E. Cultural Resources

Environmental Setting

Prehistoric Setting

Archaeological research in northwest California shows a record of Native American occupation spanning at least 8,000 years that is subdivided into three time periods marked by different adaptive patterns, environmental regimes, and geographical distributions. Oldest is the Borax Lake Pattern attributed to Early Period occupations dating from approximately 6000 B.C. to 800 B.C. The Borax Pattern involved generalized hunting and gathering by small, highly mobile family groups who occupied a series of temporary camps. The Middle Period dating from approximately 800 B.C. to 900 A.D. corresponds to the Willits Pattern, suggesting an adaptive shift towards the establishment of riverine villages near productive fisheries and acorn crops. The Willits Pattern is marked by a greater diversity of projectile point forms and a greater reliance on use of mortars and pestles over millingslabs and handstones. Two site types are represented: "village sites," typically located near interior rivers; and "special purpose sites" located in a variety of interior settings. Focused on the coast and dating after ca. 900 A.D., the Late Period Gunther Pattern introduced a well-developed woodworking technology, riverine fishing specialization, and distinctive artifact types such as large obsidian ceremonial blades, antler spoons, steatite pipes and bowls, bone and antler harpoon points, and small, Gunther Barbed stone projectile points. Archaeological investigations demonstrate that most prehistoric sites found along the North Coast correspond to the Late Period Gunther Pattern. Archaeologically, Gunther Pattern occupation sites are commonly marked by dark-stained midden soils containing shellfish and other dietary remains, fire-cracked rock and cooking stones, chert toolmaking debris, a variety of flaked and groundstone tools and occasionally, preserved housepit depressions. Cemeteries are often associated with major villages.

Ethnographic Setting

The project site lies within the traditional territory of the Wiki division of the Wiyot Indian tribe who spoke an Algonquian-based language. This group occupied lands adjacent to Humboldt Bay. The Wiyots arrived in the Humboldt Bay area approximately 2,000 years ago, inhabiting a lagoon environment that afforded the use of coastal resources. The Wiyots lived in villages that were uniformly close to water, for they were people of the wetlands, where their sustenance often came from bay or river, and where their way could often most easily be made by redwood canoe rather than on foot. Wiyot houses were like those of the other Klamath river tribes, with plank walls and gabled roof, and a deep excavation occupying an enclosed square. The Wiyot had a varied diet consisting of fish; shell-fish; marine mammals such as seal and sea lion, including an occasional stranded whale; waterfowl; deer; elk; and small land animals such as rabbits, gophers, and skunks.

Historic Setting

Lured by the lucrative prospect of supplying the inland gold mines, numerous EuroAmerican adventurers began arriving at Humboldt Bay in April 1850. In early May a land association called the Mendocino Company was established at the edge of the bay. Almost immediately upon their arrival at Humboldt Bay, EuroAmerican residents began a series of attacks on the Wiyots that destroyed the tribe's villages and killed or displaced most of its people. Within 15 years the buildings and streets of white communities covered what had been the most important places in the Wiyots' bayside landscape.

James Ryan, a leading member of the Mendocino Company, directed a survey of Eureka that started at First and A Streets, a location approximately a block and a half from an abandoned Wiyot village. Eureka did not develop as quickly as its bayside rival, Union (Arcata), but by 1856 it had become the county seat and its growth increased. In 1858 Eureka consisted primarily of a half-dozen blocks of buildings between Second Street and the bay. On August 29, 1861 the area that became the Balloon Track (project site) was patented by Charles E. Collins and was part of a 104.99-acre parcel claimed as Swamp and Overflow Lands. Collins subsequently sold the parcel to John H. Allen, and the parcel became known as the Allen Tract for the next 15 years.

The Eel River and Eureka Railroad Company (ER&ERR) was incorporated in November 1882 by seven stockholders, who were among the elite of the Humboldt County business world: lumbermen John Vance and William Carson, banker A. W. Randall, merchant and rancher Hans Henry Buhne, rancher and lumberman Joseph Russ, and W. J. Sweasey and J. W. Henderson. Work on a seven-mile extension from the Van Duzen River to the Eureka terminus at Second and A Streets was completed by July 1885. A substantial amount of earthen fill was brought in surrounding the railroad depot in 1888, and by March 1901 a new two-story depot for ER&ERR at Second and A streets was completed. The car barn was located just south of the depot, across Second Street and near A Street. The car barn was constructed close to, if not directly upon, a former Wiyot village site.

