

14.0 CULTURAL RESOURCES

14.1 BACKGROUND AND SETTING

The area covered by the Humboldt Bay Management Plan includes a number of archaeological, historical, and other community resources, collectively considered under the heading of “cultural resources.” Archaeological resources generally include pre-historic sites, artifacts, materials, properties of cultural importance to living communities, and other culturally sensitive areas associated with the Native American people who inhabited the area prior to the arrival of the Euro-Americans. Historical resources generally include buildings, structures, sites, and districts that provide tangible evidence of a more recent heritage.

The cultural resources of Humboldt Bay have been documented in a variety of sources, including ethnographic literature, technical reports, studies, plans, environmental documents, and other sources; however, no single comprehensive, authoritative source specifically addressing Humboldt Bay is presently available. Some, but not all, areas under bay waters, in tidelands, and around the bay margin have been formally surveyed and inventoried. Undiscovered cultural resources may exist. Many previously known sites, structures, and other resources have, however, been lost to anthropogenic and natural causes.

14.1.1 Archaeological Resources

Prior to Euro-American settlement of the Humboldt Bay area, approximately 35 miles of the coastal plain from the Little River on the north to the Bear River Mountains on the south and inland approximately 15 miles to the first mountain ridgeline was the ancestral territory of the Wiyot people (Loud 1918; Nomland and Kroeber 1936, cited in Elsasser 1978). Humboldt Bay, or Wiki (or Wigi), was the central division of this territory; the northern division of this territory in the vicinity of the lower Mad River area was known as Batawat (or Potowat), and the southern division of the territory in the lower Eel River area was called Wiyot, a name that became associated with the people as a whole (Kroeber 1925).

Wiyot territory was bordered to the north by lands occupied to the Yurok people, whose territory was generally located along the lower Klamath River and the nearby coastal plain. Together the Wiyot and the Yurok comprise the Algonkians of California, a “distant outpost on the Pacific of the great Algonquian family of central and eastern North America” (Kroeber 1925). The two groups share some language (and cultural) affiliations that distinguish them from Athapascan tribes to the south (the Mattole and Sinkyone) and east (Chilula, Whilkut, Hupa, and Nongatl).¹ Yet, while both the Wiyot and Yurok tribes are speakers of Algonkian languages, their languages are not mutually intelligible and are apparently only distantly related, having apparently diverged many centuries ago (Elsasser 1978). The cultures of the ethnographic Wiyot and Yurok show differences in culture that some writers attribute to their physical worlds; while both showed the adaptive characteristics of specialized

¹ For a map of California Native American Tribes and languages, see the Native American Heritage Commission (NAHC) website at <http://www.nahc.ca.gov/language.html> (viewed January 2006).

Northwest California culture, the Wiyot were more coastal or tidewater people and the Yurok, while coastal in part, had a stronger riverine emphasis, centered on the Klamath River (Elsasser 1978). The Wiyot possibly received some cultural influences through links with Central California; in any event, the two tribes are more different in culture than was originally believed, “with the Wiyot in effect pointing south and the Yurok pointing north” (Elsasser 1986).

Based largely on linguistic evidence, it is believed that ancestors of the ethnographically known tribes in northwestern California migrated into this area probably from east of the Great Lakes (for the Algonkian-speaking peoples) and from western Canada (the Algonkian-speaking peoples). They joined the ancestors of the Hokan-speaking Karuk (formerly Karok), who are thought to have been already living in the broader region. The Karuk are thought to have developed a hunting and gathering subsistence adaptation that made greater use of the interior hills and mountains, rather than the rivers and coastal plain (USFWS 1999, citing Hayes and Hildebrandt 1993; Hildebrandt and Roscoe 2003).

The Wiyot are believed to have entered the coastal area from some presumably eastern or northern location approximately 1,050 to 1,100 years ago, followed approximately 200 years later by the Yurok (Elsasser 1978; USFWS 1999; Hildebrandt and Roscoe 2003). Archaeological material collected (by L.L. Loud) in 1913 on Indian (Gunther) Island (see below) was carbon-14-dated in 1964 and indicated that the use of that site dated back to approximately 900 A.D. (Elsasser 1986; City of Eureka 1994), again suggesting a possible period of entry of either the Yurok or Wiyot into northwestern California (Elsasser 1978). The two tribes may have “originated from the Columbia River Plateau, judging from similar cultural traits” (Hildebrandt and Roscoe 2003). Upon arrival, the Wiyot occupied the coast and estuary habitats of Humboldt Bay that were “underused” by the Karuk peoples, while the Yurok occupied the lower Klamath River and coast. Somewhat later, in about 650 BP, the Athapascan peoples are thought to have entered the region and occupied the surrounding, peripheral areas (Hildebrandt and Roscoe 2003).

The ancestral Wiyot lived along the protected shores of Humboldt Bay and near the mouths of rivers, such as Eel River, Elk River, and Mad River (Elsasser 1978). Estimates of the total Wiyot population prior to the first Euro-American contact vary from about 1,000 (Loud 1918) to as many as 3,300 individuals (Cook 1956, cited in Elsasser 1978). Virtually every Wiyot settlement was located on a stream or bay; the majority were on tidewater (Kroeber 1925).

