

### 3.3 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-period resources, and “tribal cultural resources” (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in PRC Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-period physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places and objects, with cultural value to a tribe.

No comments regarding archaeological, historical, or tribal cultural resources were received in response to the NOP.

#### 3.3.1 Regulatory Setting

##### FEDERAL

###### National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
  - Criterion A Is associated with events that have made a significant contribution to the broad patterns of history (events).
  - Criterion B Is associated with the lives of persons significant in the past (persons).
  - Criterion C Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
  - Criterion D Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure,

and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. This is an intangible quality evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

## STATE

### California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

### California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources," "unique archaeological resources," and "tribal cultural resources." Pursuant to PRC Section 21084.1, 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." Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.

### **Historical Resources**

"Historical resource" is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

### **Unique Archaeological Resources**

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(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 one or more 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.

### **Tribal Cultural Resources**

CEQA also requires lead agencies to consider whether projects will affect tribal cultural resources. PRC Section 21074 states:

- a) "Tribal cultural resources" are either of the following:
  - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### **Public Resources Code Section 21083.2**

Treatment options under PRC Section 21083.2(b) to mitigate impacts to archaeological resources include activities that preserve such resources in place in an undisturbed state. PRC Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.
- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
- (1) Planning construction to avoid archaeological sites.
  - (2) Deeding archaeological sites into permanent conservation easements.
  - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
  - (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.
- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
  - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
  - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
    - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
    - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
    - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

**Public Resources Code Section 21080.3**

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. PRC Section 21080.3.2 states:

Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

**California Native American Historical, Cultural, and Sacred Sites Act**

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

**Health and Safety Code, Sections 7050.5**

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

**Public Resources Code, Section 5097**

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

**LOCAL**

Cal Poly Humboldt is an entity of the CSU, which is a statutorily and legislatively created, constitutionally authorized State entity. As explained in the "California State University Autonomy" section in Chapter 3 of this EIR, the CSU is not subject to local government planning and land use plans, policies, or regulations. Nevertheless, in the exercise of its discretion, Cal Poly Humboldt does reference, describe, and address local plans, policies, and regulations where appropriate and for informational purposes. This evaluation is also intended to be used by local agencies for determining, as part of their permit processes, the project's consistency with local plans, policies, and regulations.

## City of Arcata General Plan

The Historical Preservation Element of the Arcata General Plan contains the following policies that are relevant to the project:

- ▶ **Policy H-1b: Local Historic Landmarks Designations.** Structures or sites having special character or special historic, architectural, or aesthetic interest or value shall be designated as local Historic Landmarks. Such structures or sites shall be protected from demolition and inappropriate alterations. Locally designated Historic Landmarks are shown in Figure HP-a and are listed in Table HP-1, at the end of the Element. An updated inventory of structures and sites eligible for designation as a Local Historic Landmark shall be maintained by the City. One or more of the following criteria shall be required for a structure or site to be eligible for listing:
  1. The building or site is particularly representative of a distinct architectural period, type, style, or way of life.
  2. The building is of a type or style which was once common but is now rare.
  3. The building is at least 50 years old.
  4. The building or site is connected with a person or event important to local history.
  5. The architect or builder is famous or well-recognized.
  6. The building's style, construction method, or materials are unusual or significant.
  7. The overall effect of the design or building details are beautiful or unusual.
  8. The building contains original materials or workmanship of high or unusual value.
- ▶ **Policy H-7a: Cultural Resources Project Review.** As part of the environmental and project review process, the City of Arcata shall enter into a Memorandum of Agreement (MOA) with the Northwest Information Center of the Historical Resources Information System of the State of California. Under the MOA, all proposed discretionary projects under the California Environmental Quality Act shall be subject to cultural resources sensitivity review by the Northwest Information Center. In order to provide a context for city projects, for the evaluation of cultural significance and for the interpretation of the results of cultural resources project reviews, the City of Arcata shall contract for a general prehistoric, ethnographic, and historic overview of the city and its environs.
- ▶ **Policy H-7b: Archaeological Surface Reconnaissance.** If the cultural resources project review determines that the project is located in an area with a high probability of archaeological resources, an archaeological survey by a professional archaeologist or other qualified expert shall be performed.
- ▶ **Policy H-7c: Mitigation of Potential Impacts on Archeological Resources.** If the results of the surface reconnaissance show that the project area contains a resource of cultural significance, and if it is demonstrated that a project will cause damage to such a resource, the City may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of other treatment include, but are not limited to, the following: 1. Modifying the project to avoid portions of the site with archaeological resources. 2. Providing or conveying easements or other deed restrictions. 3. Capping or covering archaeological resources with a soil layer before construction. 4. Planning open space to incorporate archaeological sites.
- ▶ **Policy H-7d: Monitoring of Construction.** In appropriate circumstances, when archaeological resources are likely to be present at a construction site, monitoring of excavation and other soil disturbing activities by archeological and/or Native American observers shall be required.
- ▶ **Policy H-7f: Discovery of Archeological Resources.** Upon discovery of archeological or paleontological materials, all grading or other land-disturbing construction activities at the site shall be suspended until the nature of the cultural resources has been ascertained and the appropriate disposition method determined.