Newspaper columnist Will Speagle described the development of the area southwest of the train depot, which included the project site, around the turn of the 20th century:

> At one time Fourth, Fifth and Sixth Streets did not connect with Broadway. In fact that area which extends from the N. W. P. R. R. company's property as far south as Seventh and from A Street west to the railroad right of way was a marsh. Early in this century (the 20th) or just before, however, a large dredger was deepening the channel along Eureka's waterfront and those whose boundaries were described in the foregoing sentence, were chosen as the dumping ground for the mud and sand from the bottom of the bay. For several weeks the dredger continued and the whole area was filled, making the property there of value. (Roscoe & Associates, 2006)

A map of Eureka from 1902 shows numerous small outbuildings near the depot, along with a large freight station complex north of the main track and next to the bay, while the main portion of the project site was still depicted as wetland at this time. At an undetermined date an

"Armstrong"[1] turntable was installed at the railyard on the project site, and an eight-stall roundhouse was also built at the yards, after which a steel, air-powered turntable replaced the hand-operated "Armstrong." The air-operated table turned the engine until it lined up with one of the roundhouse stalls.

In 1903, the Atchison, Topeka & Santa Fe Railway came to Humboldt County when it organized the San Francisco & Northwestern Railroad, and by 1907 the Northwestern Pacific Railroad (NWP) was chartered, with its stock evenly split between the Southern Pacific and the Santa Fe Railroads. Over the next 7 years the NWP built north from Willits and south up the Eel River. By the time regular train service was running on the full line of the NWP in 1915, several changes had occurred at the project site: the eastern and northern portions of the tidal marsh had been filled with a mixture of silt, sand, and gravel, and the site was now used as a railroad yard for refueling and repair. A bunker oil storage tank had been constructed. A 1916 city map shows tracks running across the central portion of the project site and along its eastern edge. A 1931 map shows the 1901 station, including a covered waiting area for passengers that was later removed. Additional development followed: from 1931 to 1939 the southeastern corner of the site, near the corner of Broadway and Washington, was leased to Richfield Oil Company and General Petroleum Company, and two above-ground storage tanks were installed. Figure IV.E-1 is a plan of the balloon track dating from about 1935.

In 1941 and 1942, dredgings from the construction of the Chicago Bridge and Iron Company's drydock were brought in as fill for the project site. Additional fill was brought from the Shively area, and ballast rock for the railbed came from the NWP's quarry at Island Mountain. From 1946 to 1947 the remainder of the marsh was diked and dredgings from Humboldt Bay used as fill. In 1954 an above-ground tank for diesel fuel replaced the bunker oil tank. Aerial photos of the project site taken between 1948 and 1952 show a full complex of train station, sidings, and repair and maintenance facilities. Figure IV.E-2 is an aerial photograph of the area taken c. 1946.

Changes also occurred immediately adjacent to the project site. During the period between 1933 and 1951, Washington Street, which had previously extended only a few hundred feet west of Broadway, was continued west to near the bay shore, passing over Clark's Slough in the process. Wetlands between Washington and 14th (Whipple) Streets, in addition to those on the project site, were filled. South of 13th Street, part of the wetlands had already been filled by 1902, supporting the South Park Race Course and the Humboldt Bay Woolen Mills, the latter of which had been built in the Clark's Slough drainage southwest of the corner of Whipple and Broadway.

The 1901 train station was damaged by an earthquake in the 1950s or 1960s, and was replaced by the current building that is located north across Second Street from the Livings Styles furniture company. Also in the 1950s, a new train yard built entirely on fill was developed south of the project site; it ran parallel to the main track in the area south of Del Norte Street and north of the Holmes-Eureka Mill.

[1] So called since it was turned by hand, or by "strong arms" (Roscoe, 2006).

Use of NWP's tracks declined greatly in the 1960s and 1970s, and by 1987 the roundhouse on the project site had been demolished, the fuel distribution facilities removed, and many other buildings dismantled or in disrepair. The following year Southern Pacific, which owned NWP by this time, had four underground storage tanks removed.

Eight standing structures exist on the project site today, only two of which predate 1958. The two structures greater than fifty years old are an attached metal corrugated warehouse built circa 1940 and 1952-1955 (300 Broadway), and a single-story wood framed industrial building built circa 1940 (320 Broadway). An Historic Resources Report prepared by Susie Van Kirk in October 2001 describes 13 resources connected with the railroad use: Car Shed; Car and Carpenter Shop; Blacksmith Shop; New Shed; Oil Shed; Burned Storage Shed; Radio Shack; Sand House; Oil Tank; Turntable; Ramp; Other Features; and Demolished Buildings.

