

**Golden Gate National Recreation Area, Muir Woods National Monument GMP/EIS  
PEPC ProjectID 36513  
Comments from Sue Renaud on behalf of Heritage Preservation Services  
November 15, 2010**

Please capitalize National Register and National Historic Landmark – DSC’s style guide is in error here. National Register is the preferred and widely accepted short-hand for National Register of Historic Places, and National Historic Landmark is the preferred and widely accepted capitalization format. Both are national programs, housed here in WASO, and this follows their usage of these terms. They are no different than Cultural Landscape Inventory or List of Classified Structures, which are routinely capitalized in this document.

**VOLUME I**

**Summary**

**Foundation Statements and Guiding Principles (p. vi-viii)**

Page vi – the title to this section suggests that it summarizes the park’s Foundation for Planning and Management (2006 Management Policies 2.2, 2004 Park Planning Program Standards). However, information in this section includes some but not all of the elements of a Foundation Statement. Missing is information about fundamental and other important resources and values; these should be summarized here so that all important information related to the contents of the GMP/EIS is represented.

**Alternative 1: Connecting People with the Parks**

Page xiv, lines 2-3 – since archaeological resources cannot be “adaptively reused” or rehabilitated (they can be stabilized, preserved, or interpreted; see 2006 Management Policies 5.3.5.1.3), this statement will need a little tweaking for accuracy. It would be important to include ethnographic resources and museum collections in these goal statements. This comment also applies to page 50, lines 2-3, and related text.

Page xvi, lines 26-41 – removal of unneeded roads and structures, improved and increased visitor access, and construction of new facilities will likely have adverse effects on cultural resources. It would be important to mention this here to minimize potential misunderstanding about the effects of proposed actions on cultural resources.

**Alternative 3: Focusing on National Treasures**

Page xxi, lines 33-34 – cultural resources should be protected for more than their interpretive and educational values – the characteristics that make cultural resources significant (and eligible for the National Register, as an NHL, or as valued by a cultural group) should be protected, and it should naturally follow that interpretive and educational values will also be protected. It is important to recognize that interpretive and educational values are not criteria of eligibility for the National Register or NHL designation. Please clarify for accuracy.

Page xxiii, line 28-29 – it would seem relevant, too, that visitors would “ascend...through a historic and cultural landscape of preserved historic structures and features.”

Page xxiv, lines 23-35 – this discussion of potential impacts to cultural resources is incomplete; although this section is a summary, it should represent the range of effects analyzed and conclusions reached. Loss of cultural landscape features is likely a major and permanent adverse effect, not a beneficial effect at all; removal of unneeded roads and structures could have major and permanent adverse effects if these roads and structures are listed or eligible for listing on the National Register and constitute significant features of the historic or cultural landscape; and such demolition and constructions activities will likely have adverse effects on cultural resources. Please clarify.

## **Part 1. Background**

### **Foundation Statements (p.13-24)**

Page 14, 3<sup>rd</sup> paragraph – please include the definition for other important resources and values, as outlined in the 2004 Park Planning Program Standards, and include the identification and analysis of these resources and values in appropriate places in subsequent pages.

Page 16, Recreational and Educational Opportunities – it seems odd that cultural resources are not included in this discussion, when cultural resources as subjects for interpretation and education are mentioned several times in the discussion of the Alternatives. Please clarify.

Page 18 & 19– it would be important to recognize that archaeological resources may be associated with the cultural landscapes and historic structures mentioned here. Please clarify.

Page 22 – Please include ethnographic resources in the fundamental resources and values; archaeological sites alone likely do not convey all cultural values assigned to this place by the Coastal Miwok and Ohlone, who may also value and use natural resources, which then need to be considered as ethnographic resources. It is also important to recognize that archaeological and ethnographic resources of the historic period, as well as the prehistoric (or pre-contact) period, may also have cultural value. Further, it would be important to recognize that there may be sacred sites that should be included as fundamental. Please clarify.

Page 25 and elsewhere in the document – it is important to cite the U.S. Code for the legislation mentioned; the U.S. Code contains the most recent and up-to-date version of the relevant legislation, incorporating any and all amendments. The public law number merely refers to the law as passed by Congress and does not reflect any subsequent amendments. The U.S. Code citation can be found at [www.gpoaccess.gov/uscode/index.html](http://www.gpoaccess.gov/uscode/index.html), where you can search on the public law number (among other information).

### **Planning Issues (p.28-34)**

Pages 30-31, Sustainable Cultural Resource Preservation and Management – It would be critical to address ethnographic resources here, especially in context of the Planning Issue of American Indian Values described on pages 33-34.

### **Relationship...to Other Plans**

Page 41 – please include *Statewide Historic Preservation Plan for California, 2006-2010*, prepared by the California Office of Historic Preservation and accessible on-line at <http://ohp.parks.ca.gov/pages/1069/files/state%20plan-fd.pdf>. This plan is scheduled for revision with a completion date in 2012; the park should be sure to participate in this process. For more information, contact Milford Wayne Donaldson, SHPO, at (916) 445-7050 or [mwdonaldson@parks.ca.gov](mailto:mwdonaldson@parks.ca.gov).

Page 42 – In addition, please examine local comprehensive plans for information about public policy related to historic preservation. Further, if any of the associated American Indian tribes have relevant plans, they should be mentioned.