Approximately 32 Wiyot settlements were located along river terraces, the Humboldt Bay margin, and tidewater sloughs; these settlements are estimated to have supported average populations of 30 inhabitants that occupied four to nine houses (Angeloff et al. 2004, cited in EDAW 2005; City of Eureka 1994). Loud (1918) identified some 172 archaeological sites in Wiyot territory; approximately 70 sites were on or near Humboldt Bay (Koebig & Koebig 1975; City of Eureka 1994; Dyett & Bhatia 2002). The South Spit was not occupied to the density of other areas around the bay; Loud suggests the Wiyot favored the upper bluffs and hillsides with their forests and less harsh environment as opposed to the South Spit’s unprotected, low lying open dunes and marshy bayside (Loud 1918 cited in BLM 2002). Because of these patterns of occupation, much of the bay margin, tributary sloughs, and adjacent uplands are

considered to be areas of archaeological sensitivity (e.g., Koebig & Koebig 1975; City of Eureka 1994). Additional ethnographic information is summarized in the Background Report for the City of Eureka General Plan (City of Eureka 1994), Elsasser (1978), Kroeber (1925), and other sources.

Of particular archaeological and cultural significance within Humboldt Bay is Indian Island, formerly known as Gunther Island. In 1913, an early ethnographer, Llewellyn L. Loud, collected information about Wiyot ethnogeography and archaeology of the Humboldt Bay area; half of his four-month stay in the Humboldt Bay area was spent excavating the Wiyot village of Tuluwat (or Dulawo't) on the eastern end of Gunther Island (Elsasser 1986; Loud 1918). The ethnographic significance of the site as a major village site and setting for important ceremonial activities was recognized in Nomland and Kroeber (1936; City of Eureka 1994). The Tuluwat archaeological site (CA-HUM-67), particularly through Loud's early excavation, has come to be recognized as the type-site for what is known in California archaeology as the Gunter Pattern or Phase (Frederickson 1984, cited in USFWS 1999; Elsasser 1978). The site is listed on the National Register of Historical Places² and is a National and State Historic Landmark.

As part of Loud's excavation, human remains representing at least 24 individuals were removed, along with associated funerary objects; in 2004, these remains and objects were among a larger inventory of human remains and funerary objects offered for repatriation by the Hearst Museum of Anthropology, University of California, Berkeley, were they had been archived (NPS 2004). The Gunther Island site has been the subject of other less scientific excavations; as in other locations around the bay, archaeological materials on the island have been adversely affected by dikes, construction, vandalism, and erosion.

Indian Island and the village of Tuluwat hold special meaning to present-day Wiyot, who consider the island to be "the center of the Wiyot world and a sacred place" (Wiyot tribe website 2006). In 1860, the island was the site of a brutal massacre of Wiyot people by local Euro-Americans, which took place during the Wiyot's annual "World Renewal" dance ceremony. This event, preceded and followed by other atrocities, had the effect of near-extinction of the Wiyot people in the years between 1860 and 1862 (Elsasser 1978). The Indian Island massacre, while similar to other violent events of the time in Northern California, achieved more wide-spread notoriety perhaps because of Bret Harte, who at the time reported for an Arcata newspaper. His account of the massacre and his editorial condemning its cruelty made him a local outcast, but anonymous letters to a San Francisco newspaper rumored to be his work were largely responsible for the national knowledge of this event (Kowinski 2004).

In more recent years, the Wiyot Tribe-Table Bluff Reservation have taken steps to protect and restore Indian Island and Tuluwat village, with the goal of restoring the traditional site of the tribe's World Renewal Ceremony through the "Indian Island

² The National Register of Historic Places, authorized under the National Historic Preservation Act of 1966, is the official, national list of cultural resources worthy of preservation. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the U.S. Department of the Interior, National Park Service.

Cultural and Environmental Restoration Project” (Wiyot Tribe website 2006). In 2000, the Wiyot Tribe-Table Bluff Reservation purchased 1.5 acres of Indian Island for the purpose of environmental and cultural restoration. In 2001, the tribe received a \$61,000 grant from the State Coastal Conservancy to establish native saltmarsh and upland vegetation at the Tuluwat village site for the purposes of creating habitat and enhancing scenic values (State Coastal Conservancy 2001). In 2004, the tribe acquired approximately 60 acres of Indian Island north of Highway 255 from the City of Eureka. In that same year, the tribe was selected by the U.S. Environmental Protection Agency (EPA) to receive a \$200,000 brownfields cleanup grant to be used to clean up a contaminated dry dock and ship repair facility in Tuluwat Village on Indian Island (USEPA 2004). Also in 2004, the tribe was awarded a \$56,840 grant from the National Park Service to protect the Tuluwat Village midden from erosion caused by boat wakes, wind waves, tides and currents.

The Wiyot Tribe is recognized by the federal government as a tribal organization under the general protection of the federal government, with sovereign rights of self-determination. The modern-day representatives of the Wiyot are the Table Bluff Reservation Wiyot Tribe and the Blue Lake Rancheria; Wiyot descendants also live in the Bear River Band of the Rohnerville Rancheria (U.S. National Park Service 2004). The Table Bluff Reservation, established in 1990, consists of more than 80 acres on the southern bluffs of Humboldt Bay, within the bay watershed. Currently, there are 530 Wiyot tribal members, and the Table Bluff Reservation has a resident population of 100 individuals (Davis, personal communication).

14.1.2 Historical Resources

The entire Euro-American historical record for the Humboldt Bay area is barely 200 years long; the settlement history is even less. Nevertheless, many historical places, buildings, and sites have been identified in the Humboldt Bay area, mostly on upland areas outside the immediate jurisdiction of the District, but within the secondary “sphere of interest” area, as this term is used in the Draft Plan.

The Euro-American history of Humboldt Bay area is fairly well known and well documented; summaries of the local history may be found in a number of available sources, including the Background Report for the City of Eureka General Plan (City of Eureka 1994), and through institutions and organizations such as the Clarke Historical Museum and the Humboldt County Historical Society. The two incorporated cities of Eureka and Arcata and the County of Humboldt support historic preservation through their respective General Plans and related programs. This overview of historical resources is focused on matters that appear to be most germane to the District and the implementation of the Draft Management Plan, particularly the bay itself and the adjacent tidal and shoreline areas.