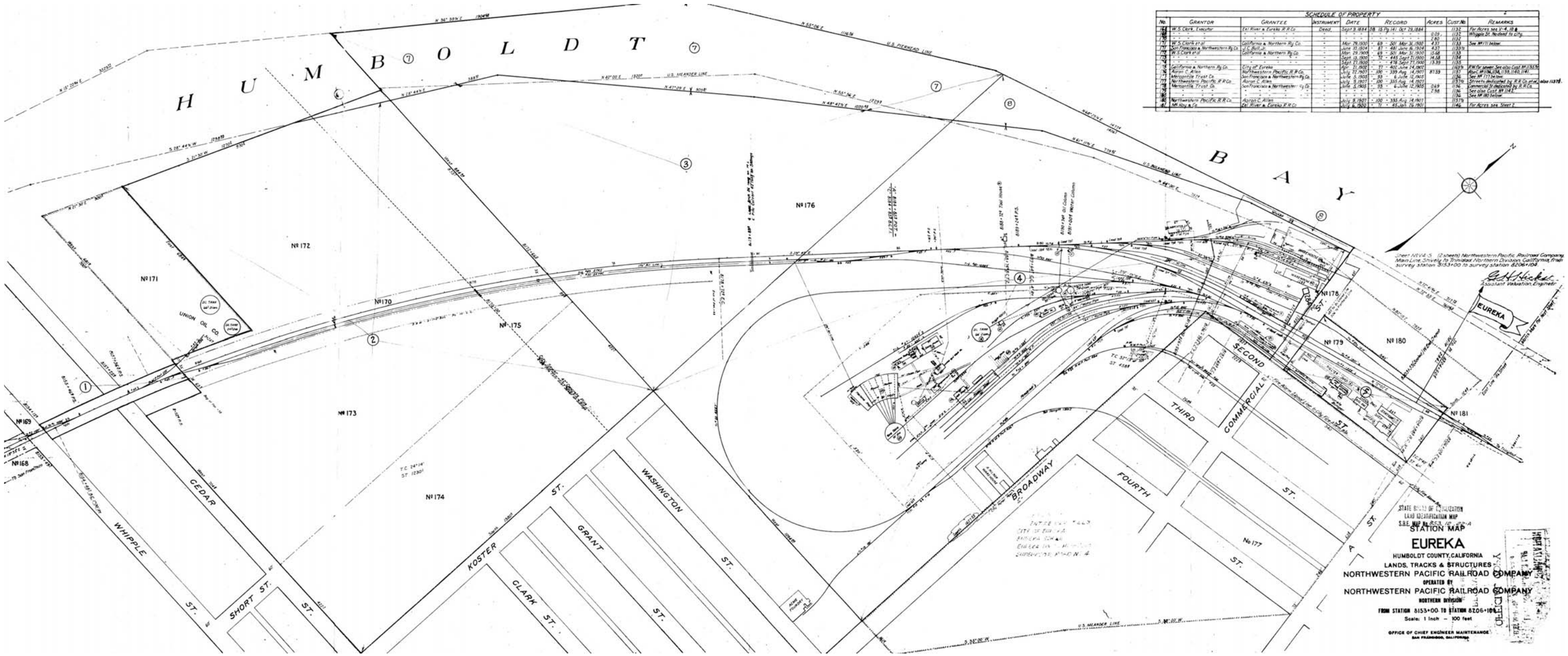
In conclusion, the terrain of the project area is a combination of coastal sedimentary plain and wetlands, altered over time by filling, diking, and channelizing. The entire study area has been significantly altered by human activity. Since the arrival of American settlers in 1850, the area has seen the construction of a railroad depot and railyard, and various residences, streets, and commercial buildings. During this historic activity the entire project area was covered with miscellaneous fill materials to a depth of approximately 5 to 8 feet below modern ground surface.

Public Trust Doctrine

A commenter on the Notice of Preparation raised the issue of the Public Trust Doctrine during the scoping process. The Public Trust Doctrine is a common law right and obligation held by governments to protect the public interests in navigable waterways, their beds, banks, and certain uses.

At its roots, English common law, adopted by all states of the United States except Louisiana, held that the Crown owned "the foreshore," which is to say the tide and submerged lands within England and its colonies. Tide and submerged lands were the only navigable water bodies in England. In the early nineteenth century the United States Supreme Court ruled that New Jersey, as successor to the Crown of England, owned the tide and submerged lands of Raritan Bay in that State. A few years later the court held that the State of Alabama – not a successor sovereign to the Crown of England, but a state admitted following the formation of the Union by the original 13 – owned the bed of Mobile Bay, because it had been admitted on an "equal footing" with the original 13 states. Still later cases decided that this ownership was held in a "public trust" for the benefit of the people.

The State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States on September 9, 1850 and holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation and open space. Over the years the Legislature has granted some of these lands in



SOURCE: Northwestern Pacific Railroad Company

Figure IV.E-1
Northwest Pacific Railroad Company
(c. 1935)

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Marina Center Mixed-Use Development Project . 205513

SOURCE: Humboldt Watershed Council, February 2008

Figure IV.E-2
1946 Aerial Photo

trust to various cities and counties. Founded May 13, 1850, and incorporated April 18, 1856, as the Town of Eureka (Stats. 1856, Ch. 88), the City of Eureka obtained its first tideland grant in 1857 (Stats. 1857, Ch. 82). By the 1857 Act, tide and submerged lands, extending for more than a mile along the entire waterfront and totaling approximately 34 acres, were granted to the town.

