

## 5.9 CULTURAL RESOURCES

### 5.9.1 Significance Criteria

#### *5.9.1.1 Federal and State Evaluation Criteria*

The criteria for eligibility for the California Register of Historic Resources (CRHR) are very similar to those that qualify a property for the National Register of Historic Properties (NRHP), which is the significance assessment tool used under the National Historic Preservation Act (NHPA). The criteria of the NRHP apply when a project has federal involvement. The development and adaptation of a ferry expansion plan by the WTA falls under the California Environmental Quality Act (CEQA). Federal cultural resources significance criteria would apply when resources or project actions fall under the jurisdiction of a federal agency. This could apply when actions:

- Occur inside the Monterey Bay National Marine Sanctuary or Gulf of the Farallones National Marine Sanctuary;
- Occur on the outer continental shelf (i.e., deep water dredge disposal sites);
- Require a U.S. Army Corps of Engineers (USACE) 404 permit;
- Occur on lands administered by the U.S. Navy, U.S. Coast Guard (USCG) (other federal agency); or
- Require nation-to-nation consultation between a federally recognized Native American tribe or individual and the federal government.

A property that is eligible for the NRHP is also eligible to the CRHR. All potential impacts to significant resources under a federal agency must be assessed and addressed under the procedures of Section 106 of the NHPA, set forth at 36 CFR 800. All resources encountered when implementing a specific ferry expansion project, with the exception of isolate artifacts and isolate features that appear to lack integrity or data potential, will have to be evaluated for significance vis-à-vis Section 106.

#### Federal Significance Criteria

The four evaluation criteria to determine a resource's eligibility to the NRHP, in accordance with the regulations outlined in 36 CFR 800, are identified at 36 CFR 60.4. These evaluation criteria, listed below, are used to help determine what properties should be considered for protection from destruction or impairment resulting from project-related activities (36 CFR 60.2).

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- Resources that are associated with events that have made a significant contribution to the broad patterns of our history; or
- Resources that are associated with the lives of persons significant in our past; or

- Resources 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
- Resources that have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

### State Significance Criteria

In considering impact significance under CEQA, the significance of the resource itself must first be determined. At the state level, consideration of significance as an “important archaeological resource” is measured by cultural resource provisions considered under CEQA Sections 15064.5 and 15126.4, and the draft criteria regarding resource eligibility to the CRHR.

Generally under CEQA, a historical resource (these include built-environment historic and prehistoric archaeological resources) is considered significant if it meets the criteria for listing on the CRHR. These criteria are set forth in CEQA Section 15064.5 and defined as any resource that:

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

Section 15064.5 of CEQA also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed under PRC Section 5097.98.

Impacts to “unique archaeological resources” and “unique paleontological resources” are also considered under CEQA, as described under PRC Section 21083.2. A unique archaeological resource implies 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 of the following criteria:

- The archaeological artifact, object, or site contains information needed to answer important scientific questions, and there is a demonstrable public interest in that information; or
- The archaeological artifact, object, or site has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- The archaeological artifact, object, or site is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource indicates an archaeological artifact, object, or site that does not meet the above criteria. Impacts to non-unique archaeological resources and resources which do not qualify for listing on the CRHR receive no further consideration under CEQA.

Under CEQA Section 15064.5, a project potentially would have significant impacts if it caused substantial adverse change in the significance of one of the following:

- A historical resource (i.e., a cultural resource eligible for the CRHR);
- An archaeological resource (defined as a unique archaeological resource which does not meet CRHR criteria);
- A unique paleontological resource or unique geologic feature (i.e., where the project would directly or indirectly destroy a site or resources);
- Human remains (i.e., where the project would disturb or destroy burials).

A non-unique archaeological or paleontological resource is given no further consideration, other than the simple recording of its existence by the lead agency.

### 5.9.2 Impacts and Mitigation

As previously noted, the proposed project actions are primarily located in onshore, Bay shoreline, and offshore environments. As detailed in Appendix CUL-A, cultural resources have been recorded in these settings or have the potential to be located in these geographic locations.

As specific projects move forward for evaluation, detailed record searches, archival reviews, field reconnaissance, and consultation with Native American groups/individuals and local historical societies will be conducted, as appropriate. These tasks, in conjunction with related research and consultations, will further establish the cultural resources data baseline and facilitate assessments of potential impacts to significant cultural resources. It will be the responsibility of the project proponent to direct these activities in a manner consistent with Section 106 and CEQA guidelines, as applicable.

#### 5.9.2.1 Construction and Operation (Dredging)

***Impact CUL-1* Dredging of new channels, maintenance dredging, dredging for pier retrofit or installation, or dredging/related activities for buoy placement could impact submerged and sub-bottom cultural resources in San Francisco Bay.**

Submerged and sub-bottom resources are known within the San Francisco Bay and California coastal submarine environments. Prehistoric resources, such as submerged shellmounds, settlement sites, ceremonial artifacts, and possibly watercraft, are known to exist in these settings. Known historic resources in these environs could include maritime vessels, wharf or pier remnants, shrimp farm remnants, refuse dumps, ammunition dumps, airplane fuselages, and materials related to these or other historical activities. Previously unknown resources could also be encountered.

