



# Wiyot Tribe

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DEPARTMENT OF  
COMMUNITY DEVELOPMENT

January 16, 2009

RE: Marina Center DEIR

Sidnie L. Olson, AICP  
Principal Planner  
Community Development Department  
City of Eureka  
531 K Street  
Eureka, CA 95501-1165

Dear Ms. Olson,

The Wiyot Tribe has reviewed the Draft EIR for the Marina Center Project and has the following comments:

- The Tribe applauds the applicant for the thorough and professional assessment of cultural resources that could be present within the footprint of project area. The Tribe also commends the report for clearly discussing the significance criteria and regulatory framework which applies to this undertaking. Of particular note is the consultation criteria under Section 106 of the National Historic Preservation Act, which will be triggered by the involvement of any federal agency in the project permitting or ministerial action.
- As noted in the DEIR, two archaeological sites may be present within the study area. The Wiyot village sites of "djerochichichiwil" (CA-HUM-69) and "Moprakw" were identified by archaeologist Llewellyn Loud and ethnographic sources. While these sites have since been obscured, and likely covered by fill materials, they remain significant to both the Wiyot Tribe and the larger heritage preservation community. According to the DEIR, former Wiyot Environmental Director Andrea 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." The report further states that the village of "djerochichichiwil" is considered to be a "significant and highly sensitive cultural resource associated with Wiyot cultural history and identity."
- Due to the high sensitivity of these buried resources, which may include both irreplaceable material culture and human burials, it is imperative that all appropriate measures be taken to re-locate these resources prior to project implementation. It is in the best interests of all parties involved to instigate site identification early in the planning process. This will allow increased options for mitigation measures that will preserve this shared heritage.
- Monitoring should not be used as a mitigation strategy. As stated by cultural resource professional Richard Davis monitoring "is only sometimes acceptable as a mitigation measure when the circumstances of an undertaking are such that identification can't really be done ahead of project implementation." He also notes that "when using monitoring as a mitigation strategy, the folks implementing the project also have to be prepared for the monitor to find stuff. The project proponents need to be logistically and legally prepared for the construction delays that might be entailed..."
- From a tribal perspective, good site identification is critical to the consultation process. When resources are known, tribes can most effectively participate in the environmental and cultural resources planning process. Without this information, the project risks destroying the site and its resources. This situation is documented by well known preservation expert Tom King - "If monitors find something important,