By grants in 1915 (Stats. 1915, Ch. 438), 1927 (Stats. 1927, Ch. 187), 1945 (Stats. 1945, Ch 225), 1970 (Stats. 1970, Ch 1086), and 1978 (Stats. 1978, Ch 1095, amending Stats. 1970, Ch 1086) the State conveyed to the City of Eureka additional areas of tide and submerged lands in Humboldt Bay, totaling approximately 3,650 acres with a shoreline in excess of 17 miles.

The boundaries of the State-owned lands generally are based upon the last naturally occurring location of the ordinary high or low water marks prior to artificial influences which may have altered or modified the river or shoreline characteristics. The extent of sovereign and public-trust lands within the Balloon Track site is not immediately clear. An investigation by the property owners and the State Lands Commission is currently being conducted to answer this question. Figure IV.E-3 shows the approximate location of the proposed Marina Center project overlain upon the 1946 aerial photograph of the balloon track showing the extent of tidal lands at that period of time.

To the extent that there are any physical changes to the environment resulting from this project that involve potential public trust lands or resources, those physical changes are addressed in the various chapters of this EIR concerning the resource or trust interest at issue (e.g., Biological Resources and Hydrology and Water Quality).

Native American Consultation

Native American consultation was initiated by the City of Eureka, who provided the Table Bluff Reservation-Wiyot Tribe and the Blue Lake Rancheria with copies of the written Notice of Preparation of a Draft EIR. Roscoe & Associates also sent letters to the above groups as well as to the Rohnerville Rancheria and the Native American Heritage Commission (NAHC) requesting consultation and providing a project area map. Additional phone calls were made by James Roscoe to the cultural directors of each tribe. Letters were received by the City of Eureka from the Table Buff Reservation-Wiyot Tribe and from the Blue Lake Rancheria. The letters, dated April 10 (from Table Bluff) and April 13 (from Blue Lake) 2006, both requested a formal consultation with the City of Eureka regarding the proposed project. The response letter from the NAHC to Roscoe & Associates noted that a check of the Sacred Lands Files revealed no recorded Native American sites within the project area (NAHC, 2006). In addition, the NAHC offered recommendations to adequately assess whether the project may affect cultural resources in accordance with CEQA Guidelines, including conducting a formal records search at the appropriate Information Center of the California Historical Resources Information System (CHRIS); conducting and documenting to professional standards an archaeological inventory survey; consulting with Native American individuals and organizations identified for Humboldt County on an updated contact list provided by the NAHC; incorporating provisions in the mitigation plan for handling inadvertent archaeological discoveries and the disposition of discovered remains and artifacts, including Native American burials, in accordance with state

SOURCE: Humboldt Watershed Council, February 2008

Marina Center Mixed-Use Development Project . 205513

Figure IV.E-3
Marina Center Project Overlaid on 1946 Aerial Photo

laws; and construction monitoring in sensitive areas by a certified archaeologist and a culturally affiliated Native American.

Roscoe & Associates followed up on the initial consultations with the Table Bluff Reservation-Wiyot Tribe during the course of the cultural resources investigation. James Roscoe met with Andrea Davis, the tribe's Environmental Director, and Leona Wilkenson, Tribal Council Member, on May 4, 2006, to discuss the proposed project generally and the cultural resources investigation specifically. Ms. Davis noted that the Wiyot Tribe had previously expressed concerns to the City regarding the presence of significant Wiyot cultural sites within or in the immediate vicinity of the project area. Specifically, the tribe was concerned that the project might affect a large, ethnographically recorded Wiyot village "djerochichichiwil" (CA-HUM-69) and another small, unrecorded Wiyot settlement. See discussion below for more information about these village sites.

In conclusion, consultations with Leona Wilkenson and Andrea Davis and through them, with the Wiyot Tribal Council, indicate that the site of the prehistoric Wiyot community of "djerochichichiwil," near or within the northeasterly portion of the project site, is considered by the Wiyot Tribe to be a significant and highly sensitive cultural resource associated with Wiyot cultural history and identity. Because of the potential for buried archaeological features associated with this significant cultural resource near the northeastern boundary of the project site, it was concluded that a cultural monitoring program should be recommended for the sensitive areas identified by this investigation during any subsurface excavations there.

Environmental Analysis

Significance Criteria

For the purposes of this EIR, implementation of the proposed project would have a significant effect on cultural resources if, based on Appendix G of the CEQA Guidelines, it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;
2. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5;
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
4. Disturb any human remains, including those interred outside of formal cemeteries.

Regulatory Framework

The following standards and regulations govern cultural resources and are used to measure impacts.