### 3.3.2 Environmental Setting

The following setting is based on the *Cultural Resources Survey and Assessment Report for the Cal Poly Humboldt Student Housing Project* (Ascent 2022).

#### REGIONAL PRECONTACT HISTORY

Evidence indicates that Native American occupation in the Humboldt Bay region began approximately 8,000 years ago. Although few comprehensive archaeological investigations have been completed in the region, three distinct cultural patterns, each with their own suite of artifacts and lifeways, have been identified. These patterns are the Borax Lake, Mendocino, and Tuluwat patterns.

##### Borax Lake Pattern

During the Borax Lake Pattern (8,000 to 5,000 calibrated years before present [cal BP]), the climate was warmer and drier than today, and the oak woodland in northwestern California was more extensive. The material culture associated with the Borax Lake Pattern includes Borax Lake Widestem projectile points, handstones, millingslabs, small serrated bifaces, and cobble spall. Archaeological sites associated with the Borax Lake Pattern have been documented on the ridgelines east of Humboldt Bay, such as Pine Ridge, and at a coastal terrace overlooking Little River, north of the project area.

Recent research has indicated that lifeways during the Borax Lake Pattern period may have been more sedentary than previously believed. Larger occupation areas appear to have been in lowland riverine environments where large game such as elk and deer would have been easily obtainable. This habitat also would have allowed exploitation of migratory salmon runs. Seasonal occupations in upland areas to gather resources such as acorns would have complimented the lowland diet. Tool assemblages found in each of these habitats appear to support this hypothesis; specialized and expedient tools are more often found in the upland archaeological sites while a more broad and homogenous tool assemblage is present in lowland sites indicating a longer period of occupation there.

##### Mendocino Pattern

During the Mendocino Pattern (5,000 BP to 2,500 BP), upland areas of Humboldt Bay seem to have been abandoned. This is likely due to a change in environment from a warm and dry climate to a cooler and wetter climate which allowed coniferous forests to move down into the elevations where oak woodlands were present previously. Archaeological sites associated with Mendocino Pattern assemblages have been located in the coastal hills adjacent to Humboldt Bay and at bay margin sites in Arcata.

Sites associated with this pattern generally include concave-base, side-notched, and corner-notched dart points; handstones and millingslabs; flake tools; and occasionally mortars and pestles. It appears that people were living intensively on the rivers of northern California during this period with only short-term forays into upland areas to bring resources back to the larger village site near the river.