Around the waters of Humboldt Bay, historical sites, structures, and places tend to be associated with shipping and related maritime activities, shipbuilding, and the timber industry. Harold Larsen Vista Point on Humboldt Hill Road off Highway 101 in Eureka is the location for California historical landmark Number 882, “Humboldt Harbor Historical District.” The landmark commemorates the early discovery and subsequent “rediscovery” of Humboldt Bay. The first recorded entry into Humboldt Bay by sea was in June 1806 by Captain Jonathan Winship. In 1849, the bay was

“rediscovered” by land by the Josiah Gregg party. Because the bay was thought to be near the gold fields of the Klamath and Trinity rivers, its discovery set off a rush of exploration. Ships began entering Humboldt Bay in spring of 1850, led by the schooner *Laura Virginia*. The *Laura Virginia* Association founded Humboldt City, Union (Arcata), Bucksport, and Eureka in subsequent years, and the bay became a major North Coast lumber port and shipbuilding center. As an example of this period, the ruins of the old Arcata wharf are still visible in Arcata Bay. This wharf, completed in 1855, once extended nearly two miles out into the bay to reach deeper water for commercial shipping. The Old Town Eureka area, listed on the National Register, also includes this time period.

Also on the bay shore are a number of historic resources related to the historic timber industry, primarily within the City of Eureka’s jurisdiction, but also in some areas of the County. Examples include the Dolbeer and Carson Lumber Company Mill and Lumber Yard, the Eureka/Acme foundry, and Carson’s Landing/Little River Redwood Company wharf. [A recent investigation by Caltrans determined that none of these resources appeared to be eligible for inclusion on the National Register of Historic Places (Caltrans 2001)].

The sea wall and South Spit jetty are considered historic resources, as their construction by the Army Corps of Engineers began in 1889. Both Humboldt Harbor jetties are registered as California Historic Civil Engineering Landmarks and the Humboldt Harbor Historical District is listed as California Historic Landmark Number 882. The jetties are two of the oldest man-made structures on the Pacific Coast subject to extreme wave action (BLM 2002).

Three bridges cross Humboldt Bay on State Route 255, connecting Eureka with the Samoa peninsula. Although constructed in 1971, these structures were found by Caltrans to be ineligible for the National Register of Historic Places (NRHP). The agency has also concluded that they do not appear eligible for the NRHP or the California Register of Historical Resources (CRHR). The bridges are located within the Humboldt Harbor Historic District (California State Landmark No. 882) and are listed on the California Register of Historical Resources and the California Inventory of Historic Resources.

The Northwestern Pacific Railroad (NWPRR) appears eligible for the National Register of Historic Places as a district. Caltrans (2001) found that segments of the NWPRR within the bridge construction area of potential effect appeared to be eligible for inclusion on the National Register as contributing elements to a possible NWPRR historic district. One branch of the NWPRR lies beneath Samoa Channel Bridge on the Samoa Peninsula; a second railroad branch crosses under the southern end of the Eureka Channel Bridge.

As described in Section 5.3 of the Draft Management Plan, the District owns and maintains several upland parcels in the Humboldt Bay area: Woodley Island, the Park Street Mitigation Site, Fields Landing Boat Repair Facility, and the King Salmon beach property. Since 2004 the District also has owned the Redwood Dock and terminal site on the Samoa Peninsula. It is unknown whether these properties contain resources of significant historical or archaeological value. On the District’s Woodley Island property are several interpretive displays, including a plaque commemorating the 1860

Indian Island massacre; also displayed is the original 1892 Table Bluff lighthouse, which, until deactivated in 1987, operated from the heights of Table Bluff, approximately four miles south of the entrance to the bay.

14.1.3 Cultural Resources Policy Setting

14.1.3.1 Federal Policy

Authority and responsibilities for federal cultural resources management are derived from a number of federal laws, regulations, and executive orders. Federal agencies involved with activities and resource management in Humboldt Bay, some of which may involve partnerships, decision-making, or discretionary approvals in which the District may participate, must comply with these requirements.

The National Historic Preservation Act of 1966 (NHPA; USC Title 16, Chapter 470) is the primary federal mandate for cultural resources protection. The NHPA established the National Register of Historic Places (NRHP) and the National Historic Landmark Program (NHLP); it also defines the duties of State (or Tribal) Historic Preservation Officers, established programs and regulations to assist Indian tribes, designated matching grants to states and grants to the National Trust for carrying out the provisions of the NHPA, and established a National Historic Preservation Fund. Under Section 106 of the NHPA, a federal agency must “take into account” the effects of its undertakings on properties that may be eligible for listing or are listed in the NRHP. The associated review process and procedures for implementing Section 106 are defined in the associated regulations, “Protection of Historic Properties” (36 CFR 800).

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA; USC Title 25, Chapter 32; implemented through CFR Title 43, Part 10) “requires Federal agencies and museums (institutions that receive Federal funds) to provide information about Native American cultural items to parties with standing and, upon presentation of a valid request, dispose of or repatriate these objects to them.” The National Park Service oversees compliance with NAGPRA and the National Center for Cultural Resources; the Bureau of the Interior oversees NRHP, NHLP, and most other federal cultural resources preservation programs.

Other Federal mandates include several executive orders, including:

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994);
- Executive Order 13007, Indian Sacred Sites (1996);
- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (2000); and
- Executive Memorandum, Government-to-Government Relations with Native American Tribal Governments, 1994.