National Historic Preservation Act

If a permit is needed by the project for any federal undertaking such as work in waters of the United States, a consultation under Section 106 of the National Historic Preservation Act may be required to evaluate the project's impact on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. Cultural resources that are on the National Register or might be eligible for listing include those:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) That are associated with the lives of persons significant in our past; or

(c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) That have yielded, or may be likely to yield, information important in prehistory or history. (33 CFR Section 60.4)

To qualify for listing in the National Register, a building or structure must be at least 50 years old, must qualify under at least one of the aforementioned criteria, and must possess sufficient physical integrity to convey any important historical or architectural associations.

California Environmental Quality Act

According to the CEQA Guidelines (Section 15064.5[a][3]), generally a resource shall be considered "historically significant" if the resource meets the criteria for listing on the California Register of Historic Resources (Public Resources Code § 5024.1 Title 14 CCR, Section 4852). When a project will affect an archeological site, it must be determined whether the site is an historical resource, which is defined as any site that:

(a) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and

(b) Meets any of the following criteria:

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

In addition, a resource included in a local register of historical resources, as defined by Section 5020.1(k) of the Public Resources Code, or identified as significant in an historical

resource survey meeting the requirements of Section 5024.l(g) of the Public Resources Code, shall be presumed to be historically or culturally significant.

CEQA also requires lead agencies to consider whether projects will affect "unique archaeological resources." Public Resources Code Section 21083.2, subdivision (g), states that "'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:

(a) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(b) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(c) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Section 21084.1 states that "a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." CEQA defines substantial adverse change in the significance of a resource as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource is materially impaired (CEQA Guidelines Section15064.5[b][1]). The significance of an historical resource is considered to be materially impaired when a project demolishes or materially alters in an adverse manner those characteristics that convey the resource's historical significance and that justify its inclusion on an historical resource list (CEQA Guidelines Section 15064.5[b][2]).

California Government Code Section 65352.3 (Senate Bill 18)

California Government Code Section 65352.3, added by Senate Bill 18, states that before adoption or amendment of a city or county general plan or specific plan, the city or county shall consult with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission. This legislation is intended to preserve or mitigate impacts on places, features, and objects as defined in Public Resources Code Sections 5097.9 and 5097.993 that are located within the city's or county's jurisdiction. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character and use of those places, features, and objects identified by Native American consultation. California Government Code Section 65362.3 applies to all general and specific plans and amendments to those plans proposed after March 1, 2005. The process for consultation under Senate Bill 18 is apart from CEQA, but can occur simultaneously.

General Plan and Local Coastal Program

The City of Eureka's adopted General Plan and adopted Local Coastal Program together formalize a long-term vision for the physical evolution of Eureka and they outline the policies, standards, and programs that guide day-to-day decisions concerning Eureka's development in the

coastal zone. The Policy Consistency Analysis, found in Section IV.I, *Land Use and Planning*, provides an evaluation of the Marina Center project's conformity with the policies of the adopted General Plan and Land Use Plan portion of the adopted Local Coastal Program.

Eureka Redevelopment Plan

In 2005, the Eureka City Council adopted the Eureka Redevelopment Plan and certified the Eureka Redevelopment Program EIR (PEIR), which evaluated the financial merging of three redevelopment areas, including the Eureka Tomorrow Redevelopment Plan area, which encompasses the Balloon Track property. The proposed project would be required to comply with the Mitigation Measure H.1b identified in the PEIR, which identifies protocols for the protection of previously unidentified cultural resources during ground-disturbing construction activities.

Coastal Zoning Regulations

The Coastal Zoning regulations, which implement the policies of the Land Use Plan portion of the adopted Local Coastal Program, are codified in Chapter 156 of the Eureka Municipal Code (EMC) and are also referenced as Article 29, Part 1, Section 10-5.29 et. seq. of the zoning regulations of the City for the coastal zone.

Zoning Regulations

The Zoning Regulations of the City of Eureka are found in Chapter 155 of the EMC and are adopted pursuant to the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare.

Project Impacts

Impact E-1: Would the Marina Center project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

A formal records search was conducted on April 5, 2006, by Roscoe & Associates at the North Coastal Information Center (NCIC) of the CHRIS to determine the presence of registered historical sites on or near the project site. Also reviewed at NCIC was the Historic Properties Directory for Humboldt County, which contains State Office of Historic Preservation (OHP) updates of listings and formal eligibility determinations of National Register of Historic Places (NRHP) historic properties, properties listed on the California Register of Historical Resources (CRHR), and registered California Historical Landmarks and California Points of Historical Interest.

