4. Other components of RCAP implementing actions may include installation of small-scale residential and commercial solar and the decarbonization of existing residential, nonresidential, and municipal buildings per RCAP Measures BE-2, BE-3 Urban and Rural, BE-4, and BE-7. In addition, the RCAP includes Measure T-3, which would prioritize mixed-use, infill development in urban areas of Humboldt. Such activities have the potential to result in significant impacts to historical resources if they occur on or nearby sites containing historical resources.

Effects on historical resources are only knowable once a specific project and location has been proposed because the effects are highly dependent on both the individual project site conditions, project activities that may alter the character of a built environment resource, and the characteristics of the proposed ground-disturbing activity. Demolition or other structural alteration associated with projects and infrastructure facilitated by the RCAP have the potential to impair historical built-environment resources. Consequently, damage to or destruction of historical resources could occur as a result of development under the proposed plan. In order to ensure that development within Humboldt does not have a detrimental effect on historical resources, each project would need to be assessed once it is proposed, and location details are identified. Subsequent environmental review would be required at the time future discretionary RCAP-related projects or plans are proposed to assess the potential for impacts related to historical resources and need for additional mitigation, if applicable.

Adherence to the applicable County and incorporated City General Plan goals and policies and local ordinances listed in Section 3.4.3, *Regulatory Setting*, would reduce potential RCAP impacts to historical resources. These include Humboldt County General Plan Goal CU-G1 and adherence to its associated policies (CU-P1 and CU-P5), HCC Section 71.1.3, Arcata General Plan Policies H-1 through

H-5, Arcata Municipal Code Chapter 9.53.040, Blue Lake General Plan Land Use Element Character Policy 8, Cultural Resources Policy 1 and Commercial Center Policy 5, Eureka General Plan Policies HCP 1.1, 1.4 and 2.7, Eureka Municipal Code Chapter 157, Fortuna General Plan Policies NCR-7.1 and NCR-7.3, Rio Dell General Plan Policies P1.3.4-1 and P1.3.4-2, and Trinidad Municipal Code Title 17 Sections 17.16, 17.20 and 17.60. However, despite these goals, policies, and ordinances, there would still be potential for RCAP project construction and infrastructure installation to impact historical resources.

Implementation of Mitigation Measure CR-1 would reduce impacts to historical resources by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. Nonetheless, even with implementation of Mitigation Measure CR-1, existing and eligible historical resources could still be materially impaired by future development that would be carried out under the proposed plan. While Historic American Building Survey (HABS) documentation would reduce impacts to the greatest extent feasible in cases where compliance with the Standards or avoidance is not possible, legal precedent has established that such a measure cannot mitigate impacts to a level of less than significant, because the loss of historical fabric cannot be readily compensated for by commemorative mitigation.<sup>52</sup> Therefore, RCAP construction impacts related to historical resources would be significant and unavoidable with mitigation.

### *Operation*

Given that impacts to historical resources occur during construction, there would be no operational impact related to historical resources.

### *Mitigation Measures*

The following mitigation measure would apply if a future RCAP-related project would potentially cause a substantial adverse change in the significance of a historical resource:

**MITIGATION MEASURE CR-1      PREPARE HISTORICAL RESOURCES EVALUATION PRIOR TO APPROVAL FOR PROJECTS INVOLVING BUILT ENVIRONMENT RESOURCES 45 YEARS OR OLDER AND IMPLEMENTATION OF MITIGATION PRIOR TO AND DURING CONSTRUCTION**

The reviewing agency (County or respective City) shall prepare a historical resources evaluation prior to approval of a RCAP project involving the demolition or substantial alteration of a building, structure, object, or other built environment feature that is 45 years of age or older, as described below:

- The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards in architectural history or history (as defined in Code of Federal Regulations, Title 36, Part 61). The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify potential historical resources within the proposed project site. All built environment resources 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the reviewing agency for review and concurrence. If the property is already listed

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<sup>52</sup> *League for Protection of Oakland's etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896.



in the NRHP, CRHR, or a local register, the historical resources evaluation described above shall not be required.