### **Related Laws and NPS Policies**

Page 43, first paragraph – while it is true that we will comply with all relevant laws, regulations, and policies in managing parks, the issue isn't whether or not we'll comply with law, regulation, and policy – of course we will. But this doesn't mean that we don't need a GMP or other plans to help us decide what that means for a specific park – that's a major purpose of planning. National laws, regulations, and policies are necessarily general for nationwide applicability; more detailed interpretations are needed to apply them in specific situations, and this is best decided during the GMP or other planning process. If the statements in this paragraph were true, then we wouldn't need the GMP. Please revise for clarity.

Page 44 – lines 1-2 state that desired conditions and strategies associated with legal mandates and policies are provided in Appendix C. Since the action alternatives are supposed to be designed to help the park achieve the desired conditions, it would seem important to present that information in the main body of the GMP text, rather than in an appendix. Please clarify.

## **Part 2: Building the Alternatives**

### **Management Zones (p.54-55)**

The need for some cultural resources to be protected and not exposed to visitation and interpretation is not addressed in these management zone descriptions. Please consider how protection of sensitive cultural resources, such as archaeological and ethnographic resources and American Indian sacred sites, can be accomplished in this management zone structure.

Page 54, first paragraph, lines 6-8 – Including “further detailed information” about management zones in a separate document (in a pocket inside the back cover) makes it more difficult to review and understand this draft. It would be preferable to include the necessary and relevant information within the text of the draft.

Page 54, Evolved Cultural Landscape Zone – archaeological resources would be preserved, “while being adaptively reused for contemporary park and partner needs” is not an appropriate statement. As noted above, archaeological sites cannot be rehabilitated or adaptively reused, and to give them prominence in this zone may expose them to greater threat of damage than would be consistent with our resource stewardship obligations. Please revise accordingly.

Page 55, Natural Zone – this management zone title suggests that only natural resources will be the focus of management, which is likely not the case; therefore, please provide a brief statement about the management of cultural resources that exist in this zone.

Page 55, Sensitive Resources Zone – this description ignores cultural resources as sensitive resources worthy of this kind of attention; please provide a brief statement about the management of sensitive cultural resources within this zone (e.g., archaeological sites, ethnographic resources, American Indian sacred sites).

Page 58, Table 1, Cultural Resources row, Historic Immersion Zone column – the appropriate Secretary’s Treatment Standards for properties to “reflect their period of significance” is Restoration; Preservation and Rehabilitation Standards serve different purposes. Please clarify.

### **Part 3: Actions Common to All Alternatives**

Pages 83-84 – proposals to demolish “facilities not directly related to the park mission” will need to comply with Sections 106 and 110 of the NHPA and 35 CFR 800, as stated, including consultation with the SHPO, tribes, local governments, the public, and other interested parties. In addition, decisions to demolish facilities that may be historic properties eligible for or listed on the National Register should be a last resort, and made only after seriously considering alternative treatments and other management/use options, and conducted in accord with Management Policies 5.3.5.4.7. Compliance with Sections 106 and 110 should include thorough documentation of each property and archaeological investigations of the areas to be affected by the demolition.

Pages 90-93, Ocean Stewardship – although submerged cultural resources are mentioned in the introductory paragraphs, there is very little about cultural resources in the goals and strategies. Only one strategy, 2.10 on page 93, mentions shipwrecks and submerged archaeological resources. Submerged cultural resources merit more attention than this, and should be addressed in strategies dealing with survey and inventory, research, protection, management, interpretation, and increasing staff capacity for submerged cultural resource stewardship.

Pages 98-101 – it isn’t clear why this “Redwood Vision” text is here. If it is necessary to include it in the GMP, perhaps an appendix would be a more appropriate location, with references to it in the text.

### **Part 4: Alternatives – GOGA NRA & Alcatraz**

#### **Alternative 1**

Page 171, Fort Miley – in lines 33 & 36, the terms **enhanced** and **enhancing** are used in the context of treatment(s) for historic resources. *Enhance* is not a historic resource treatment term (Secretary’s Treatments are Preservation, Rehabilitation, Restoration, and Reconstruction). Please explain what this term means (here and other places in the text where *enhance* is used).

## **Table 22, Key Impacts**

Page 242, Impacts, Archaeological Resources – cells in the Alternatives columns do not address some significant impacts, and contain incomplete and perhaps inappropriate guidance on mitigation approaches.

First, impacts associated with removal of facilities and structures, reclamation of “disturbed” sites, restoration of natural habitat and processes, construction of trails and facilities, and expansion of and increased visitor access and use are not mentioned as activities that might adversely affect archaeological resources. Please address these impacts.

Second, the statement that “archaeological surveys **or / and/or monitoring** would precede any ground-disturbing activity” suggests that monitoring the resources can occur before ground-disturbing activity, which seems unrealistic and is likely not the intent of this sentence. The statement also suggests that archaeological resources would be monitored during the ground-disturbing activity, either with or without prior archaeological work. Please clarify this statement so it clearly states that archaeological work will be completed before ground-disturbing activity begins, in accord with Sections 106 and 110 of the NHPA, 36 CFR 800, NPS Management Policies, and DO/NPS-28, Cultural Resource Management and Guideline. It also seems unusual for site condition monitoring, a standard archaeological management procedure, not to be mentioned as a strategy for mitigating adverse effects, although it is mentioned under Historic Buildings and Structures for the Action Alternatives. Please clarify.