The NCIC records identified no state or federally listed historical resources on the project site or in the immediate vicinity. The nearest registered sites to the project site include three State Historical Landmarks (Fort Humboldt, City of Eureka, and the Humboldt Harbor Historical District, Landmark Numbers 154, 477, and 882, respectively). In addition, the Old Town Eureka Historic District, comprising First, Second, and Third Streets between C and N Streets, is listed in the NRHP. The State Historical Landmarks are located between 0.5 mile and 3.5 miles from the

project site. The Old Town Historic District is located two blocks east of the eastern edge of the project site.

Roscoe & Associates surveyed and evaluated all eight existing structures on the project site and recorded them on the State Department of Parks and Recreation (DPR) Form 523. The forms and individual evaluations for the buildings and structures listed are included in Appendix 2 of the Cultural Resources Investigation (Roscoe & Associates, 2006). Of the eight structures still standing in the project site, only two of them (300 Broadway and 320 Broadway) predate 1958 and so would be old enough to qualify as historic buildings under the federal rules if other criteria applied. It was determined that neither of these mid-20th-century industrial warehouses is eligible under state or federal criteria, primarily due to a lack of historic and/or architectural significance. Therefore none of the buildings on the project site are considered historic architectural resources for the purposes of CEQA.

The historic resources survey also found several foundations and other rail-related features of the historic railroad yard area in a greatly dilapidated condition. The modern conditions of the project site have a lack of original integrity that greatly reduces their significance. The historic site of the Eureka railyard, turntable, switching station, and depot is not considered eligible for inclusion in the NRHP or CRHR because all the original buildings associated with the railyard and the original depot have been demolished. Therefore none of these remnant railyard features are considered historic architectural resources for the purposes of CEQA.

The original hand-operated “Armstrong” turntable was later replaced by a steel, air-powered turntable that exists on the site currently, although it is in dilapidated condition. While the replacement turntable may be of sufficient age to qualify for listing in the NRHP or CRHR, this remnant structure of the former railyard would not qualify for listing in the NRHP or CRHR as an individual resource because the historic-era railyard of which the turntable was a part no longer exists, and therefore the resource lacks sufficient physical integrity to convey significant historic associations with Eureka’s early railroad era. As noted above, the modern conditions of the project site have a lack of original integrity that greatly reduces their significance. The turntable, in isolation and without the original roundhouse that it served, has little historical meaning as an individual resource. In addition, the turntable’s dilapidated condition further reduces its physical integrity. As such, this remnant feature of the former railyard is not a historic resource for the purposes of CEQA.

Because the closest four historic sites in the area are at least two blocks and up to 3.5 miles from the project site, there is considerable intervening development between the project site and the historic sites and the project would have no adverse impact on the historic settings of surrounding historic sites or listed historic sites in the vicinity. The proposed project would therefore have a less-than-significant impact on historic architectural resources.

Mitigation

None recommended.

Finding of Significance

The potential impact of the Marina Center project on historical resources as defined in §15064.5 would be ***less-than-significant***.

Impact E-2: Would the Marina Center project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?

Prehistoric Archaeological Sites

According to the cultural resources investigation prepared for the project site, there appear to have been one, and perhaps two, Wiyot village sites within or near the study area. These known prehistoric archaeological sites are described below (Roscoe & Associates, 2006).

Wiyot Village Site 1: Site # CA-HUM-69 ("djerochichichiwil")

This site was assigned trinomial CA-HUM-69 based on the following ethnographic description by Llewellyn Loud, who published a description of the Wiyot Territory in 1918 (Loud, 1918a):

> This was a very important village near the railroad station in Eureka. Dandy Bill [a Loud informant] said his father and five paternal uncles were born here. There was a fight with a neighboring village, so all left and moved towards the entrance to the harbor (Loud 1918a:274)

Loud's description of the site, as noted in his original archaeological site survey record form, indicated that it was "Formerly a very important village abandoned shortly before 1850 due to a fight with a neighbouring village" (Loud, 1918b).

The site's location, as mapped by Loud, would place the village within or near the northeastern portion of the project site. Based on what is known of the pre-EuroAmerican physical environment, the location is plausible, for the village would have been situated on relatively high ground between the Clark's Slough wetland to the west and the F and G Street gulch confluence to the east. Such a site would have thus provided ready access to both wetlands and the bay.

Consideration of the site location provided by Loud, coupled with other independent descriptions, historical maps and archival sources, has contributed to defining an archaeologically sensitive area for subsurface deposits associated with CA-HUM-69, which may be located within or near the northeastern portions of the project site in a built-over environment.

Wiyot Village 2: "Moprakw"

The main ethnogeographic sources indicate that the village site of Moprakw is not located directly within the project site. However, the accounts of the location of this village site contradict one another or are very vague. One account by Wiyot tribal member Birdie James in the early decades of the 20th century identified a location for this village site close enough to the eastern boundary of the project site that outlying features of the village could be within the project site.