##### Tuluwat Pattern

The Tuluwat Pattern (2,500 BP to 500 BP) is named for the Wiyot Village of Tuluwat on Gunther Island in Humboldt Bay. Lifeways during the Tuluwat Pattern saw occupation centers move to the coast and more intensive use of both riverine and upland environments as well as coastal ones. This intensive use of multiple habitats is likely due to increased populations and constricted resource bases due to a return to warm and dry conditions. Another theory is that Algic (also known as Ritwan) groups during the earlier part of this pattern (circa 2,300 BP) and Athabaskan groups approximately 1,000 years later, migrated into the area, pushing the original inhabitants (the Yuki) southward.

Tuluwat Pattern artifact assemblages reflect a substantially more sedentary residential base with a broad array of artifacts such as toggle harpoons, net spacers, net weights, bowl and hopper mortars, shaped pestles, large bifaces, Tuluwat-Barbed arrow points, adze heads, calendar stones, *Olivella* beads, and abalone pendants. The Tuluwat Pattern essentially represents the cultures inhabiting the Humboldt Bay area, including Arcata, at the time of European contact.

## ETHNOGRAPHY

### The Wiyot

The project area lies within the traditional territory of the Wiki division of the Wiyot Indian tribe. This group occupied lands adjacent to Humboldt Bay and refer to themselves as the *Soo-lah-te-luk*. The name "Wiyot" itself is derived from the Yurok term "*weyet*" or "*weyot*." The Wiyot language, and the language of the Yurok to the north, are similar to Algonquin, and although the Wiyot and Yurok languages are distinctly different, they are distantly related. Linguists have linked the two into a provisional group called Ritwan, which is the California branch of Algic. Linguistic research implies that both the Wiyot and Yurok migrated into Northwestern California during a similar timeframe but went to different locations.

Wiyot territory has been described as being bounded on the northwest by the valley of Little River near Trinidad and on the northeast by Berry Summit and Chalk Mountain. On the south, Wiyot territory extended to the Bear River mountains near Scotia. To the west, it was bounded by the Pacific Ocean. To the east, it included lands along Mad River for two or three miles above Blue Lake, and up Eel River for a mile or two above the mouth of the Van Duzen River. This territory is almost entirely in the redwood belt of northwestern California.

Wiyot settlements were typically located next to areas of "still water" along the fringes of Humboldt Bay and on the terraces above the lower Mad and Eel rivers. Wiyot houses were square and semi-subterranean with plank walls, a gabled roof, and sliding doors. Sweat houses were also semi-subterranean and at least 16 feet square. Wiyot peoples also made redwood dugout canoes. Clothing was mostly made from deer and rabbit skins. Women and girls wore twined basketry caps. Basket-making materials included spruce and willow roots, bear grass, maidenhair and woodwardia ferns, hazelnut, and a dye made from alder bark juice. Twined baskets were used for carrying and cooking foods.

Animals were hunted or caught in various ways. Elk were pursued by a hunter and his dogs in a running chase that could last two days; deer were caught in rope snares. Bears were trapped in deadfalls, or, if hibernating in a hollow log, suffocated by smoke after the openings had been partially blocked. Waterfowl were hunted from blinds. Salmon might be taken in gill nets or in either of two types of fish weirs. Smelt were caught in surf nets. Acorns and huckleberries were two plant resources of prime importance.

The Mad River region and the adjoining sloughs were heavily populated and extensively used by the Wiyot peoples. The two closest known villages located near the project site were *klokwo-sesko-ten* (place of sturgeon) and *Tokelerboku'* (place of salmon). No occupations were known to be located within the project site or the surrounding area, as it is located within the "Arcata Prairie" where plants were gathered seasonally such as "parsley." This "prairie" was likely utilized for other plants and animal resources as well.