Third, the statement that appropriate mitigation strategies would be developed in consultation with the SHPO is incomplete; 36 CFR 800 requires consultation not only with the SHPO, but also with American Indian tribes, local governments, the public, and other interested parties. Please revise accordingly.

Page 243, Ethnographic Resources, Historic Buildings and Structures, and Cultural Landscapes – the cells in the Alternatives columns describe no impacts or results of the impact assessments. Instead, they describe survey and preservation work that would be done for these resources. While preservation work on one type of cultural resource, such as historic buildings, can impact other types of cultural resources, such as archaeological sites, neither these nor other impacts are discussed. Please identify impacts from proposed activities in the Alternatives columns.

## **Part 5: Muir Woods**

### **Alternative 3**

Page 266, Diverse Opportunities Zone – it is noted (line 19ff) that the Old Inn may have a future use or may be removed, but it isn't clear if this is a historic property that merits considerations under Sections 106 and 110 of the NHPA and 36 CFR 800. I wasn't able to find mention of it in the Affected Environment section, and this page doesn't provide this information. Please clarify.

Page 267, Muir Woods Addition – lines 37-38 state that “Some historic structures and landscapes...would be preserved.” Please provide a brief statement about how “some” of these resources would be selected for preservation and what would happen to those not selected. Table 22, page 280, notes that the properties associated with Alan Watts at Druid heights would be preserved. The relevance and importance of Alan Watts is unclear; I wasn't able to find discussion of him and properties associated with him in the discussion on Alternative 3 or in the Affected Environment chapter. Please clarify.

Page 279, Table 22, top row, Alternative 3 column – this cell refers to the removal of “non-historic” additions to structure[s] and surroundings. Please clarify what is meant by “non-historic.”

### **Table 23, Key Impacts**

Pages 282-284 – comments made above for page 242, Table 16, are applicable here.

## **Part 7: Implementation Planning and Mitigative Measures**

### **Mitigative Measures**

Page 311, 2<sup>nd</sup> paragraph – it would be important to include reference to the Advisory Council's regulations, 36 CFR 800, as well as the 2008 Programmatic Agreement between NPS, the Advisory Council and the National Conference of SHPOs.

Pages 315-317, Cultural Resources – this text is a little confusing because there is a fair amount of repetition and there are no subheads indicating the cultural resource type being discussed. In addition, some of the text applies to all cultural resources. Please add appropriate subheads for clarification.

Page 315, 7<sup>th</sup> paragraph – in line 28, insert after “as amended,” the following – “36 CFR 800, and the 2008 Programmatic Agreement...” In the sentence on lines 28-32, it would be important to include local governments and the public as consulting parties, in accord with 36 CFR 800.2. In numerous locations in the text mention is made of consultation only with the SHPO and tribes; please revise these incomplete statements for consistency with 36 CFR 800.2.

Page 315, 8<sup>th</sup> paragraph – it would be preferable to provide maximum flexibility in which treatment strategy would be most appropriate depending upon the particular situation; therefore, please conclude the sentence at the end of line 37 (delete all on line 34).

Page 316, lines 5-7 – since there are nine sets of Secretary’s Standards, it would be important to identify which ones are referred to here. In addition, it would be helpful to cite DO 28A, Archeology as guidance for archeological documentation.

Page 316, 2<sup>nd</sup> paragraph – this paragraph should be revised to clearly state that sufficient pre-construction cultural resource inventories would be carried out so that there will be no “previously unknown archaeological resources” discovered during construction. NPS Management Policies and NPS-28 CRM Guideline require the completion of archaeological investigations before construction or demolition begins. In addition, the park is obligated by Section 110 of the National Historic Preservation Act to identify and evaluate all historic and cultural resources on its lands well in advance of actions that may damage those resources; E.O. 13007 may also be applicable. In addition, stopping construction because a “previously unknown archeological resources” were found is not a preferred management strategy. It is not practical or cost-effective to wait until construction uncovers significant resources, and then to halt construction to investigate those resources. Not only does this not comply with the laws, regulations, policies, and guidance noted above, but it can be very costly for construction to sit idle while compliance work is completed. More thorough pre-construction investigations, especially in areas that will be disturbed by construction, should be carried out so it will be rare to discover archaeological resources after construction begins. In the last sentence, please recognize that 36 CFR 800.2 requires consultation with more entities than the SHPO and relevant tribe.

Page 316, 3<sup>rd</sup> paragraph – please recognize that not all ethnographic resources may be associated with tribes.

Page 316, 4<sup>th</sup> paragraph – the cultural resources referred to here are “historic properties” – since this term includes all types of cultural resources, yet the paragraph stands in contrast to the preceding paragraphs on archaeological resources and human remains, it would be important to clarify the subject under discussion. Further, what this paragraph says is applicable to all cultural resources.

Page 316, 5<sup>th</sup> paragraph – please note that demolition of any historic property should be a last resort after all other feasible options have examined. Again, here, please note that 36 CFR 800 requires consultation with more than the SHPO and tribe (this also applies to the first paragraph on page 317).