- If historical resources are identified within the site of a proposed project, efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the Professional Qualification Standards. In conjunction with a development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features during construction activities shall be provided to the reviewing agency for review and concurrence. As applicable, the report shall demonstrate how a project complies with the Standards and be submitted to the reviewing agency for review and approval prior to the issuance of permits.
- If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey (HABS) report, or equivalent. The report shall comply with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the Professional Qualification Standards and submitted to the reviewing agency prior to issuance of any permits for demolition or alteration of the historical resource.

*Level of Significance*

Significant and Unavoidable

**Archaeological Resources**

**Significance Criterion b:** Would the proposed plan cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

**Impact CR-2 THE RCAP HAS THE POTENTIAL TO RESULT IN SIGNIFICANT IMPACTS IF PROJECTS CARRIED OUT UNDER THE PLAN WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE, INCLUDING THOSE THAT QUALIFY AS HISTORICAL RESOURCES. MITIGATION MEASURE CR-2 WOULD REQUIRE ARCHAEOLOGICAL RESOURCES ASSESSMENTS FOR FUTURE PROJECTS AND MEASURES TO PROTECT ANY RESOURCES IDENTIFIED. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.**

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*Construction*

In addition to known archaeological resources in the plan area, it is presumed that additional archaeological resources that are eligible for inclusion in the NRHP or CRHR exist throughout Humboldt. Effects on archaeological resources are only known once a specific project and location has been proposed, because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with development facilitated by the proposed plan, particularly in areas that

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have not been studied through a cultural resources investigation, or when excavation depths exceed those previously attained, have the potential to damage or destroy previously-unknown historic or prehistoric archaeological resources that may be present on or below the ground surface. Impacts to archaeological resources are especially likely in instances where ground disturbance will occur in native soils, in historic-age fill of unknown origin. Consequently, damage to or destruction of archaeological resources could occur as a result of projects under the proposed plan. In order to ensure that RCAP projects and infrastructure within Humboldt do not have a detrimental effect on archaeological resources, each future project would need to be assessed once the project location and design concept is available.

Although there are no specific projects and locations identified in the RCAP, implementation of the RCAP would facilitate projects and infrastructure that may include site preparation, demolition, and other construction activities. Such projects would include renewable energy infrastructure (wind, solar, and hydrogen) per RCAP Measures BE-1, BE-2, BE-3, BE-7, and T-10, EV charging and parking infrastructure per RCAP Measures T-6 and T-7 and transportation infrastructure (transit, bicycle, and pedestrian) per RCAP Measures T-1 Urban and Rural, T-2 Urban and Rural, T-4, and T-7. In addition, RCAP Measures SW-1 and WW-2 may result in new organic waste processing and recycled water facilities and infrastructure. Construction of such projects would include site preparation and other ground-disturbing construction activities that could affect identified and previously unknown archaeological resources.

Adherence to the applicable County and incorporated City General Plan goals and policies and local ordinances listed in Section 3.4.3, *Regulatory Setting*, would reduce potential RCAP impacts to historical resources. These include Humboldt County General Plan Goal CU-G1 and adherence to its associated policies (CU-P1, CU-P4, CU-P5, and CU-S4), Arcata General Plan Policy H-7, Arcata Municipal Code Chapter 9.53.040, Blue Lake General Plan Land Use Element Character Cultural Resources Policies 1 and 2, Blue Lake Municipal Code Section 15.12.020, Eureka General Plan Policies HCP 2.1, HCP 2.2, HCP 2.5 and HCP 2.7, Fortuna General Plan Policies NCR-7.1 and NCR-7.14, and Rio Dell General Plan Policies P1.3.4-1 and P1.3.4-2. Adherence to these goals and policies would help reduce the potential for archaeological resources to be adversely impacted by the ground-disturbing activities associated with projects facilitated by the proposed plan. However, there would still be potential for RCAP project construction and infrastructure installation to impact archaeological resources, and those impacts would be potentially significant. Implementation of Mitigation Measure CR-2 would require preparation of archaeological resources assessments and implementation of measures to protect any identified resources for future RCAP projects involving ground-disturbing activities. With implementation of Mitigation Measure CR-2, impacts from construction would be less than significant.