### After Contact

The first recorded "discovery" of Humboldt Bay by Europeans was in 1806 by Captain Jonathan Winship. Sustained contact began in 1849 when Josiah Gregg journeyed overland to Humboldt Bay and were met by Wiyot headman *Ki-we-lat-tah*. This was the start of Euromerican settlement in the region; however, it was the Gold Rush that resulted in the death of many Wiyot people and destruction of their culture. The ensuing "Indian troubles" culminated in a series of massacres, most notably the infamous slaughter at *Tuluwat* on Gunther Island in Humboldt Bay on February 26, 1860. Here, the Wiyot people had gathered at their traditional site on the island for the annual World Renewal Ceremony, which lasted seven to ten days. At night, the men would replenish supplies, leaving the elders, women and children sleeping and resting. Under cover of darkness, local men armed with hatchets and knives rowed to the island and brutally murdered nearly all the sleeping Wiyot. Estimates of the dead range from 80 to 250.

Although the men involved were locally known, no charges were ever filed. Remaining Wiyot temporarily took refuge at Fort Humboldt, where nearly one half of the survivors died of exposure and starvation. Later these survivors were forcibly relocated to reservations at Klamath, then after a devastating flood in 1862, moved to Hoopa, Smith River, and Round Valley reservations. Some of the surviving Wiyot also attempted to return to their homeland, only to find their homes destroyed and lands taken by Euromerican settlers. As the 19<sup>th</sup> and 20<sup>th</sup> centuries advanced, Wiyot cultural practices and language were discouraged by official policies of "acculturation." Wiyot people learned to work

and live within the Euromerican community, effectively "walking in two worlds." Wiyot people often went to American schools, married European immigrants, and helped to build the timber, fishing and agricultural industries.

## Contemporary Wiyot

In 1961, the California Rancheria Act terminated the legal status of the tribe, and the Wiyot effectively became non-Indian Indians. In 1975, the Tribe filed suit against the Federal Government for unlawful termination, and in 1981 federal recognition and trust status was reinstated as a result of *Table Bluff Indians versus Lujan*. In 1991, during another lawsuit regarding drinking water contamination and other sanitation issues on the "Old Reservation" near Eureka, the court mandated new land be purchased and the Tribe moved to the present 88-acre Table Bluff Reservation. The original twenty acres were put into fee simple ownership under individual families, but still are under the Tribe's jurisdiction as long as held in Indian hands. The two reservations are within one mile of each other. Other Wiyot reservations/rancherias include the Bear River Band of Rohnerville Rancheria near Loleta, Blue Lake Rancheria near the community of Blue Lake, and Cher-Ae Heights Indian Community of the Trinidad Rancheria near Trinidad.

Today, Wiyot people are actively recovering the old ways, including language, ceremony, and lifeways. At the same time, they acquire new trades and skills, graduate from college, become artists, doctors, lawyers, teachers, and professionals in a variety of fields. Many Wiyot tribes, such as the Wiyot Tribe at Table Bluff Rancheria, Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and Cher-Ae Heights Indian Community of the Trinidad Rancheria also maintain their own tribal court system as well as provide health, education, childcare, and advocacy services for tribal members. Wiyot people are dedicated to preserving native history and the cultural material of their ancestors. This includes the ancient village sites and shell middens that surround Humboldt Bay, terraces above the waterways, and along the ridge lines once used for seasonal camps, travel, and trade. Pieces of long forgotten native history are emerging as a result of both archaeological investigation and from family memories and records. Although much of Wiyot pre-contact history has been lost or destroyed, there is also much that is being recovered.

## HISTORIC SETTING

### Euromerican Discovery and Settlement

Humboldt Bay, formerly called Arcata Bay, was first discovered in 1806 by Captain Jonathan Winship, an American employed by the Russian-American Fur Company when he was hunting seals and otters in the region. He and his crew named the bay "Indian Bay" because of the numerous indigenous villages they found along its shore. The bay was not addressed again by Euromericans until Dr. Josiah Gregg rediscovered the bay as part of his expedition to map the Trinity River.