### **Appendix C: NPS Policies: Desired Conditions and Strategies**

Page 352 – the introductory paragraphs for this appendix offer little explanation for the “NPS Policies” mentioned in the appendix title. Clarification would be important.

Pages 356-358, Cultural Resources – please include desired conditions and strategies for Museum Collections.

Page 356, first paragraph – please note that consultation should not be limited to the SHPO and tribes; 36 CFR 800 also requires consultation with local governments, the public, and other

consulting parties. Please clarify. In addition, please cite compliance with the 2008 Programmatic Agreement.

Page 356 – in the 4<sup>th</sup> bullet, capitalization is inconsistent; please clarify why “cultural landscape inventory” is not capitalized, but List of Classified Structures is.

Page 356-357, Historic Structures – the introductory paragraph states that “Whenever possible, adaptive use of historic structures for park needs is considered before building new infrastructure.” This statement does not appear to be entirely consistent with Section 110(a)(1) of the National Historic Preservation Act, E.O. 13006, and NPS Management Policy 5.3.5.4.7 that require the use, to the maximum extent feasible, historic properties available to the federal agency. Preservation, adaptive re-use, rehabilitation, and/or restoration of historic structures and landscapes need to follow the Secretary of the Interior’s Standards for the Treatment of Historic Properties (on-line at [www.nps.gov/history/hps/tps/standards\\_guidelines.htm](http://www.nps.gov/history/hps/tps/standards_guidelines.htm)). Please revise for clarity. Also, double-check the “Strategies” bullet list for the need to make a similar reference to the Secretary’s Treatment Standards.

Page 357 – the last bullet mentions consulting the park’s Natural Resources Division staff in developing cultural landscape treatment plans; please double-check pages 352-355 to make sure there is a corollary statement for natural landscape management plans (or whatever the appropriate term is).

Page 358, first paragraph – the last sentence seems to suggest that archaeological resources of the historic period are of lesser importance. Please revise to eliminate this possible misunderstanding, such as...”Archaeological resources are associated with pre-contact period American Indian peoples and with post-contact presence of American Indians and peoples who came here from Europe, Africa, Asia, and other parts of the world over the last 500 hundred years.”

Page 358, 2<sup>nd</sup> paragraph – the statement that ethnographic resources “may have attributes that are of great importance to the group but not necessarily associated with the reason the park was established or appropriate as a topic of park interpretation” does not seem consistent with the Foundation significance statements on the Ohlone and Miwok (p. 22). Please revise for clarity.

Page 361, Facilities and Services – the introductory paragraph notes that “Historic structures and properties are adaptively used when practicable and appropriate.” Again, this statement does not appear to be entirely consistent with Section 110(a)(1) of the National Historic Preservation Act, E.O. 13006, and NPS Management Policy 5.3.5.4.7 that require the use, to the maximum extent feasible, historic properties available to the federal agency. Please revise for clarity.

Page 361-362, Accessibility – please note that historic structures may require careful design of accessible features and consultation under Section 106, 36 CFR 800, and the 2008 Programmatic Agreement . In addition, see guidance available from my office – *Making Historic Properties Accessible*, on-line at [www.nps.gov/history/hps/tps/briefs/brief32.htm](http://www.nps.gov/history/hps/tps/briefs/brief32.htm).

## **VOLUME II**

### **Part 8: Affected Environment**

#### **Cultural Resources, GOGA NRA** (p.82-105)

A map showing the locations discussed in this section would be helpful.

The level of detail provided in discussing archaeological resources, ethnographic resources, historic buildings, cultural landscapes, and museum collections is inconsistent. Please provide a similar level of detail in the discussions of the cultural resource types.

Pages 85 and 86 – please summarize information about the cultural resources included in the San Francisco Port of Embarkation National Historic Landmark and the San Francisco Bay Discovery Site National Historic Landmark.

#### **Archeological Resources** (p.89-91)

Page 89, line 30 paragraph – only 10% of the park has been surveyed and the 365 sites identified have not yet been evaluated for significance (assume National Register eligibility, which would be good to say), and additional study and surveys are needed. In addition, it is clearly stated on page 93, lines 4-5, that the “park lacks the baseline information to fully support the management, protection, understanding, and interpretation of archaeological resources.” Please include somewhere relevant a discussion about how this missing and incomplete cultural resource information affects the findings, proposals, and recommendations in the GMP/EIS, in accord with NEPA and DO 12, Section 4.5. In addition, it would be important to note that archaeological resources will likely exist in association with the historic buildings and structures, and cultural landscapes described in subsequent pages, although they may not yet have been identified.

#### **Ethnographic Resources** (p.91-93)

This is a very nice discussion! It is, however, limited to cultural resources associated with Native American tribes. Please state clearly in the introductory paragraphs that ethnographic resources can be associated with a variety of groups other than Native Americans, and include a discussion of other groups that are or may be affiliated with the park’s resources.

Page 91, 5<sup>th</sup> paragraph – the statement that “no ethnographic resources have been identified” could be interpreted as “there are no ethnographic resources” in the planning area. It would, therefore, be important to state discuss the surveys or inventories have been conducted; if none have been, then it should clearly be stated that the park does not know if any ethnographic resources exist. This comment also applies to the similar statement on page 93, line 24.