14.1.3.2 State Policy

The California Environmental Quality Act (CEQA) is the primary state law regulating project impacts to cultural resources, although, as discussed further below, there are other applicable state laws and regulations. CEQA applies to the actions of all local

agencies in California, including the District. Considerations of potential impacts to cultural resources are tiered to the level of impact that might occur, and the level of CEQA review required for this Plan does not approach the level of review that would be required for specific projects that may be proposed pursuant to the Plan's policies.

The prescribed basis for assessing cultural resource impacts in environmental documents under state review requirements is found in CEQA Guidelines § 15064.5,³ which addresses thresholds of significance and documentation and consultation procedures for historical and archaeological resources. CEQA requires an assessment of the potential impacts of development projects on historical and unique archaeological resources. The term "historical resources" is defined in Guidelines § 15064.5(a); this definition incorporates many of existing structures located along the bay's margins.

In addition, properties that are listed in or eligible under federal guidelines for listing in the National Register of Historic Places are also considered eligible for listing in the California Register of Historical Resources⁴ and, thus, are considered significant for the purposes of CEQA.

CEQA generally requires that if a proposed project would result in an effect that could cause a "substantial adverse change in the significance of an historical resource," then the lead agency must identify potentially feasible measures to mitigate or avoid the significant adverse effects.

CEQA also covers possible adverse effects on archaeological sites, with certain additional provisions for determining whether meets the definition of a unique archaeological resource (Public Resources Code § 21083.2):

"(g) As used in this section, "unique archaeological resource" means an archaeological 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) 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.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person."

The CEQA Guidelines also prescribe the minimum mitigation requirements for lead agency approvals for projects that may result in significant effects to cultural resources, in Guidelines § 15126.4(b). The specific requirements of this section are

³ See: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/. Section 15164.5 includes references to procedures identified in Sections 21083.2 and 21084.1 of CEQA, which may be reviewed online at: http://ceres.ca.gov/topic/env_law/ceqa/. Sites viewed January 2006.

⁴ The California Register of Historical Resources is an authoritative guide to identifying the State's historical resources. It establishes a list of properties that are to be protected from substantial adverse change. The criteria for listing in the historical resources in the California Register are consistent with those developed for the National Register, modified to include a range of historical resources that reflect the history of California.

applicable for projects that may disturb cultural resources, but these policy requirements generally do not apply to the policy-level considerations covered in this programmatic EIR.

State law contains explicit provisions for procedures that lead agencies carrying out projects must follow in the event that human remains are discovered. As specified in the CEQA Guidelines and under state law (California Health and Safety Code § 7050.5; California Public Resources Code § 5097.98), if human remains are accidentally discovered or recognized in any location other than a dedicated cemetery, the requirements of CEQA Guidelines § 15064.5(e) must be satisfied.

Additional regulatory requirements regarding Native American heritage concerns are identified in California Public Resources Code § 5097.9 *et seq.*, which states that:

“No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.”⁵

Other Code sections pertain to the duties, powers, organization, and procedures of the Native American Heritage Commission, including its responsibilities under Section 7050.5 of the Health and Safety Code, mentioned above. Section 5097.991 states that it is the policy of the State of California “that Native American remains and associated grave artifacts shall be repatriated.”

14.2 ISSUES TO BE ADDRESSED AND THRESHOLDS OF SIGNIFICANCE

As noted in the general setting section above, areas in proximity to the pre-Euro-American shorelines of Humboldt Bay are generally recognized in public planning documents and other available literature as potentially possessing a relatively high archaeological sensitivity. Locations within the bay may also possess high cultural value and sensitivity for Native American tribes. The possibility also exists that historical resources may be located near current shorelines or submerged under the waters of the bay.

The Environmental Checklist in Guidelines Appendix G includes a number of questions intended to guide the identification of potential effects to cultural resources during project-specific environmental assessments. For CEQA purposes the Management Plan’s policies would be considered to be associated with potential cultural resources concerns if conceivable implementation project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; or

⁵ This EIR generally identifies the quoted section as identifying the standard of consideration that the District should be guided by in its consultations with the Tribe.

- Disturb any human remains, including those interred outside of formal cemeteries.

The Initial Study (see Appendix A) considered it possible that that the Plan's implementation could affect resources possessing historical values or cause adverse changes in the significance of an archaeological resource, although no specific historical resources were identified in the Initial Study that would be expected to be directly impacted by the adoption of the Plan. In addition, the Initial Study identified a possibility that implementation of the Management Plan would have some potential to disturb human remains, including those incorporated into archaeological sites or otherwise interred outside of formal cemeteries.

While the District does not expect that the implementation of the Draft Plan will definitely affect archaeologically significant resources, there is some potential that impacts to archaeologically significant resources may emerge as the Plan is implemented.

This assessment, however, is programmatic in nature, in that it does not address project-specific proposals for action. In this EIR, an effect would be significant if the Plan's policies would, when implemented, clearly be associated with potential impacts on protected resources, such as sites, artifacts, structures, or other historic properties or areas of traditional or religious use that were listed, eligible, or potentially eligible for the National Register of Historic Places or the California Register of Historical Resources.

Thresholds of significance in a programmatic environmental document assessing the potential effects of a management plan are not as easily drawn. Throughout this EIR, a potential environmental effect of the plan is considered to be significant if the proposed policies in the plan increase the potential for occurrence of a possible environmental effect beyond the degree that would exist if the policies recommended in the plan were not carried out. The assessment of the effect of the plan for each particular issue requires a judgment regarding the likelihood that the plan will lead to actions that will create or exacerbate adverse conditions that would not occur without the plan. If a reasonable argument is possible that the Plan's policies would exacerbate a possible adverse condition, or create a new adverse condition that does not occur at the present time, then the effect of the Management Plan is judged to be environmentally significant.