Prompted by the 1848 discovery of gold on the upper Trinity River and 1849 rediscovery of Humboldt Bay, Euromerican immigrants rapidly claimed and settled the flatter areas of coastal land around Humboldt Bay. These locations, ideal for farming and ocean access led to the formation of the cities of Trinidad, Eureka, and Union; Union was renamed Arcata in 1860. First settled in the spring of 1850, Arcata was a supply center for the interior mining districts. The townsite at the foot of Fickle Hill was selected by the Union Company and was soon subdivided into blocks and lots for homes and businesses. To supply the new town and provide easy transit from ocean-going vessels, a wharf was constructed into Humboldt Bay. A horse-drawn railway was constructed between the wharf and downtown, where merchandising establishments supplied the miners and a growing number of settlers.

As gold fever increased, tensions continued to rise between Euromerican miners, settlers, and local Tribes. To help resolve this, the US Army established Fort Humboldt near Eureka in 1853 "to protect settlers from Native American raids." Soon after, other military posts were established in the Humboldt Bay region, including Camp Curtis near Arcata in 1858. Located approximately one-quarter mile north of the project site, Camp Curtis had a good view of the lower Mad River plain and agriculturally rich Arcata bottomlands. Over the years, Camp Curtis was used by various companies of the California Militia, and from 1862 to 1865, it served as the headquarters of the 151 Battalion of Mountaineers of California Volunteers. Today, nothing is left of Camp Curtis, but its location is marked as California State Historic Landmark No. 215.

## Agriculture, Lumber, and Railroads

### Agriculture

The first areas in the vicinity of Arcata to be settled by Euroamericans were bottomlands adjacent to Humboldt Bay. Called the Arcata Bottom, these flat floodplains were free of the dense redwood forests which characterize the adjacent uplands, and therefore required far less effort to clear for farming. The agriculture of the Arcata Bottom was initially a grain-focused economy. Grains, such as oats, barley, wheat, and hay were planted, along with dry peas and potatoes. Cultivation of grain crops and potatoes lasted into the 1880s, when the potato blight and poor market returns prompted farmers to look at a new and emerging agricultural industry, dairying.

The first dairy herds began to appear on the Bottom in the late 1880s, and within a few short years, the industry was booming enough for a creamery to be considered a profitable venture. The first creamery, the Arcata Creamery, was built in 1892, and several more followed in short succession, including the Diamond Crystal Creamery. As reclamation efforts of tide-influenced lands around the bay and along the sloughs got underway in the mid- 1890s, more land was made available for dairying, and the industry came to dominate the Arcata Bottom agriculture for the next 75 years.

### The Lumber Industry

Vast, virgin forests of giant redwoods covered the ridges and valleys along California's north coast, including the inlands around Humboldt Bay. At first, some of these trees provided lumber for gold miner's sluice boxes, tail races, and shacks. However, as the gold literally panned out and the miners turned to agriculture and similar industries, lumber was needed to construct the homes, businesses, and infrastructure needed for the new settlements of the region to grow. Lumber from the region was also used for shipbuilding on Humboldt Bay.

Arcata's first sawmill was the Union Mill, built in 1853. Other early mills included the Janes Creek Mill, located north of Arcata in 1869, the Dolly Varden mill built in 1872, and the Jolly Giant Mill at the northern edge of Arcata, built in 1875. In the 1870s, trees logged above Arcata were transported down Campbell Creek on skids still visible in the creek bed today. By the end of the Great Depression in 1939, only four lumber companies had been able to remain in business. Known as the "Big Four," these companies were Dolbeer and Carson, Pacific Lumber, Hammond Lumber, and Holmes-Eureka. In Arcata, the California Barrel Company, which was founded in 1902, was also able to survive and became the major local employer after World War II.

The post-World War II housing boom multiplied the number of lumber mills in Arcata and the region. As early as February 1947, Arcata reported over 30 lumber operations; by 1956, there were over 50 lumber mills. In 1953, lumber milled from local timber sources resulted in a total of 28,371 railcar loads and thousands of truckloads from the Arcata area alone; the city's slogan was "the lumber capital of the world" in 1965. In time, though, the "lumber capital" saw its domain shrink. Today, less than a handful of mills still operate in the Arcata area, most being located along West End Road north of the city limits.