#### Summary of Impact CUL-1

- Alternatives 1 and 2 involve expansion of ferry service to new terminals. If all routes that are considered in those alternatives were implemented, considerable dredging would be required, for both channels and ancillary project components. The chances of encountering and adversely disturbing buried sites could inadvertently destroy the cultural value of the

resource. Other dredging and construction activities are already underway, or will occur, within the San Francisco Bay environs, such as construction of the east span of the Bay Bridge and construction related to the runway reconfiguration at San Francisco International Airport. These project actions, combined with dredging and related constructions for new ferry terminals, could have potentially significant impacts to cultural resources if they are eligible for, or listed on, either the NRHP/CRHR, or resources that qualify as a “unique archaeological resource” under CEQA. This is a potentially significant impact.

- Alternative 3 would not require dredging of new ferry channels. This alternative would use existing channels that are already maintained. However, Alternative 3 might require minor dredging near the existing ferry terminal to retrofit, expand, or otherwise improve a facility. The resulting impacts could be cumulative and potentially significant for cultural resources eligible for, or listed on, either the NRHP/CRHR, or resources that qualify as a “unique archaeological resource” under CEQA.
- Alternative 4 would not require dredging of new ferry channels. This alternative would utilize existing channels that are already maintained. No impacts are anticipated under the alternative.

**Mitigation CUL-1.1:** To avoid or mitigate impacts to cultural resources, they must be evaluated against the federal and state significant criteria previously described. Prior to project construction, a focused literature search should be conducted to identify any known resources for sites that cannot be adequately characterized by existing literature or available site history information, marine archaeological surveys may be necessary to detect any previously unknown submerged or sub-bottom resources. Depending on the proposed project undertaking and the geographic or bathymetric setting, appropriate remote sensing field survey could include deployment of a side scan sonar, sub-bottom profiler, and magnetometer to help detect these resources. Follow-up diver survey, high-resolution sidescan sonar, sub-bottom profiler, magnetometer survey, or Remote Operated Vehicle (ROV) investigations might be required to positively identify the targets.

If resources are detected, they should be identified and evaluated against the NRHP/CRHR significance criteria, and as a “unique archaeological resource” under CEQA. If the resources are not eligible for—or already on—the NRHP/CRHR and do not qualify as a “unique archaeological resource” under CEQA, then no further consideration of these resources is required. If the resources are eligible for—or currently on—the NRHP/CRHR or qualify as a “unique archaeological resource” under CEQA, then impacts would occur to those resources. If a resource is found significant, then the resource will be avoided through alterations in project design, when feasible.

Under CEQA, preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place for archaeological resources may be accomplished by, but not necessarily limited to, a suite of approaches such as:

- Planning construction activities to avoid archaeological sites;
- Incorporation of sites within parks or other open spaces;
- Covering the site with a layer of chemically stable soil before building facilities on top of the archaeological site;

- Deeding the site into a permanent conservation easement.

In the event that avoidance of cultural resources is not possible via project design modifications, appropriate mitigation, which could include a record of the wharf, pier, building or structure in a Historic American Building Survey/Historic American Engineering Record (HABS/HAER) at a level compatible with National Park Service standards. Adequate recordation of a built environment resource would include the following:

- The development of site-specific history and appropriate contextual information regarding the particular resource, in addition to archival research and comparative studies;
- Accurate mapping of the noted resources, scaled to indicated size and proportion of the structures;
- Architectural descriptions of the structures;
- Photo documentation of designated resources;
- Recordation utilizing measured architectural drawings.

Mitigation of a built environment resource may also take place in the form of preservation or reuse of a wharf, pier, building or structure. It should be anticipated that the preservation and/or reuse of an eligible structure would include abiding by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. If the building is considered a historic resource under CEQA, the local building inspector must grant code alternatives under the State Historic Building Code.

In some cases, HABS/HAER documentation might not provide an adequate mitigation measure to reduce impacts to a less-than-significant level and might not be an appropriate mitigation measure for some resources. Mitigation should capture the history of a resource and share it with the public so that the public can continue to feel a connection with common heritage. If the pier/building/structure cannot physically be retained, then it is incumbent on the lead agency to pursue ways that the memory of the resource is retained and made easily available. To this end, educational resources such as web media, static displays, interpretive signs, use of on-site volunteer docents, or informational brochures can supplement HABS/HAER. Often, it might be possible to incorporate the resource into the project as one means of resource mitigation.

The lead CEQA agency will be responsible for coordinating all necessary mitigation measures. This might include coordination with a lead federal agency, where federal permitting, land ownership, or other federal-level issues prevail over a specific project action.

**Mitigation CUL-1.2:** In the event that avoidance of cultural resources is not possible via project design modifications, appropriate mitigation, which could include further recordation and/or data recovery, in accordance with Section 106 of the NHPA, will be conducted.

