

## 4.5 CULTURAL RESOURCES

### 4.5.1 Impact Criteria and Methodology

#### *National Historic Preservation Act*

Section 106 of the NHPA requires federal agencies to consider the effects of their actions on properties listed on or eligible for listing on the NRHP. Section 106 and its implementing regulations state that an undertaking has an effect on a historic property (i.e., NRHP-eligible resource) when that undertaking may alter those characteristics of the property that qualify it for inclusion on the NRHP. An undertaking is considered to have an adverse effect on a historic property when it diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects include, but are not limited to, the following:

- Physical destruction, damage, or alteration of all or part of the property;
- Isolation of the property or alteration of the character of the property's setting when that character contributes to the property's qualifications for the NRHP;
- Introduction of visual, audible, or atmospheric elements that are out of character with the property or changes that may alter its setting;
- Neglect of a property, resulting in its deterioration or destruction; and
- Transfer, lease, or sale of a property without adequate provisions to protect its historic integrity.

Native American sites (whether they are considered NRHP-eligible or not) may also be protected under the American Indian Religious Freedom Act of 1978 and the Native American Graves Protection and Repatriation Act of 1990.

An action that may alter any characteristic of a resource that contributes to its importance to Native Americans would be considered to have a significant effect on that resource. The significance of an effect to a Native American resource is determined based on the importance of the resource to Native American groups and the type of effect the project will have. These effects may include changes to the resource itself or to its setting.

#### *Marin County CEQA Criteria*

The significance of impacts to historical and archaeological resources is generally determined by whether federally or state-listed resources are affected by the project. Impacts are determined by asking the following questions:

- Does the project disrupt or adversely affect a prehistoric or archaeological site, or a property of historic or cultural significance to a community or ethnic or social group, or a paleontological site, except as part of a scientific study?

- Does the project affect a local landmark of local cultural or historical importance?

CEQA requires state agencies to consider the effects of their actions on historic resources (including archaeological sites), as described in the CEQA guidelines (Section 15064.5). The CEQA guidelines state that a project may have a significant effect on the environment when it causes a substantial adverse change to the significance of a historic resource. This substantial adverse effect is defined similarly to the adverse effects identified under the NHPA above, namely physical demolition, destruction, relocation, or alteration, such that the resource would no longer be considered eligible for the California or local historic register (Section 15064.5).

Marin County has made it unlawful to disturb in any fashion any Indian midden without a permit issued by the Department of Public Works (Marin County Code Ord. 1589 § 2,1967). Conditions for permits to be issued include, but are not limited to, a 60-day period to permit archaeological investigation and proper identification, classification, and analysis of recovered artifacts (Ord. 1825 § 2,1971).

#### 4.5.2 Riparian Alternative

##### *Significant but Mitigable Impacts*

###### Impact 4.5.1: Damage to Undiscovered Cultural Resources

Impacts to cultural resources under this alternative could result from construction operations. Under this alternative, impacts could include the possible destruction of both previously recorded and undiscovered archaeological sites or sensitive Native American sites. Dredging operations that disturb strata below the 50-year-old silt deposition level and land-based excavation of upland sites could encounter archaeological sites.

Archaeological sites have been recorded along the shore of the Main Channel and under the fill of Highway 1, and evidence indicates there may be undocumented sites beneath accumulated deposits on the shore of the lagoon.

In Bolinas Bay, anchoring the barges and dragging the disposal pipeline along the bay bottom may disturb or destroy unrecorded submerged cultural resources, such as shipwrecks. These impacts could be mitigated by implementing the mitigation measures detailed below.

*Mitigation 4.5.1:* In areas where dredging or fill removal could dig below the 50-year silt accumulation or modern fill, the removed material should be monitored by a qualified archaeologist. The archaeologist would have the authority to stop work, record the material, and determine potential significance.

Native Americans should be consulted before any ground-disturbing activities begin to determine if sensitive resources could be affected, and monitoring for Native American artifacts should coincide with dredging of areas identified as sensitive.

Any areas within Bolinas Bay that could be affected either by either barge anchoring or disposal pipeline dragging should be surveyed for cultural resources. If resources are discovered, a plan would be developed to avoid and protect them.

**4.5.3 Estuarine Alternative**

For cultural and Native American resources, the impacts and mitigation measures described for the Riparian Alternative are the same as those for the Estuarine Alternative.

**4.5.4 No Action**

Under the No Action Alternative, any cultural resources would continue to be preserved under the tidal silt, within the Pine Gulch Creek Delta, beneath Kent Island, and under road fill along Highway 1.

***Less than Significant Impacts***

Previously recorded archaeological sites and undiscovered sites that may be covered by additional sand and silt would be buried further and would remain undisturbed.