The Arcata Manufacturing Company was established by Elmer Spaulding in 1947, where the Craftsman's Mall sits today. The plant processed sugar pine, Douglas fir, and white fir, milled into "sellable" ready-to-use lumber products. Waste from processing was burned on-site in large metal cylindrical structure called a teepee burner. This burner was located on west edge of the mill property. Larger burners could be up to ninety feet high and ninety feet in diameter. In 1957, Spaulding sold the plant to the Van Vleet Products Company. By 1964, Van Vleet faced significant financial problems and the plant was put up for auction. In 1965 the majority of the plant was demolished. All that remains today is one warehouse located on the northeastern edge of the property.

### Railroads

The first railroad in California was built in Arcata as a means to provide passage and goods for the Trinity River Gold Rush miners and the burgeoning settlements at and near Arcata. On December 15, 1854, the Union Plank Walk, Rail Track and Wharf Company was incorporated, and the railroad became operational in 1855. In 1858, the railroad built a warehouse in Arcata, now known as Jacoby's Building, which is recognized as California Historic Landmark No. 783. In 1881, the company became the Arcata & Mad River Railroad, providing service from the north end of Humboldt Bay to the north fork of Mad River. The railroad remained in service for over 130 years transporting goods, timber, lumber, and people throughout the region until 1985 when truck transport was considered more economical.

An early railroad adjacent to the project site was the Eureka and Klamath River Railroad in 1896. In 1907, this line was absorbed into the Northwestern Pacific Railroad Company (NWPRR); creation of the NWPRR allowed the Santa Fe Railway and Southern Pacific Railroad to consolidate their competing northwestern California lines. Eventually, the NWPRR was connected to the San Francisco Bay Area via a main line which ran north from Marin County. Tracks of the NWPRR are located adjacent to the project site along the east margin of St. Louis Road. A spur ran from the NWPRR tracks to the Arcata Manufacturing Plant to transport cut lumber to and from the mill and was likely associated with the three warehouses on the south side of the mill property. This spur is no longer present, having been paved over and graded flat. After many years of struggle, the Federal Railroad Administration closed the entire NWPRR line in 1998, although the North Coast Railroad Authority retains control of the right of way.

## RECORDS SEARCHES, SURVEYS, AND CONSULTATION

On February 25, 2022, a records search for the project site and a one-half-mile radius was conducted at the Northwest Information Center (NWIC), at California State University, Sonoma (File No. 21-1182). The following information was reviewed:

- ▶ site records of previously recorded cultural resources,
- ▶ previous cultural studies,
- ▶ NRHP and CRHR listings,
- ▶ the California Historic Resources Inventory
- ▶ Built Environment Resource Directory for Placer County
- ▶ Historical Maps (USGS Topographic and GLO Plat maps)
- ▶ Caltrans Historic Bridge Inventory

The records search identified three previously recorded historic-age buildings within the project site and six within a one-half-mile radius. The NWIC record search indicated that no archaeological sites have been previously recorded within the project site or the one-half mile radius. The search also found that one previous investigation encompassed the entirety of the project site and another encompasses approximately 95 percent of the project site; two additional studies included less than 5 percent of the project site. An additional 15 investigations have occurred within one-half mile of the project site.

The three previously recorded historic-age buildings within the project site were surveyed and evaluated by William Rich and Associates in 2016 in conjunction with the prior project proposed on the project site. Rich's investigation covered 95 percent of the Craftsman's Mall property, which includes APNs 503-372-003, 503-372-004, 503-372-005, 503-372-006, 505-022-011, and 505-022-012. These buildings include two warehouses constructed between 1948 and 1958 originally associated with Arcata Manufacturing Company and a residential home built after 1941 along St. Louis Road. All three of the buildings were determined not to be eligible for listing in the NRHP or CRHR. The warehouses lacked historical significance (under Criteria A/1 and B/2) and had lost integrity. The residence lacked architectural merit (under Criterion C/3) and had also lost integrity. Therefore, these buildings are not considered resources under CEQA.