#### **Historic Buildings and Structures** (p.94-97)

Page 94, introductory paragraphs – it would be important to mention how much of the park has been surveyed to identify historic buildings and structures.

### **Cultural Landscapes (p.97-100)**

Page 97, introductory paragraphs – it would be important here, too, to mention how much of the park has been surveyed to identify cultural landscapes. The first paragraph on page 100 notes that 15 cultural landscapes have been identified, but this doesn't enlighten us; it would be helpful to list these 15 landscapes, including summary information about the significance and components of each. It is also important to recognize that archaeological resources will undoubtedly be associated with these landscapes.

### **Cultural Resources, Muir Woods (p.102-105)**

#### **Archaeological Resources (p.103)**

As above, please note the extent of the park that has been surveyed for archaeological resources. It would also be important to note that some historic-period archaeological resources may possess evidence of themes related to the significance of the national monument, and may be associated with historic buildings and structures, ethnographic resources, and cultural landscapes discussed on this and subsequent pages.

#### **Cultural Landscapes (p.104-105)**

It isn't clear to me if any cultural landscapes have been formally identified and recorded in the CLI, or documented as part as the National Register Historic District. Please clarify and explain.

## **Part 9: Environmental Consequences**

### **Methods and Assumptions**

Page 189, first paragraph – lines 7-11 state the approach for **all impacts** under NEPA is to assess impacts assuming mitigative measures are applied. This is not consistent with regulation and policy under Section 106 of the NHPA and 36 CFR 800, where an adverse effect may be mitigated, but the effect is still adverse. Please insert a sentence or two here explaining this distinction (see, for example, the statement on page 197, lines 13-14). This misunderstanding of adverse effect and mitigation is repeated numerous times in the subsequent impact assessments; these statements must be revised for consistency with the regulations. At the end of these comments, I offer some “boilerplate” that can be tailored for specific use in the park.

#### **Cultural Resources (p.196-199)**

Please include a discussion of the special attention due NHLs in accord with Section 106 and 110(f) of the NHPA and 36 CFR 800. The Advisory Council on Historic Preservation provides on-line guidance at [www.achp.gov/regis-nhl.html](http://www.achp.gov/regis-nhl.html).

Page 196, last paragraph – the text explains that the assessment of effects can result in either *adverse effect* or *no adverse effect*. There is, however, an additional conclusion – *no historic properties affected* [36 CFR 800.4(d)(1)] – that occurs in step 2 (noted in the previous paragraph lines 30-34), identifying cultural resources in the APE that are either eligible or ineligible for National Register listing. In addition, the paraphrase of the criteria of adverse effect at 36 CFR 800.5(a)(1) is not entirely accurate (see lines 39-40); please quote the regulation accurately.

Page 197, lines 19-30, Archaeological Resources impact intensity definitions – The impact intensity definitions view archaeological sites only as containers or purveyors of information, which is not entirely accurate, since archaeological resources can possess many other values (e.g., sacred sites, National Register criteria other than “d,” information potential; see National Register guidance at [www.nps.gov/history/nr/publications/bulletins/pdfs/nrb36.pdf](http://www.nps.gov/history/nr/publications/bulletins/pdfs/nrb36.pdf)). As such, these definitions are not consistent with 36 CFR 800.5(a)(1), and should be revised for consistency (see boilerplate at the end of these comments).

Pages 197-199, Historic Structures, Cultural Landscapes, Ethnographic Resources, and Museum Collections – impact intensity definitions for these resources are not entirely consistent with 36 CFR 800.5(a)(1), and should be revised accordingly. See the boilerplate at the end of these comments.

Page 199, Park Collections, lines 18-21 – museum collections are not generally eligible for listing in the National Register. While this is true, see the definition of *historic property or historic resource* in the National Historic Preservation Act [Section 301(5)] and 36 CFR 800.16(l)(1):

*Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places... This term includes artifacts, records, and remains that are related to and located within such properties.*

See recommended boilerplate at the end of these comments for language that is consistent with NEPA and Section 106/36 CFR 800 and that can be tailored to meet the particular resources and circumstances in the park.

### **Impacts Common to All Alternatives, Cultural Resources (p.207-209)**

Page 207, Analysis – this text seems to repeat previous discussions about mitigation strategies, rather than to analyze impacts common to all alternatives. It would be important to present information on common impacts and assess the effects of these on cultural resources for consistency with the rest of the information in this section. Comments have been provided earlier on several of the statements repeated in this paragraph. Note in particular, lines 25-27, 31-33 – as noted above, these sentences represent NEPA conclusions of decreased impact intensity as a result of mitigation that do not comply with 36 CFR 800.

Page 207-209 – ethnographic resources receive limited attention, in the context of Native American engagement programs and Alcatraz (p.208, lines 38-42, and p.209, line 9), when discussions in the rest of this section would seem generally applicable. Please clarify.

Page 209, lines 11-13 – again, a NEPA conclusion that does not comply with 36 CFR 800. Please revise here and everywhere this occurs, for consistency with the regulations.

### **Impact Assessment, GOGA NRA & Alcatraz, Cultural Resources (p.257-290)**

This discussion includes NEPA conclusions of decreased intensity of impact with mitigative action, which does not comply with 36 CFR 800. The determinations of effect for Section 106, therefore, are incorrect. Please revise the discussion and conclusions for consistency with 36 CFR 800.

