



# SAN FRANCISCO PLANNING DEPARTMENT

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December 18, 2018

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Associate Governmental Project Analyst  
State of California Native American Heritage Commission  
Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691

Subject: 0 The Embarcadero \ Pier 22½ Fire Boat Facility Project (Planning Case No. 2012.0893ENV)

Dear Dr. Totten,

This letter is in response to the following concerns raised in your letter of November 14, 2018 regarding the 0 The Embarcadero \ Pier 22½ Fire Boat Facility project (State Clearinghouse No. 2018102071):

1. There is no Tribal Cultural Resources section or subsection in the Initial Study/ Environmental Checklist as per California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Questions of significance are not addressed under Cultural Resources.
2. There is no documentation of government-to-government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.
3. Mitigation for inadvertent finds of Archaeological Resources, Cultural Resources, Tribal Cultural Resources, or Human Remains is missing or incomplete. Standard mitigation measures should be included in the document. Please refer to Health and Safety Code § 7050.5 and Public Resources Code § 5097.98 for the process for inadvertent finds of human remains. Sample mitigation measures for Tribal Cultural Resources can be found in the CEQA guidelines at [http://opr.ca.gov/docs/Revised\\_AB\\_52\\_Technical\\_Advisory\\_March\\_2017.pdf](http://opr.ca.gov/docs/Revised_AB_52_Technical_Advisory_March_2017.pdf)

Regarding Concern 1, Tribal Cultural Resources are specifically addressed in section E.4 Cultural Resources. Consistent with the direction provided by the Revised AB 52 Technical Advisory (referenced with the link in Concern 1), subsection E.4(d) asks: would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074? Based on discussions with local Native American tribal representatives, in San Francisco, the primary tribal cultural resource expected within city limits are prehistoric archeological resources. As discussed with local Native American tribal representatives if no consultation is requested potential prehistoric archeological resources are presumed to be tribal cultural resources. Therefore, the analysis of potential impacts to tribal cultural resources is found under Impact CR-2. As stated in the analysis on pages 39 to 40, the Preliminary Archeological Review prepared for the proposed project found a "slight potential for deeply buried prehistoric

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December 18, 2018

0 The Embarcadero \ Pier 22½ Fire Boat Facility Project

Page 2

archeological deposits to be present offshore,” further noting that even if such deposits were present within the project footprint, “any project disturbance would be unlikely to be significant because any such resource would lie beneath modern bay sediments; and because the areas of disturbance associated with pile driving would be small and dispersed.” The analysis goes on to state: “There are no known or suspected prehistoric or historic archaeological resources in the vicinity of the location of the onshore pilings, and the potential for significant impacts to undiscovered resources is slight, for the same reasons given for offshore pile driving above. For the same reasons, the potential for a Tribal Cultural Resource to be present at the project site also is slight.” Therefore, the question of the proposed project resulting in a significant impact to tribal cultural resources has been addressed.

Regarding Concern 2, documentation of government-to-government consultation by the lead agency with Native American tribes traditionally and culturally affiliated to the project area is provided by footnote 52 on page 40, which states:

As defined in CEQA section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, on the national, state, or local register of historical resources. On September 9, 2017, the Planning Department contacted Native American individuals and organizations for the San Francisco area, providing a description of the project and requesting comments on the identification, presence, and significance of tribal cultural resources in the project vicinity. During the 30-day comment period, no Native American tribal representatives contacted the Planning Department to request consultation.

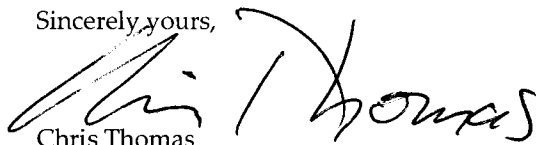
The letter sent by the Planning Department to Native American individuals and organizations in the San Francisco area is included in the administrative record for the proposed project and available for public review at the Planning Department, 1650 Mission Street, San Francisco, Monday through Friday, 8 am to 4 pm. To make clear to the reader that documentation of government-to-government consultation by the lead agency under AB-52 has been conducted, the text in footnote 52 has been placed in the main body of the document on page 39, as indicated by double underline.

Regarding Concern 3, for the reasons noted in the discussion for Concern 1 (slight potential for buried archeological resources, including tribal cultural resources, and small dispersed areas of subsurface disturbance), the potential for the proposed project to have an impact upon archeological resources, tribal cultural resources, and human remains was determined to be less than significant. Therefore, the Department’s standard accidental discovery mitigation for potential impacts to tribal cultural resources is not required.

December 18, 2018  
0 The Embarcadero \ Pier 22½ Fire Boat Facility Project  
Page 3

Thank you for your comments and interest in the 0 The Embarcadero \ Pier 22½ Fire Boat Facility project.

Sincerely, yours,

A handwritten signature in black ink that reads "Chris Thomas". The signature is written in a cursive style with a large, stylized initial "C".

Chris Thomas  
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