### Archaeological Sites

An intensive level archaeological survey of the project site was conducted on February 17, 2022. Parallel transects measuring approximately 15 meters apart were used within the project site as much as structures, vegetation, and topography allowed. All open areas where the ground was visible were examined. Special attention was given to bare patches of ground, exposed soils, rodent burrows, and dirt piles. No historic-era archaeological or precontact archaeological sites were observed.

### Historic Features

An intensive level architectural survey was conducted on July 9, 2022. Four built-environment structures were recorded. NRHP and CRHR criteria were used to evaluate the significance of the historic features. The NRHP criteria

for eligibility are codified in 36 CFR Part 60 and explained in guidelines published by the Keeper of the NRHP. The NRHP and CRHR are discussed in more detail above in Section 3.3.1, "Regulatory Setting." Eligibility for listing on the NRHP and the CRHR rests on twin factors of significance and integrity. A resource must have both significance and integrity to be considered eligible. Loss of integrity, if sufficiently great, will become more important than the historical significance a resource may possess and render it ineligible. Likewise, a resource can have complete integrity, but if it lacks significance, it must also be considered ineligible.

#### **Arcata-1**

This feature is a residence located at 2911 St. Louis Road. The two-story building features a flat roof and is clad in vertical wood siding. The building does not appear to be eligible for listing in the NRHP or the CRHR as it is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4). Additionally, it would not qualify as an Arcata Historical Landmark.

#### **Arcata-2**

This feature is a residence located at 2915 St. Louis Road. The single-story building features a steep pitched cascading gabled roof. The building is clad in horizontal wood siding and was constructed in the early 1940s. The building does not appear to be eligible for listing in the NRHP or the CRHR as it is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4). Additionally, it would not qualify as an Arcata Historical Landmark.

#### **Arcata-3**

This feature is a residence located at 2925 St. Louis Road. The two-story building has a jerkinhead gabled roof, with an attached, flat-roof, single-story garage. The building is clad in horizontal wood siding and was constructed in the early 1940s. The building does not appear to be eligible for listing in the NRHP or the CRHR as it is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4). Additionally, it would not qualify as an Arcata Historical Landmark.

#### **Arcata-4**

This feature consists of a corrugated metal shed that is associated with the lumber yard across St. Louis Road. The structure does not appear to be eligible for listing in the NRHP or the CRHR as it is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4). Additionally, it would not qualify as an Arcata Historical Landmark.

## **Tribal Cultural Resources**

### **Sacred Lands File Search**

Ascent requested a search of the Sacred Lands File from the NAHC on January 24, 2022. Negative results were returned on April 4, 2022.

### **Native American Consultation**

Pursuant to AB 52, and consistent with Cal Poly Humboldt's tribal notification list, the University mailed notification letters to these tribal representatives on February 25, 2022:

- ▶ Chairperson Claudia Brundin, Blue Lake Rancheria

- ▶ Ted Hernandez, Cultural Director, Wiyot Tribe
- ▶ Melanie McCavour, THPO Director, Bear River Band of Rohnerville Rancheria

Two tribes responded to the AB 52 notification letters. The Bear River Band responded on March 7, 2022, stating that a cultural resources report was previously prepared for the project site, and they were satisfied with the findings and recommendations of that document (Rich 2016). Blue Lake Rancheria responded on March 9, 2022, stating that they had no records of any previously documented tribal cultural resources in the project site, but did request to be notified if any indigenous resources were later identified. Blue Lake Rancheria requested to review the cultural resources report.