### *Operation*

Given that potential impacts to archaeological resources would occur during construction, there would be no operational impact related to archaeological resources.

### *Mitigation Measures*

The following mitigation measure would apply if a future RCAP-related project would potentially cause a substantial adverse change in the significance of an archaeological resource:

#### **MITIGATION MEASURE CR-2 PREPARATION OF ARCHAEOLOGICAL RESOURCES ASSESSMENT PRIOR TO PROJECT APPROVAL AND IMPLEMENTATION OF MITIGATION PRIOR TO AND DURING CONSTRUCTION**

Prior to approval of a project that involves ground disturbance activities, the reviewing agency (County or respective City) shall prepare an archaeological resources assessment under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualification Standards in either prehistoric or historic archaeology.

- Assessments shall include a California Historical Resources Information System records search at the Northwest Information Center (NWIC) and a Sacred Lands File search maintained by the Native American Heritage Commission (NAHC). The records searches will characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around a project site. A Phase I pedestrian survey shall be undertaken at a project site that is on previously undeveloped land in order to locate any surface cultural materials. By performing a records search, consultation with the NAHC, and a Phase I survey, a qualified archaeologist shall be able to classify a project site as having high, medium, or low sensitivity for archaeological resources.
- If the Phase I archaeological survey identifies resources that may be affected by a project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures shall include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist in consultation with the reviewing agency and any interested Tribes. If significant archaeological resources cannot be avoided, impacts may be reduced to less than significant levels by filling on top of the sites rather than cutting into a cultural deposit. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples shall occur as specified by the archaeologist in consultation with the reviewing agency and any interested Tribes. The final disposition of artifacts not directly associated with Native American graves shall be negotiated during consultation with interested tribes. If Native American tribes do not accept the artifact, it shall be offered to an institution staffed by qualified professionals, as determined by the reviewing agency. Artifacts include material recovered from all phases of work, including the initial survey, testing, indexing, data recovery, and monitoring.

### *Level of Significance*

Less Than Significant with Mitigation

## ***Disturbance of Human Remains***

<b>Significance Criterion c:</b> Would the proposed plan disturb any human remains, including those interred outside of formal cemeteries?
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**Impact CR-3** THE DISCOVERY OF HUMAN REMAINS IS ALWAYS A POSSIBILITY DURING GROUND-DISTURBING ACTIVITIES. GROUND DISTURBANCE ASSOCIATED WITH PROJECTS CARRIED OUT UNDER THE RCAP MAY DISTURB OR DAMAGE KNOWN OR UNKNOWN HUMAN REMAINS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH ADHERENCE TO EXISTING REGULATIONS.

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### *Construction*

Human burials outside of formal cemeteries can occur in prehistoric archaeological contexts. Excavations during construction activities related to RCAP project construction and infrastructure installation could have the potential to disturb these resources that could include Native American burial sites, particularly in areas where ground disturbance has not already occurred or where excavation depths exceed those previously attained. As such, ground disturbing activities that may occur within the plan area during implementation of the RCAP have the potential to unearth previously unidentified human remains.

Although there are no specific projects and locations identified in the RCAP, implementation of the RCAP would facilitate projects and infrastructure that may include site preparation and other construction activities that could unearth human remains. Such projects would include renewable energy infrastructure (wind, solar, and hydrogen) per RCAP Measures BE-1, BE-2, BE-3, BE-7, and T-10 and transportation infrastructure (transit, bicycle, and pedestrian) per RCAP Measures T-1 Urban and Rural, T-2 Urban and Rural, T-4, and T-7. In addition, RCAP Measures SW-1 and WW-2 may result in new organic waste processing and recycled water facilities and infrastructure.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in PRC Section 5097. The California Health and Safety Code (Section 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protect them from disturbance, vandalism, or destruction. They also include established procedures to be implemented if Native American skeletal remains are discovered. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