Since little of the park has been surveyed to identify cultural resources, it would be important to discuss how this missing and incomplete cultural resource information affects the findings, proposals, and recommendations in the GMP/EIS, in accord with NEPA, CEQ regulations, and DO 12, Section 4.5, as well as NPS Management Policies and DO/NPS 28. Given staff knowledge of the cultural resources that reflect the park’s prehistory and history, it should be possible to assess in a general way the effects of Alternative proposals on potential cultural resources in the park.

This discussion does not appear to assess the full range of impacts identified in the Alternatives and summarized in Tables 16 and 23. Discussion seems to focus only on preservation work done to cultural resources (see comment above for vol.1, page 243), and even provides more detailed information than previously presented; this level of detail doesn’t really belong here, and should be presented earlier in the text, most possibly in the Alternatives chapters.. Please revise to discuss the assessment of impacts on cultural resources from the elimination of roads and trails, removal of facilities and structures, reclamation of “disturbed” lands, restoration of habitat and processes, construction and relocation of facilities, and expansion of and increased visitor access and use. Some of these are touched upon, but they are not consistently addressed.

### **Archaeological Resources**

Page 259, 3<sup>rd</sup> paragraph – in lines 30-31, it is unclear what the sentence on these lines means. Please clarify that mitigation is not carried out for resources and resources are not mitigated. In lines 31-35 suggest that it might be OK to mitigate effects on historical archaeological resources, but not on prehistoric sites associated with tribes. It isn’t clear to me why there seems to be a double-standard for site protection; please clarify.

Page 259, 4<sup>th</sup> paragraph – in lines 41-44, it is unclear why loss of archaeological sites “would generally result in beneficial impacts on archaeological resources.” With all due respect, this doesn’t make sense. Site loss should be decided only after extensive, thorough consideration and consultation, and as a last resort. The GMP, with its more generalized and comprehensive perspective, doesn’t seem to be the appropriate venue for that in-depth evaluation, which should, in any case, be done during the implementation phase of the Alternative’s proposed actions.

Please explain why site loss is acceptable if there seems to be opportunities for protection in the Natural Management Zone. This comment applies for the numerous times this puzzling statement appears.

Page 260, line 1 – please explain what “cultural landscape **enhancement**” means (see previous comment), and how archaeological sites can be protected during such procedure. This comment applies to the several times this statement appears.

Page 260, 4<sup>th</sup> paragraph – lines 26-27 conclude that, for Section 106, the determination of effect for archaeological sites would be *no adverse effect*. It is unclear to me how this conclusion is reached, when the discussion clearly indicates adverse effects. Of course, some of these conclusions were reached using the NEPA approach, which is not consistent with 36 CFR 800 (see first comment under this heading above)

### **Ethnographic Resources**

Pages 263-266 – recognition is given to the lack of information about ethnographic resources in GOGA, with the exception of American Indian associations with Alcatraz, which is the only ethnographic resource discussed. Recognition should be given to the possibility that ethnographic resources may exist that are associated with non-Indian affiliated groups.

For remaining text on cultural resources assessment of effects, please see comments above for pages 189-266.

### **Part 10: Other Analyses**

Page 390 – this page describes the method for assessing cumulative impacts. For cultural resources, please include a brief statement that cumulative effects are part of the process outlined in 36 CFR 800.5(a)(1).

Page 394, 2<sup>nd</sup> paragraph, and page 415, 3<sup>rd</sup> paragraph -- please describe the method for assessing effects on cultural resources that may be negligible in the short term, but major in the long term.