A number of issues regarding cultural resource protection and management were also raised during public scoping for the EIR, comments on the Notice of Preparation (see Appendix A), and in prior comments submitted to the District regarding the Draft Management Plan.

The Native American Heritage Commission provided a list of recommended cultural resource activities that should be conducted prior to initiating any project-specific activity. These general recommendations included such activities as contacting the California Historic Information Center (North Coastal office) for record searches, conducting archaeological surveys and inventories, the need to include provisions for accidental discovery of human remains in planning documents, and other matters.

The Table Bluff Reservation-Wiyot Tribe expressed disappointment that the District had neglected “key issues central to the legacy and future of the Wiyot Tribe” in the draft plan, and that cultural resources were not better incorporated into the plan’s provisions, and expressed a variety of other perspectives regarding management directions for Humboldt Bay (see comment letter in Appendix A). The Tribe expressed a number of concerns which are appropriately considered in a CEQA context:

- Potential impacts to biological resources, water quality, fisheries, and similar resource-based issues of importance to the Tribe should be addressed in the EIR.
- Protection of cultural sites and values as related to the District’s shoreline management policies should be addressed.
- The EIR should address environmental effects of draft policies pertaining to Indian Island.
- The EIR should identify measures to reduce noise and other disturbances to Native American cultural activities.

In addition to the above, other public comments supported the need for the EIR to address the impacts of policies in the plan on cultural resources. A comment was also made regarding the potential effects of the plan on historical remnants, such as the Arcata wharf and other historic piers, as well as the potential effects of the plan on cultural resource sites that may be located along the shoreline.

14.3 ENVIRONMENTAL EFFECTS OF PROPOSED PLAN AND PLAN ALTERNATIVES

14.3.1 “No Project” (Existing Master Plan)

The 1975 Master Plan contains only limited background information or policy direction regarding “archaeological and historical sites” in the Humboldt Bay area. The Master Plan includes a brief historical background section, a generalized map, and capsulated entries for some thirty sites. Indian Island is mentioned in the context of the U.S. Fish and Wildlife National Wildlife Refuge;⁶ another section of the Master Plan recommends that Indian Island, Woodley Island, and Daby Island be designated for public open space. Cultural resource management and planning does not play an evident role in the “synthesis of background factors.” No historical or archaeological sites, features, or districts are mapped or discussed as “major factors,” nor do archaeological or historical factors (such as the protection of potentially significant sites) emerge in the relationships analysis or in the descriptions of prescribed uses for the three areas of the bay. The Master Plan does include one recommendation for archaeological and historical sites: “(s)upport and develop programs for preserving and documenting sites as appropriate.” The Master Plan does not address Native American consultation or other cooperation in cultural resource management.

⁶ As an interesting historical note, the 1975 Master Plan indicated that “[r]ecently, representatives from five Indian tribal groups formed the Far West Indian Historical Center Association for the expressed purpose of establishing a cultural center on [the] northeast portion of the Island.”

The 1975 Master Plan generally promotes many development activities that could potentially be associated with physical effects on cultural resources, including the development of port-related or water-related industrial uses, service-commercial areas, small craft facilities, and public recreation improvements. The Master Plan was not constrained to the waters and tidal areas of Humboldt Bay (within what the proposed Draft Plan calls the “primary area”); it offered recommendations for many upland areas as well. The 1975 Master Plan also suggested on-land disposal of dredge spoils at 16 candidate sites (as well as one ocean disposal site). In other areas, the existing Master Plan also promoted the creation of public open space, conservation activities, and other non-disruptive uses. Indian Island, Woodley Island, and Daby Island were designated in the 1975 Plan for public open space. The Master Plan presumed that communities on the North Spit, including Samoa, would “eventually phase themselves out due to difficulties in providing services such as fire and police protection to these remote areas and pressures from increased industrial development.”

The District implemented the recommendations in the 1975 Master Plan in Ordinance No. 7. Ordinance No. 7 includes only a single reference to cultural resources, in subsection (a) of Section 5, focused on “RECREATION AND TOURISM:”

(a) Efforts to improve and expand facilities and services for tourists, recreationists including motels, hotels, restaurants, recreational vehicle parks, campgrounds, picnic sites, historical and archaeological sites, scenic vistas, fishing piers, launching ramps, and berthing for recreational boats shall be encouraged and supported.”

This EIR concludes that the 1975 Master Plan and the implementing Ordinance No. 7 provide little direction to District decision-makers regarding the legally mandated protection of cultural resources. The District is bound by the requirements of federal and state law, as identified in this chapter, and this EIR finds that the direction provided by the 1975 master Plan is insufficient to accomplish this purpose. In comparison to the Draft Management Plan, the policy focus on cultural resources in the 1975 Master Plan provides less direction, and is thus a less environmentally satisfactory solution with respect to cultural resources, than is the proposed Management Plan.

14.3.2 Proposed Management Plan

Implementing the Draft Humboldt Bay Management Plan could lead to potential actions that could affect cultural resources in Humboldt Bay. While the District is currently unaware of specific, significant cultural resource sites that would necessarily be affected by the elements in the Draft Management Plan, it is possible that the Plan’s implementation could affect resources possessing historical, archaeological, or other cultural values. That is, the policies in the Plan would not, in themselves, be a cause of significant effects on cultural resources; the potential effects would arise from future implementation projects. Thus the Plan may avoid a significant effect on cultural resources, in a policy sense, by assuring that the Draft Plan also incorporates adequate policy-based protection for cultural resources.

The following Plan sections and policies appear capable of leading to future adverse effects on cultural resources as a consequence of construction activities or other manipulation of the physical, natural, or built environment.