All projects are also subject to State of California Health and Safety Code Section 7050.5, which states that, if human remains are unearthed, no further disturbance can occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to the PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC, which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access. Furthermore, future RCAP-related projects would be required to comply with local policies that protect human remains, including Humboldt County General Plan Goal CU-G1 and Policies CU-P2 and CU-P4, Arcata General Plan Policy H-7, Arcata Municipal Code Chapter 9.53.040, Blue Lake General Plan Land Use Element Character Cultural Resources Policies 1 and 2, Blue Lake Municipal Code Section 15.12.020, Eureka General Plan Policies HCP 2.1, HCP 2.2, HCP 2.5 and HCP 2.7, Fortuna General Plan Policies NCR-7.1, NCR-7.14 and NCR-7.15, and Rio Dell General Plan Policies P1.3.4-1 and P1.3.4-2.

Implementation of the policies listed above would require evaluation, protection, and Tribal consultation related to human remains encountered during construction associated with the RCAP. As such, adherence to these policies as well as existing regulations discussed above would reduce the potential for human remains to be adversely impacted by ground-disturbing activities associated with RCAP project construction and infrastructure installation. Therefore, RCAP construction impacts related to human remains would be less than significant.

*Operation*

Given that potential impacts to human remains would occur during construction, there would be no operational impact related to human remains.

*Mitigation Measures*

No mitigation is required.

*Level of Significance*

Less Than Significant without Mitigation

**Tribal Cultural Resources**

**Significance Criterion d:** Would the proposed plan cause a substantial adverse change in the significance of a Tribal cultural resource as defined in Public Resources Code Section 21074 that is either 1) 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 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 Public Resources Code Section 5024.1?

**Impact CR-4      IMPLEMENTATION OF THE RCAP HAS THE POTENTIAL TO IMPACT UNIDENTIFIED TRIBAL CULTURAL RESOURCES. MITIGATION MEASURE CR-3 WOULD REQUIRE THAT CONSTRUCTION IS HALTED IN THE EVENT THAT TRIBAL CULTURAL RESOURCES ARE ENCOUNTERED AND THAT AN ARCHAEOLOGIST AND LOCAL NATIVE AMERICAN REPRESENTATIVE ARE CONSULTED TO ASSESS THE FIND AND PREPARE A MITIGATION PLAN, IF WARRANTED. WITH IMPLEMENTATION OF MITIGATION MEASURE CR-3, IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

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*Construction*

Ground-disturbing activities associated with future development projects under the RCAP could expose previously unidentified subsurface archaeological resources that may qualify as Tribal cultural resources and could be adversely affected by project construction.

The RCAP is a high-level planning document, and it remains a possibility that unknown Tribal cultural resources may be present throughout Humboldt. AB 52 Tribal consultation has been initiated and, thus far, no requests for consultation have been received. No Tribal cultural resources have been identified in the plan area through AB 52 Tribal consultation. However, there are many known and potentially unknown Tribal cultural resources throughout Humboldt. SLF results received from the NAHC were positive for Sacred Lands. Adherence to the requirements of AB 52 would require Tribal consultation with local California Native American Tribes prior to implementation of any future

RCAP project activities that are subject to CEQA. In compliance with AB 52, a determination of whether project-specific substantial adverse effects on Tribal cultural resources would occur along with identification of appropriate project-specific avoidance, minimization, or mitigation measures would be required. Future projects facilitated by the RCAP that are not subject to AB 52 would be required to adhere to the applicable General Plan and City Municipal Code policies that protect Tribal cultural resources and require Tribal consultation, which include Humboldt County General Plan Goal CU-G1, Policies CU-P1, CU-P2, CU-P4, CU-P6 and CU-S4, Arcata General Plan Policy H-7, Arcata Municipal Code Chapter 9.53.040, Blue Lake General Plan Land Use Element Character Cultural Resources Policies 1 and 2, Blue Lake Municipal Code Section 15.12.020, Eureka General Plan Policies HCP 2.1, HCP 2.2, HCP 2.5 and HCP 2.7, Fortuna General Plan Policies NCR-7.1, NCR-7.14 and NCR-7.15, and Rio Dell General Plan Policies P1.3.4-1 and P1.3.4-2. Lastly, the RCAP includes Actions BE-1c, CS-1c, and CS-3c, which specifically direct coordination with tribes regarding renewable energy, carbon sequestration, and wetland conservation projects.