### **Part 11: Consultation and Coordination**

Please include a discussion of the additional consultation conducted related to potential effects on NHLs (Sections 106 and 110(f) of NHPA and 36 CFR 800.6 and 800.10).

~~~~~ end of comments; see Recommended Boilerplate, next page ~~~~~

## RECOMMENDED “BOILERPLATE”

### ASSESSMENT OF EFFECTS ON CULTURAL RESOURCES Under Section 106, 36 CFR 800, NEPA, & 40 CFR 1500

The following “boilerplate” may be used as a basis for developing text on the method used in assessing impacts, or effects, on cultural resources in the environmental consequences section of an EIS or EA. This “boilerplate” is generic; for increased usefulness, it should be modified for application in specific situations.

#### Method for Assessing Effects on Cultural Resources

This environmental impact assessment addresses effects on cultural resources – archeological sites, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections – that are proposed by actions in this *[insert type of document, e.g., GMP, Special Resource Study, specific project plan, etc.]*. The method for assessing effects on cultural resources is designed to comply with the requirements of both NEPA and Section 106 of the National Historic Preservation Act, and with implementing regulations 40 CFR 1500 and 36 CFR 800, respectively, while considering the differences between NEPA and NHPA language, and recognizing that compliance with one does not automatically mean compliance with the other. Accordingly, the assessment of effects discusses the following characteristics of effects:

- Direct and indirect effects
- Duration of the effect (short-term, long-term)
- Context of the effect (site-specific, local, regional)
- Intensity of the effect (negligible, minor, moderate, major, both adverse and beneficial)
- Cumulative nature of the effect

In accordance with 36 CFR 800, the regulations implementing Section 106 of NHPA, effects on cultural resources are identified and evaluated by:

- Determining the area of potential effect (APE) [800.4(a)]
- Identifying historic properties in the APE that are listed in or eligible for listing in the National Register of Historic Places [800.4(b)-(c)]. The results are either:
  - *No historic properties affected* – either there are no historic properties present or there are historic properties present but the undertaking *[or proposed action]* will have no effect upon them [800.4(d)(1)]; or
  - *Historic properties affected* – there are historic properties that may be affected by the undertaking *[or proposed action]* [800.4(d)(2)].
- Applying the criteria of adverse effect to affected historic properties in the area of APE [800.5.(a)(1)], as follows:

- An *adverse effect* is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner than would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. [examples of adverse effect are provided in 800.5(a)(2)]
- A finding of *no adverse effect* is found when the undertaking's effects do not meet the criteria of 800.5(a)(1) [800.5.(b)].
- Considering ways to avoid, minimize, or mitigate or otherwise resolve adverse effects. The following are considered:
  - Consultation with the SHPO/THPO and others to develop and evaluate strategies to mitigate adverse effects [800.6].
  - CEQ regulations and DO 12 call for the discussion of mitigating impacts and an analysis of how effective the mitigation would be in reducing the intensity of an impact, such as reducing it from moderate to minor intensity. Any resultant reduction in impact intensity is, however, an estimate of the effectiveness of mitigation under NEPA only.
  - Such reduction in impact intensity does not suggest that the level of effect as defined by Section 106 and 36 CFR 800 is similarly reduced. Cultural resources are non-renewable resources and adverse effects generally consume, diminish, or destroy the original historic materials or form, resulting in a loss of integrity that can never be recovered. Therefore, although actions determined to have an adverse effect under Section 106 and 36 CFR 800 may be mitigated, the effect remains adverse.

A Section 106 Summary is included in the impact analysis sections. The Section 106 summary provides an assessment of effect of the undertaking, or proposed action, on historic properties, based on the Section 106 regulations cited above.

Definitions for impact intensity for archeological resources, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections are provided below.

### **Archeological Resources**

- Negligible Effect – the effect would be at the lowest levels of detection, barely measurable, with no perceptible consequences, either adverse or beneficial, to the resources. The Section 106 determination would be *no adverse effect*.
- Minor Adverse Effect – the effect is measurable or perceptible, but it is slight and affects a limited area of a site or group of sites. Slight alteration(s) to any of the characteristics that qualify the site(s) for inclusion in the National Register may diminish the integrity of the site(s). For purposes of Section 106, the determination of effect would be *adverse effect*.

- Minor Beneficial Effect – the action would result in preservation of small areas of the site or group of sites.
- Moderate Adverse Effect – the effect is measurable and perceptible. The effect changes one or more of the characteristics that qualify the site(s) for inclusion in the National Register and diminishes the integrity of the site(s), but does not jeopardize the National Register eligibility of the site(s). For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Moderate Beneficial Effect – the action would noticeably enhance the preservation and protection of the site(s).
- Major Adverse Effect – the effect on the archeological site or group of sites is substantial, noticeable, and permanent. The action severely changes one or more characteristics that qualify the site(s) for inclusion in the National Register, diminishing the integrity of the site(s) to such an extent that it is no longer eligible for listing in the National Register. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Major Beneficial Effect – the action would substantially enhance the protection and preservation of the site(s).

## Cultural Landscapes

A cultural landscape is a geographic area, including both cultural and natural resources, that can be associated with a historic event, activity, person, or exhibiting other cultural or aesthetic values. A key feature of a cultural landscape is the patterning of the resources into a coherent whole. Therefore, assessing the impact intensity on cultural landscapes requires the use of impact intensity definitions for archeological resources, ethnographic resources (for ethnographic landscapes), and historic or prehistoric structures, in conjunction with the definitions below, which focus on the cultural landscape as a whole, which is greater than the sum of its parts.

- Negligible Effect – the effect would be at the lowest levels of detection, barely measurable, with no perceptible consequences, either adverse or beneficial, to the resources. The Section 106 determination would be *no adverse effect*.
- Minor Adverse Effect – the effect is measurable or perceptible, but it is slight and affects a limited area of the landscape or few of its patterns or features. Slight alteration(s) to any of the characteristics that qualify the landscape for inclusion in the National Register may diminish the integrity of the landscape. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Minor Beneficial Effect – the action would result in preservation of small areas of the cultural landscape.
- Moderate Adverse Effect – the effect on the patterns and features of the landscape is measurable and perceptible. The effect changes one or more of the characteristics that qualify the landscape for inclusion in the National Register and diminishes the integrity of the landscape, but does not jeopardize the landscape’s National Register eligibility. For purposes of Section 106, the determination of effect would be *adverse effect*.