Harbor Policies. The “Harbor” designation (Plan section 2.2.1) is intended to support uses in the bay that require access to maintained channels and shoreline facilities. Many of the upland land uses identified in general plans adopted by land use agencies (the County and the cities of Eureka and Arcata, which uses are not subject to either designation or regulation by the District) require waterfront locations. In supporting these upland uses (which arguably have a potential for affecting cultural resources), activities governed by Management Plan’s policies may also occur that could be associated with effects on cultural resources. These bay uses include dredging, berthing and mooring areas, boat launches, piers, docks, wharves, shoreline protection projects, and similar undertakings that maintain the bayshore and channels for coastal-dependent upland uses.

- HLU-3: Assist in removing constraints for marine-dependent or coastal-dependent land uses along the Samoa Peninsula, Fields Landing Channel, Eureka shorelines, and other harbor-related areas
- HLU-4: Assist in removing potential constraints for marine-dependent or coastal-dependent land uses on harbor-related parcels in the South Bay
- HSM-2: Develop standards for new and existing Humboldt Bay shoreline protection
- HSM-3: Develop appropriate, consistent shoreline protection guidelines for commercial, industrial, and residential development around Humboldt Bay
- HSM-6: Require the use of non-structural shoreline protection where feasible and appropriate
- HWM-2: Dredging may be authorized to meet Plan purposes
- HWM-3: Re-deposition of dredged materials within Humboldt Bay may be authorized to meet Plan purposes
- HWM-4: Placement of fill within Humboldt Bay may be authorized to meet Plan purposes
- HFA-1: Support the improvement of existing fish landing, buying, and processing facilities in the Humboldt Bay area
- HFA-4: Identify additional aquaculture opportunities in Humboldt Bay
- HFA-5: Designate a Preferred Aquaculture Use Area in Arcata Bay, and require Best Management Practices to meet environmental constraints
- HWM-7: Evaluate channel maintenance alternatives for the community of King Salmon
- HFA-2: Protect appropriately designated shoreside areas for the development, maintenance, or expansion of commercial fish processing and aquaculture facilities or activities
- HFA-4: Identify additional aquaculture opportunities in Humboldt Bay

Recreation Designation. The “Marine Recreation” designation (Plan section 2.3.1) is intended to indicate a “preference” for certain recreation-related uses. Bay uses and related upland land uses adjacent to the bay, such as launch ramps, docks and piers, boathouses, hunting and recreational fishing facilities, trails and other visitor-serving

facilities, and similar uses could lead to physical impacts on the environment, including impacts to cultural resources.

- ROP-3: Identification of designated recreational use areas
- ROP-4: Future recreation areas to be reserved as needed
- RFA-2: Project approvals shall incorporate public access and associated services and amenities where appropriate
- RFA-3: Water-oriented recreation facilities; access for fishing and shellfish harvesting
- RFA-4: Coastal-dependent industrial and commercial uses may take priority in designated Harbor areas
- RFA-8: Minor amounts of fill authorized
- RSA-1: Improvement and provision of boat launch sites
- RSA-2: Assistance to, maintenance of, and consideration of marinas
- RSA-3: Considerations for live-aboard boats
- RSA-9: Support for a water trails program for Humboldt Bay

Conservation Designation. The “Bay Conservation” designation (Plan section 2.2.2) is intended to indicate a “preference” for certain uses related to the protection, restoration, and enhancement of environmental and natural resources in the bay. This designation would be expected to involve less harbor or recreational development and this designation would also protect cultural resources in areas to which it is applied. This designation would also support activities and uses involving “environmental manipulation” and uses that authorize access to otherwise restricted areas, actions that could lead to physical impacts on the environment, including impacts to cultural resources.

- CAS-5: Fill placement may be used for habitat enhancement purposes
- CEP-1: Impacts to streams, wetlands, estuaries, and coastal waters may be authorized for specific purposes or project types
- CEP-2: Dredging may be approved under specified conditions
- CEP-3: Revetments, breakwaters, and other shoreline structures may be approved under specified conditions

14.3.2.1 Archaeological Resources

The expected locations of archaeological sites near Humboldt Bay generally include the former margins of the bay. That is, the ancestral Wiyot people often located habitation and other use sites in upland areas near the margins of tidewaters and marshlands, but generally not within tidal areas or marshes. The environmental sensitivity for archaeological resources is highest in locations that may not necessarily demonstrate conditions that indicate that sensitivity.

Many of the modifications made in the bay to “reclaim” tidelands occurred quite far from the upland margins. For example, the perimeter levees that form most of the current bayshore were constructed along the bayward margins of saltmarshes (as is demonstrated, say, by the railroad levee between Arcata and Eureka). In general, bay-margin locations that reflect Euro-American modification of the bay’s shoreline and

wetlands have a relatively low likelihood of affecting archaeologically significant locations. Activities to carry out Plan policies (e.g., shoreline protection projects) in such locations are also associated with a relatively low potential for affecting significant archaeological values.

Other current bay-margin locations (e.g., the Samoa Peninsula shoreline and the shorelines of the mid-bay islands) still approximately coincide with the margins of the bay as they were known by Native Americans. In such locations there is a potential that future activities carried out pursuant to the Management Plan could result in significant effects for known or (primarily) unknown archaeologically significant resources.

The potential impacts that might occur as a consequence of Plan policies arise as an expression of ground-disturbing activities. These potential effects may be mitigated by assuring that adequate Plan-based policy directions is provided to assure that archaeologically significant resources are identified and considered in the District's future planning and project considerations. Measures to accomplish this result are identified in Section 14.4 below.