The policies listed above would help reduce the potential for Tribal cultural resources to be adversely impacted by the ground-disturbing activities associated with the RCAP project construction and infrastructure installation. However, there would still be potential for development to affect Tribal cultural resources, and those impacts would be potentially significant. Implementation of Mitigation Measure CR-3 would require that construction is halted if Tribal cultural resources are encountered and that an archaeologist and local Native American representative are consulted to assess the find and prepare a mitigation plan, if warranted. With implementation of Mitigation Measure CR-3, impacts to Tribal cultural resources would be less than significant.

#### *Operation*

Given that impacts to Tribal cultural resources occur during construction, there would be no operational impacts related to Tribal cultural resources.

#### *Mitigation Measures*

The following mitigation measure would apply if a future RCAP-related project would potentially cause a substantial adverse change in the significance of a Tribal cultural resource:

#### **MITIGATION MEASURE CR-3: SUSPEND WORK AROUND TRIBAL CULTURAL RESOURCES IDENTIFIED DURING CONSTRUCTION**

In the event that cultural resources of Native American origin are identified during construction of a project implemented under the RCAP, the reviewing agency (County or respective city) shall temporarily suspend or redirect all earth-disturbing work within 100 feet of the find until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the reviewing agency, in consultation with local Native Americans, determines that the resource is a Tribal cultural resource and, thus, significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with local Native American group(s). The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American Tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for Tribal cultural resources include, but are not limited to,

protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

#### *Level of Significance*

Less Than Significant with Mitigation

### 3.4.5 Cumulative Impacts

The geographic scope of the cumulative cultural and Tribal cultural resources analysis is Humboldt. Regional cumulative analysis considers potential Countywide impacts that would occur from projected long-term Countywide growth identified in Table 3-1 of Section 3, *Environmental Setting*. The general approach to cumulative impact analysis used in this EIR is discussed in Section 3, *Environmental Setting*.

#### **Historical Resources**

The combination of the proposed plan as well as other relevant plans and larger scale projects could potentially involve the cumulative demolition or alteration of historical resources. Although Mitigation Measure CR-1 would be required to reduce impacts to these resources to the maximum extent feasible, cumulative development could nonetheless cause the loss of built-environment historical resources. Alteration or demolition of historical resources remains a possibility throughout the plan area and immediate surroundings with potentially cumulative impacts. As such, the incremental effect of the RCAP would be cumulatively considerable. Therefore, the cumulative impact related to historical resources would be significant and unavoidable.

#### **Archaeological and Tribal Cultural Resources**

Projects facilitated by the RCAP in conjunction with other nearby past, present and reasonably foreseeable future projects could potentially disturb areas that may contain archaeological and Tribal cultural resources. While there is the potential for significant cumulative impacts to archaeological and Tribal cultural resources, it is anticipated that potential impacts associated with individual cumulative projects would be addressed and mitigated on a case-by-case basis and would be subject to local and State regulations regarding the protection of such resources. Therefore, the cumulative impact related to archaeological and Tribal cultural resources would be less than significant with mitigation.

#### **Human Remains**

Projects facilitated by the RCAP in conjunction with other nearby past, present and reasonably foreseeable future projects could potentially disturb areas that may contain previous unknown human remains. While there is the potential for significant cumulative impacts to human remains, it is anticipated that potential impacts associated with individual cumulative projects would be addressed on a case-by-case basis and would be subject to local and State regulations regarding the treatment of human remains. With compliance with State regulations and the applicable local policies, the cumulative impacts related to human remains would be less than significant.

#### **Overall Level of Cumulative Significance**

Significant and Unavoidable