Given the possibility of imprecise reporting and the changes in the physical landscape that have occurred over time, it would be wrong to conclude that either or both of these village sites were definitely outside the project site boundary. Any Wiyot village in or near the project site would of necessity have been located on high ground, since everything else would have been marsh, slough, or gulch. The description of the pre-contact landscape, in conjunction with the Wiyot informants' accounts of village locations, indicates that village sites in or near the project site boundary are most probably located on ancestral high ground directly adjacent to Clark's Slough and/or the F and G Street gulch, both of which ran through, or directly adjacent to, the project site boundary.

Results of the Archaeological Field Survey

Principal Archaeological Investigator James Roscoe and Project Historian Jerry Rohde surveyed the entire Archaeological Area of Potential Effect (APE) in late April and early May 2006. The survey noted that the entire surface of the study area is paved over, filled and/or developed, and any original ground surfaces that may still occur within the northeastern portion of the project site have been extensively modified by modern and historic land uses and construction. The field survey revealed that neither of the identified prehistoric archaeological sites described above, which may be within or close to the project site, were apparent on the ground surface.

The history of both village sites is important to contemporary Wiyot people for its association with events important in their history and their cultural identity. As such, each possible site location has potential subsurface deposits that may be significant under one or more criteria of the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR).

Given the known and recorded sites in the area and its waterfront location, the project site is highly sensitive for prehistoric occupation, and there remains a possibility that previously unknown significant deposits may be encountered during development especially at depths below approximately 5 to 8 feet. Such unrecorded resources could be damaged or destroyed during project construction, including any subsurface, ground-disturbing activities.

Historic Archaeological Resources

The terrain of the project area is a combination of coastal sedimentary plain and wetlands, altered over time by filling, diking, and channelizing. The entire project site has been significantly altered by human activity. Since the arrival of American settlers in 1850, the area has seen the construction of a railroad depot and railyard, and various residences, streets, and commercial buildings. During this historic activity the entire project area was covered with miscellaneous fill materials to a depth of approximately 5 to 8 feet below modern ground surface.

Background research indicates a long record of post-1850 American settlement, development, land uses, and alterations within and near the project site. Historical research discloses a complex record of changing land ownerships and developments and changes in the layout and names of streets, making it difficult to pinpoint specific locations where subsurface archaeological deposits (both historic and prehistoric) may be found.

Historic archaeological deposits that may be important for their ability to answer important questions about recent human history would include historic refuse deposits associated with ordinary people, such as the single men who worked at the various lumber mills, or neighborhoods inhabited by working class families or small enclaves of ethnic minorities, or historic dumps associated with particular businesses or civic buildings identified in archival records. While much of the project site was not used by EuroAmerican settlers until it was filled in during the early and middle portions of the 20th century for use as a railroad yard, the area surrounding the original depot in the extreme northeastern portion of the project site has some sensitivity for encountering significant historic sub-surface features. The depot area was filled and developed during the 1880s, and there may be historic habitation features such as privies, trash deposits, or backfilled wells associated with the original Eureka Railroad Depot surviving in the vicinity.

Due to the extensive ground disturbing activities which occurred in the area during the late eighteenth to mid-twentieth centuries, the potential for encountering significant historic sub-surface deposits associated with the railroad yard and switching station is low. However, any construction in the area surrounding the original depot in the extreme northeastern portion of the project site would have a possibility of encountering significant historic sub-surface features. Significant historic deposits would likely be discrete, small in area, and relatively isolated. As such, these historic archaeological deposits, if located within the project site or vicinity, may be significant under one or more NRHP or CRHR criteria, and may constitute significant resources under CEQA. If such resources exist in the project area, they could be damaged or destroyed during project construction, including any subsurface, ground-disturbing activities.

Since the area for potential historic-era deposits also corresponds with the sensitive area discussed above for the Wiyot village site of CA-HUM-69 (and the potential Wiyot village site of "Moprakw"), the mitigation measure recommended below would be adequate for locating and protecting potential historic features associated with the original Eureka Railroad Depot as well potential prehistoric features.

Mitigation

Mitigation Measure E-2a: For construction in the geographic areas described below workers involved in ground-disturbing activities shall be trained by a professional archaeologist in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts on potentially significant cultural resources. In addition, a Native American representative shall be present to monitor coring activities. If an archaeological artifact or other archaeological remains are discovered on-site during construction, all construction activities shall be halted and a qualified archaeologist shall be summoned within 24 hours to conduct an independent review of the site. If the find is determined to be significant, adequate time and funding shall be devoted to conduct data recovery excavation.

Protection plans for either unique archaeological resources or culturally important archaeological resources shall include, at a minimum, one or some combination of the following: removing the object or feature, planning the construction around the object or

feature, capping the object or feature with a layer of soil sufficient to protect the integrity of the feature or object, and/or deeding the site as a permanent conservation easement.