Under CEQA, preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place may be accomplished by, but not necessarily limited to:

- Planning construction activities to avoid archaeological sites
- Incorporation of sites within parks or other open spaces

- Covering the archaeological site with a layer of chemically stable soil before building facilities on top of the site
- Deeding the site into a permanent conservation easement

For built environment resources, mitigation may take place in the form of preservation or reuse of a wharf, pier, building, or structure. It should be anticipated that the preservation and/or reuse of an eligible structure would include abiding by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. If the building is considered a historic resource under CEQA, the local building inspector must grant code alternatives under the State Historic Building Code.

In some cases, HABS/HAER documentation might not provide an adequate mitigation measure to reduce impacts to a less-than-significant level and might not be an appropriate mitigation measure for some resources. Mitigation should capture the history of a resource and share it with the public so that the public can continue to feel a connection with common heritage. If the building/structure cannot physically be retained, then it is incumbent on the lead agency to pursue ways that the memory of the resource is retained and made easily available. To this end, educational resources such as web media, static displays, interpretive signs, use of on-site volunteer docents, or informational brochures can supplement HABS/HAER. Often, it might be possible to incorporate the resource into the project as one means of resource mitigation.

As the lead CEQA agency, the WTA will be responsible for coordinating all necessary mitigation measures. This might include coordination with a lead federal agency, where federal permitting, land ownership, or other federal-level issues prevail over a specific project action.

**Impact After Mitigation:** According to CEQA Section 15126.4(b)(1), in certain cases with built environment resources, the mitigation steps outlined in CUL 1.1 and CUL 1.2 might not reduce the impacts on a resource to less than significant. In some circumstances, documentation of a historical resource by way of historic narrative, photographs, or architectural drawings—as mitigation for demolition of the resource—might not mitigate the effects to a point where no significant effect on the environment would occur. In these cases, there could be potentially significant impacts to the resource after mitigation.

***Impact CUL-2*    Deposition of dredge spoils for upland reuse or wetland restoration could impact submerged or terrestrial cultural resources.**

Dredging would result in spoils that would have to be deposited in various locations. Only finer-grained materials (Bay Mud and sand) are suitable for aquatic disposal or upland reuse. Rock, coarse gravel, or materials such as concrete, steel, and other construction debris found in the submarine environment are not suitable for aquatic disposal/upland wetland reuse and must be taken to appropriate locations for disposal or recycling. Depending on volume and suitability of dredged materials, dredging projects may consider a range of options including in-Bay disposal, ocean disposal, upland reuse, wetland restoration, upland landfill disposal, and reuse as fill material for construction projects. It is assumed that deep-ocean disposal would be done at a previously designated disposal site, in-Bay disposal would not be allowed for new dredging projects, and upland disposal would be done at an existing landfill. Therefore, only upland reuse or wetland restoration activities could impact terrestrial and marine cultural resources.

### Summary of Impact CUL-2

The impact for CUL-2 is the same as for CUL-1.

**Mitigation CUL-2.1:** The mitigation for CUL-2.1 is the same as for CUL-1.1.

**Mitigation CUL-2.2:** The mitigation for CUL-2.2 is the same as for CUL-1.2.

**Impact After Mitigation:** Impact CUL-2 would be less than significant after implementation of Mitigations CUL-2.1 or 2.2.

***Impact CUL-3*** **Project actions such as retrofitting, expansion, or improvement on existing facilities, or construction of new facilities, could impact terrestrial historic and prehistoric cultural resources and historic built environment resources.**

On-shore project constructions could include expansion of existing ferry terminals or construction of new facilities. Some of these existing structures, or components thereof, are more than 50 years in age. Project actions have the potential to impact historic built environment structures and districts (including historic terminal structures), and prehistoric and historic (nonbuilt) archaeological sites.

### Summary of Impact CUL-3

The impact for CUL-3 is the same as for CUL-1.

**Mitigation CUL-3.1:** The mitigation for CUL-3.1 is the same as for CUL-1.1.

**Mitigation CUL-3.2:** The mitigation for CUL-3.2 is the same as for CUL-1.2.

**Impact After Mitigation:** Impact CUL-3 would be less than significant after implementation of Mitigations CUL-3.1 or 3.2.

***Impact CUL-4*** **Project actions such as construction and related activities could impact previously unknown resources.**

During project construction and related activities, the potential always exists to encounter previously unknown cultural resources. This would include prehistoric and historic submarine and terrestrial resources.

### Summary of Impact CUL-4

- Alternatives 1 and 2 would require construction in numerous areas. These alternatives could have the potential to significantly impact previously unknown resources during construction.
- Alternative 3 could require expansion and retrofitting of existing ferry terminals. This alternative is unlikely to impact previously unknown resources during construction. Therefore, impacts are considered less than significant.
- Alternative 4 would not require expansion of new ferry terminals. No impacts are anticipated under the alternative.

**Mitigation CUL-4.1:** Same as CUL-1.1. As the lead CEQA agency, the WTA will be responsible for coordinating all necessary mitigation measures. This might include coordination with a lead federal agency, where federal permitting, land ownership, or other federal-level issues prevail over a specific project action.

**Impact after Mitigation:** Impact CUL-4 would be less than significant after implementation of Mitigation CUL-4.1.