### 3.3.3 Environmental Impacts and Mitigation Measures

#### METHODOLOGY

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the *Cultural Resources Survey and Assessment Report for the Cal Poly Humboldt Student Housing Project* (Ascent 2022). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

PRC Section 21083.2(g) defines a “unique archaeological resource” as 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 one or more of the following CRHR-related criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a resource that is not unique is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

#### THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would normally result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

## ISSUES NOT DISCUSSED FURTHER

### Historic Resources

As described above, no historic resources were identified on the project site. Historic features Arcata-1 through Arcata-4 were evaluated and not recommended eligible for listing in the CRHR or NRHP, or as Arcata Historical Landmarks. As a result, they would not be considered significant for the purposes of CEQA. Therefore, project construction and operation would have no significant impacts on historical resources. This issue is not analyzed further.

## ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

### Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource

Results of the records search and pedestrian survey did not result in the identification of archaeological resources within the project site. However, project-related ground-disturbing activities, including off-site roadway and utility improvements, could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5 or PRC Section 21083.2(g). This would be a **potentially significant** impact.

The NWIC records search revealed that no prehistoric or historic-period archaeological sites have been previously documented within the project site or within a one-half-mile radius. The pedestrian survey found no anthropogenic soils (i.e., midden), above ground features, or concentrations of shell, bone, or lithic materials that would have indicated the presence of a pre-contact indigenous archaeological deposit. Additionally, no unique archaeological resources as defined in PRC Section 21083.2(g) or archaeological resources as defined in State CEQA Guidelines Section 15064.5 were identified during the survey.

Nonetheless, project construction could encounter previously undiscovered or unrecorded archaeological sites and materials during preconstruction or construction-related ground disturbing activities. These activities could damage or destroy previously undiscovered unique archaeological resources. This would be a **potentially significant** impact.

### Mitigation Measures

#### Mitigation Measure 3.3-1: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

Prior to the start of any ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who may have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program shall include, at a minimum:

- ▶ types of cultural resources expected in the project area;
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, Cal Poly Humboldt shall contact the appropriate California Native American tribes. A tribal representative from a California Native American tribe that is traditionally and culturally affiliated with the project area may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, and Cal Poly Humboldt shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures may include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts on archaeological and tribal sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). No work at the discovery location (i.e., within 100 feet of the discovered resource[s] unless a lesser buffer distance is determined appropriate by a qualified professional archaeologist) shall resume until necessary investigation, evaluation, and protection of the resource has been conducted.

#### Significance after Mitigation

Implementation of Mitigation Measure 3.3-1 would reduce impacts associated with archaeological resources to a **less-than-significant** level because it would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources.

#### **Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource**

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Tribal consultation under AB 52 has not resulted in the identification of tribal cultural resources on the project site. However, excavation activities associated with project construction may disturb or destroy previously undiscovered significant subsurface tribal cultural resources. Impacts would be **potentially significant**.

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Neither the NAHC Sacred Land File search nor the NWIC record search indicated the presence of indigenous sites within the project site or within a one-half-mile radius. As detailed above, the Cal Poly Humboldt sent AB 52 notification letters to three tribal representatives. Consultation with the responding tribes has not resulted in the identification of any tribal cultural resources as defined by PRC Section 21074.

Ground-disturbing activities during project construction could uncover previously unknown tribal cultural resources. These activities could damage or destroy tribal cultural resources. This is a **potentially significant** impact.

### **Mitigation Measures**

#### **Mitigation Measure 3.3-2: Implement Mitigation Measure 3.3-1**

#### Significance after Mitigation

Implementation of Mitigation Measure 3.3-2 would reduce impacts associated with tribal cultural resources to a **less than significant** level by requiring appropriate treatment and proper care of significant tribal cultural resources, in accordance with the wishes of the geographically and culturally affiliated tribe, in the case of a discovery.

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### Impact 3.3-3: Disturb Human Remains

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Based on documentary research, no evidence suggests that any prehistoric or historic-period marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would make this impact **less than significant**.

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Based on documentary research, no evidence suggests that any prehistoric or historic-period marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

#### Mitigation Measures

No mitigation is required for this impact.