Geographic areas subject to this mitigation measure are:

1. East of Commercial Street.

2. Within 100 feet of the common property line between the Balloon Track and those properties fronting Broadway that are not a part of the project (e.g., Nilsen's and Bob's Fine Cars).

3. The southeast corner of the property east of the proposed garden area of Anchor 1 and south of Bob's Fine Cars.

Mitigation Measure E-2b: If human remains are discovered during project construction, all work shall cease within the area until the coroner for Humboldt County is informed and determines that no investigation of the cause of death is required and, if the remains are determined to be of Native American origin, the descendants of the deceased have made a recommendation to the landowner on how they would like to proceed in handling the deceased and the accompanying grave goods. If there are six or more Native American burials on the site, the site shall be identified as a Native American cemetery and all work on the site within 100 feet of any burial site must cease until recovery or reburial arrangements are made with the descendants of the deceased or, if there are no descendants of the deceased, with the California Native American Heritage Commission. If human remains will be removed from the site, the removal shall be done by archaeologists working by hand.

Finding of Significance

The recommended mitigation measures would avoid and minimize the potential adverse impact of the Marina Center project on unique archaeological resources pursuant to §15064.5, reducing the impact to a ***less-than-significant*** level**.**

Impact E-3: Would the Marina Center project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There is no evidence that the project site includes any unique paleontological resources. Similarly, the site possesses no unique geologic or paleontological features that the project may affect.

Mitigation

None recommended.

Finding of Significance

The potential impact of the Marina Center project on a unique paleontological resource or site or unique geologic feature would be ***less-than-significant***.

Impact E-4: Would the Marina Center project disturb any human remains, including those interred outside of formal cemeteries?

As described above, the recorded Wiyot village site (CA-HUM-69, "djerochichichiwil") is located within or near the northeastern boundary of the project site.[2] In addition, the unrecorded yet ethnographically identified village site of "Moprakw" may be located within or near the project site. The history of both village sites is important to contemporary Wiyot people for its association with events important in their history and their cultural identity. As such, each possible site location has potential subsurface deposits that may be significant under one or more criteria of the CRHR, and therefore would be considered a significant cultural resource under CEQA. While the archaeological field survey was unable to locate either of these potential village sites, any archaeological remains and/or human remains associated with them could be inadvertently unearthed during ground-disturbing activities such as grading and trenching. The likelihood of the existence of subsurface deposits of cultural material is high, especially at depths below approximately 5 to 8 feet, due to the substantial amount of fill placed on the site during the 20th century.

If present in subsurface contexts, associated archaeological deposits may include the following cultural items: shell midden; chert and obsidian flaking debris; flaked and groundstone tools, including distinctive Gunther Barbed Series projectile points, hopper mortars, and shaped pestles; woodworking tools such as antler wedges and stone mauls; evidence of interactions with early EuroAmerican explorers and settlers, such as glass trade beads, ceramics and metal objects; Native American burials in intact or disturbed contexts and associated with grave offerings, including beads and ornaments made of shell, bone and steatite, and obsidian blades; and features such as housepit and sweat house floors, fire hearths, and tool caches.

Demolition or substantial damage to these or other significant archaeological resources, or human burials, would be a significant impact on cultural resources under CEQA. Implementation of Mitigation Measures E-2a and E-2b within the area designated as Confidential in Appendix 4 of the Cultural Resources Investigation would reduce this impact to a less-than-significant level.

Mitigation

See recommended Mitigation Measures E-2a and E-2b

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2 This confidential and sensitive location is shown on a map contained in Confidential Appendix 4 of the Cultural Resources Investigation, which is not available to the general public but is available to project planners, project sponsors, and qualified archaeologists on a need-to-know basis.

Finding of Significance

The recommended mitigation measures would avoid or minimize the potential adverse impact resulting from the disturbance of any human remains, including those interred outside of formal cemeteries, reducing the impact to a ***less-than-significant*** level.

Cumulative Impacts

Impact E-5: Would the Marina Center project, in conjunction with cumulative development, adversely affect cultural resources in the project vicinity?

The effects of the proposed project have been compared with other proposed and approved developments within the vicinity of the project area as described in Appendix E. The project in combination with other future and approved project is unlikely to result in significant cumulative impacts on cultural resources. Even if there were such an impact, the project's contribution would be reduced to a level that is less than cumulatively considerable by requiring the project proponents to implement the Mitigation Measures E-2a and E-2b, ensuring that subsurface ground-disturbing activities would have a less-than-significant impact on recorded and unrecorded cultural resources.

The project's incremental contribution to cumulative impacts on cultural resources would be less-than-significant.

Mitigation

See recommended Mitigation Measures E-2a and E-2b.

Finding of Significance

The recommended mitigation measures would reduce the potential adverse impact of the Marina Center project on cultural resources to a ***less-than-significant*** level and the project will not make a cumulatively considerable contribution to cumulative impacts on cultural resources.

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