14.3.2.2 Historical Resources

Historical resources are potentially more widespread throughout the upland areas near the bay than are archaeologically significant resources, since many of the uses that might now be historically significant were associated with past activities located near the "post-Euro-American" bayshore margin. Such potential historically significant resources may be more directly evident than are many archaeologically significant resources, although historical sites that lack current "objects" may not be identified as such.

This EIR identifies a significant potential for policies in the Draft Plan to be associated with potential impacts on historically significant resources. However, in this case it appears that the most likely source of impacts would arise of a consequence of one or both of two causes: (a) an absence of knowledge that significant resources exist, and (b) an inherent disagreement that resources known to exist are significant.

In either circumstance, this EIR identifies the primary source of the potential impact as general unawareness of the historical significance of the resources. The appropriate mitigation for policies that could lead to such impacts is evidently to include a policy focus in the Management Plan that assure that consultations are included in the review processes for future projects that assure that important historical resources are identified, and that the significance of the resources is considered by District decision-makers. Measures to accomplish this result are included in Section 14.4 below.

14.4 POLICY CONSIDERATIONS FOR MITIGATING POTENTIALLY SIGNIFICANT EFFECTS

14.4.1 Revised Policies

The potential for the policies in the Draft Management Plan to produce significant cultural resource impacts is related primarily to a potential lack of knowledge about cultural resources that could be affected by future implementation projects. If the Plan were modified to assure that such resources and any potential impacts on them were identified prior to the implementation of those future projects, then the policy-related concerns would be reduced to less-than-significant levels.

This EIR recommends minor modifications in a number of policies in the Draft Humboldt Bay Management Plan, in order to ensure that the plan is “self-mitigating” with respect to potential adverse effects to cultural resources; in combination with the new policies identified in Section 14.4.2, these modifications reduce potential concerns to cultural resources to less-than-significant levels (deleted text in ~~strikethrough~~; added text underlined):

15.4.1.1 Harbor Policies

The following policies are included in the Section 3.0 of Volume III of the Draft Management Plan, among policies focused on Harbor management.

HSM-2: Develop standards for new and existing Humboldt Bay shoreline protection

Policy: The District shall develop a consistent set of standards with respect to shoreline improvements (levee protection, levee maintenance programs, culvert replacement policies, etc.), which shall apply for all shorelines of Humboldt Bay. The standards shall address potential effects to cultural resources.

HSM-3: Develop appropriate, consistent shoreline protection guidelines for commercial, industrial, and residential development around Humboldt Bay

Policy: The District shall work collaboratively with the City of Arcata, the City of Eureka, the County of Humboldt, relevant state and federal agencies, the Table Bluff Reservation-Wiyot Tribe, and other interested parties to identify appropriate guidelines for shoreline protection that meets the requirements of the local, state, and federal agencies.

15.4.1.2 Recreation Policies

The following policies are included in Section 4.0 of Volume III of the Draft Plan, which addressed Recreation management.

ROP-3: Identification of designated recreational use areas

Policy: The District shall designate, or otherwise identify and make available to the public, specific areas, corridors, and (coordinated with adjacent upland land uses) access points on the Bay for outdoor recreational use, particularly recreational uses that are water-oriented, as well as the related access, in areas of the Bay where such uses:

- a. would not adversely affect, or be adversely affected by, commercial and industrial navigation and commerce; or
- b. would not adversely affect sensitive cultural areas or areas managed for environmental resource values.

Public lands and other areas designated for recreational uses shall be depicted on a recreation and access resources map or maps maintained by the District and made available to the public, provided that recreational uses shall not be designated or mapped when doing so would clearly result in adverse public safety effects or adverse impacts on valued natural or environmental resources.

RFA-3: Water-oriented recreation facilities; access for fishing and shellfish harvesting

Policy: The District shall provide, cause to be provided, or support the provision by others of improved and new water-oriented recreation facilities, including but not limited to marinas, launch ramps, pumpout stations, fish-cleaning stations, beaches, artificial reefs, native clam stocking programs, and fishing piers, to the extent possible and feasible to meet current and projected recreational needs. The District shall provide adequate access and facilities for recreational fishing and shellfish harvesting, which should include shoreline access, fishing vessel amenities, and pier fishing in Humboldt Bay, where appropriate. The District should encourage and allow such additional recreational facilities and access improvements on the Bay, provided that such uses:

- a. do not preempt land or water areas needed for other priority uses,
- b. are feasible from engineering and financing viewpoints, and
- c. do not have significant adverse effects on water quality, cultural resources, environmentally sensitive resources, or other aspects of the environment.

RFA-5: Environmentally and culturally sensitive areas

Policy: Public access to environmentally and culturally sensitive areas may be provided to permit study and enjoyment of these areas. Public access to environmentally and culturally sensitive habitats and conservation areas also may be restricted or prohibited, based on recommendations from agencies with jurisdiction by expertise or law or from Native American representatives; specific locations and types of access shall be evaluated in consultation with those agencies and representatives.

RFA-6: Prevention of significant adverse environmental effects

Policy: Water-oriented recreational facilities, including marinas, fishing piers, boat launch facilities, parks, and beaches, shall be sited, designed, and managed to be compatible with environmental values and to prevent significant adverse effects on environmental resources and cultural resources.

RIO-3: Directing recreational users toward appropriate areas of the Bay

Policy: The District shall encourage visitors to visit and use designated recreational areas and shall actively discourage visitor use of sites designated for environmental resource conservation, protection of sensitive cultural resource activities or sites, or potentially dangerous coastal-dependent uses.

15.4.1.3 Conservation Policies

Modifications are suggested for the following policies from Section 5.0 of Volume III of the Draft Management Plan, covering Conservation management.

CAE-3: Work cooperatively to develop and implement a restoration and enhancement plan for Humboldt Bay's aquatic ecosystems

Policy: The District, in consultation with the Department of Fish and Game, the Coastal Commission, the U. S. Fish and Wildlife Service, the U. S. Army Corps of Engineers, other affected state and federal agencies, Humboldt County, the City of Eureka, the City of Arcata, the Table Bluff Reservation-Wiyot Tribe and other affected landowners, and other interested parties, shall prepare or cause to be prepared a management, and enhancement plan for wetlands and other aquatic ecosystem elements occurring in Humboldt Bay, consistent with the provisions of this Management Plan. The objectives of the plan shall include: (remainder of policy unchanged)

CEP-3: Revetments, breakwaters, and other shoreline structures may be approved under specified conditions

Policy: The District shall permit revetments, breakwaters, groins, channels, seawalls, retaining walls, and other construction that alters natural shoreline processes only when required to serve coastal-dependent uses or to protect existing structures, agricultural lands, natural and environmental resource lands, cultural resource sites, public facilities, or public beaches in danger from erosion or saltwater intrusion.

CEP-7: Mitigation efforts must follow an identified sequence, with avoidance preferred and compensation least-favored

Policy: Generally, the District shall follow the sequence of mitigation identified in California Administrative Code section 15370, with a preference for mitigation priority in the listed sequence:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
- e. Compensating for the impact by replacing or providing substitute resources or environments

As a first priority, projects that result in adverse effects to environmental resources under the District's jurisdiction shall be re-designed to avoid adverse environmental impacts to Humboldt Bay, including water surface area, volume, or circulation; impacts to plants, fish, other aquatic organisms and wildlife habitat; archaeological or other cultural resource sites; to subtidal areas; or tidal marshes or tidal flats. Whenever adverse impacts cannot be avoided, they shall be minimized to the greatest extent practicable. Measures to compensate for unavoidable impacts shall be adopted only if impacts cannot be first avoided, reduced in intensity, or offset by project modifications.

CEP-12: Indian Island use shall be restricted to environmental and Native American purposes, and management decisions shall be made to be cooperatively managed

Policy: The District shall participate with the City of Eureka, the Table Bluff Reservation-Wiyot Tribe, and other interested parties in the management of uses and resources in the tidelands of Indian Island. Tidelands shall generally be managed according to the policies set forth in this Plan. Tidelands uses of Indian Island within tribally owned areas may include environmental restoration, cultural resource protection, brownfield cleanup, and the Tribe's restoration of a traditional ceremonial site. Upland portions of Indian Island south of Highway 255 shall generally be managed pursuant to adopted City of Eureka plans as a site for habitat, scientific research, and education. Existing tideland uses may be maintained but shall not be expanded, except that reburial of Native American remains may be authorized by the District, subject to consultation with the Tribe.

14.4.2 New Policies

This EIR recommends the following new policies in order to fully offset the potential that the Management Plan's existing policy focus may be associated with inadvertent impacts to culturally sensitive areas. These policies clarify District-Tribal relationships by assuring that appropriate policies are enacted to avoid or minimize potential effects to cultural resource sites and activities. In combination with the recommended policy modifications in Section 14.4.2, these policies reduce potential policy-related concerns for cultural resources to less-than-significant levels.

14.4.2.1 Develop Agreement with Table Bluff Reservation-Wiyot Tribe

The following policy states the District's intent to work with the Tribe in the protection and management of Humboldt Bay cultural resources (added text in underline; renumber other policies in Plan Section 3.5).

HFA-2: Develop agreement with Tribe to facilitate cultural resource management

Policy: The District will work collaboratively with the Table Bluff Reservation-Wiyot Tribe to develop a mutual understanding of shared trust interests, including but not necessarily limited to cultural resources and the avoidance or mitigation of potential impacts under the authority or control of the District. The District will seek to develop a memorandum of understanding with the Tribe, which may address matters pertaining to cultural resource protection, use of Native American monitors during certain construction activities, and other matters of mutual interest.

14.4.2.2 Procedures for Cultural Resources Compliance

The following policy is intended to assist the District in meeting requirements of state laws governing the management and protection of cultural resources (added text in underline; renumber other policies in Plan Section 3.5).

HFA-3: Institute procedures to ensure compliance regarding cultural resources and related matters

Policy: In implementing this plan, the District shall ensure that project proponents comply with state law and regulations (including, but not limited to, CEQA and the CEQA Guidelines) with respect to identifying and mitigating potential effects on historical properties, archaeological sites, and human remains. The District shall consider the following recommendations of the Native American Heritage Commission, as appropriate:

- a. Contacting the North Coast office of the California Historic Resources Information Center to obtain a cultural resources records search
- b. Conducting archaeological field investigations
- c. Contacting the Native American Heritage Commission for a Sacred Lands file search
- d. Including in construction plans and documents provisions to be followed in the event of an accidental discovery and, in areas of known cultural sensitivity, to arrange for the presence of a certified archaeologist and/or a culturally affiliated Native American monitor
- e. In cases where significant cultural resources are identified in project planning, considering avoidance as defined in Section 15370

14.4.2.2 Fill Authorized for Cultural Resource Protection

The following policy provides a policy basis for impacts to wetlands that may occur as a result of limited fill placement to protect cultural resources in danger of erosion or other damage in areas that are within the District's jurisdiction (added text in underline).

CAS-6: Fill placement may be used for cultural resource protection purposes

Policy: The District may authorize the placement of minor amounts of fill in order to protect sensitive cultural resource sites in danger of erosion, saltwater intrusion, or other potential damage or degradation. Such fill shall be placed only following a demonstration that no other methodology adequately protects the sensitive cultural resource sites.

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