- Moderate Beneficial Effect – the action would noticeably enhance the preservation and protection of the landscape as a cohesive entity.
- Major Adverse Effect – the effect on the cultural landscape, its patterns and features, is substantial, noticeable, and permanent. The action severely changes one or more characteristics that qualify the landscape for inclusion in the National Register, diminishing the landscape’s integrity to such an extent that it is no longer eligible for listing in the national Register. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Major Beneficial Effect – the action would substantially enhance the protection and preservation of the landscape.

### **Ethnographic Resources**

Ethnographic resources are sites, structures, objects, landscapes, and/or natural resource features assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with them. Ethnographic resources that are eligible for listing in the National Register are termed *traditional cultural properties* or *traditional cultural places* because of their association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history and (b) are important in maintaining the continuing cultural identity of the community (see *National Register Bulletin, Guidelines for Evaluating and Documenting Traditional Cultural Properties*, on-line at <http://www.nps.gov/history/nr/publications/bulletins/nrb38/>).

The key feature of an ethnographic resource is the cultural value assigned to it by the group associated with it. Therefore, like cultural landscapes, assessing the impact intensity on ethnographic resources requires the use of impact intensity definitions for archeological resources, cultural landscapes, historic or prehistoric structures, and natural resources in conjunction with the definitions below, which focus on the nature of the cultural association with the particular physical resource.

- Negligible Effect – the effect would be at the lowest levels of detection, barely measurable, with no perceptible consequences, either adverse or beneficial, to the resources. The Section 106 determination would be *no adverse effect*.
- Minor Adverse Effect – the effect is slight but noticeable, and it may result in limited changes in traditional resource access or use, or the relationship between the resource and the affiliated group’s body of beliefs or practices. Slight alteration(s) to any of the characteristics that qualify the resource for inclusion in the National Register may diminish the integrity of the site. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Minor Beneficial Effect – the action would allow traditional access and use, and/or accommodate a group’s traditional practices or beliefs.
- Moderate Adverse Effect – the effect is readily apparent and would interfere with traditional resource access or use, or the relationship between the resource and the affiliated group’s beliefs and practices, even though the group’s beliefs and practices would survive. The effect changes one or more of the characteristics that qualify the resource for inclusion in the National Register and diminishes the resource’s integrity, but does not jeopardize the resource’s National Register eligibility. For purposes of Section 106, the determination of effect would be *adverse effect*.

- Moderate Beneficial Effect – the action would noticeably enhance the group’s traditional resource access or use, or its relationship between the affiliated group’s body of beliefs and practices.
- Major Adverse Effect – the effect is substantial, noticeable, and permanent, and results in significant changes in traditional resource access or use, or in the relationship between the resource and the affiliated group’s beliefs and practices, to such a degree that the survival of the group’s beliefs and practices is jeopardized. The action severely changes one or more characteristics that qualify the resource for inclusion in the National Register, diminishing the resource’s integrity to such an extent that it is no longer eligible for listing in the national Register. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Major Beneficial Effect – the action would substantially enhance traditional resource access and use, and the relationship between the resource and the affiliated group’s beliefs and practices.

### **Historic and Prehistoric Structures**

- Negligible Effect – the effect would be at the lowest levels of detection, barely measurable, with no perceptible consequences, either adverse or beneficial, to the resources. The Section 106 determination would be *no adverse effect*.
- Minor Adverse Effect – the effect is measurable or perceptible, but it is slight and affects a limited area of a structure or group of structures. Slight alteration(s) to any of the characteristics that qualify the structure(s) for inclusion in the National Register may diminish the integrity of the structure(s). For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Minor Beneficial Effect – the action would result in preservation of small areas of the structure or group of structures.
- Moderate Adverse Effect – the effect is measurable and perceptible. The effect changes one or more of the characteristics that qualify the structure(s) for inclusion in the National Register and diminishes the integrity of the structure(s), but does not jeopardize the National Register eligibility of the structure(s). For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Moderate Beneficial Effect – the action would noticeably enhance the preservation and protection of the structure(s).
- Major Adverse Effect – the effect on the structure or group of structures is substantial, noticeable, and permanent. The action severely changes one or more characteristics that qualify the structure(s) for inclusion in the National Register, diminishing the integrity of the structure(s) to such an extent that it is no longer eligible for listing in the national Register. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Major Beneficial Effect – the action would substantially enhance the protection and preservation of the structure(s).

## Museum Collections

It is important to note that both 36 CFR 800 and the National Historic Preservation Act define *historic property* as including artifacts, records, and remains that are related to and located within such National Register eligible or listed properties [36 CFR 800.16(1)(1); also see NHPA Section 301(5)]. Therefore, the impact intensity definitions for Museum Collections must be applied, in part, in association with a related archeological site, cultural landscape, ethnographic resource, or historic or prehistoric structure. For assessing impacts to museum collections where Section 106 is not applicable, only the first part of each definition statement should be applied.

- Negligible Effect – the effect would be at the lowest levels of detection, barely perceptible, with no measurable consequences, either adverse or beneficial, to the collections. The Section 106 determination would be *no adverse effect*.
- Minor Adverse Effect – the effect is measurable or perceptible, but it is slight and affects the integrity of a few items in the museum collection, but would not degrade the usefulness of the collection for future research and interpretation. Slight alteration to any of the characteristics of the collection that qualify its related resource for inclusion in the National Register may diminish the integrity of the resource and its related collection. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Minor Beneficial Effect – the action would stabilize the current condition of the collection or its constituent components to minimize degradation.
- Moderate Adverse Effect – the effect is measurable and perceptible, and would affect the integrity of many items in the collection and diminish the usefulness of the collection for future research and interpretation. The effect changes one or more of the characteristics of the collection that qualify its related resource for inclusion in the National Register and diminishes the integrity of the resource and its related collection, but does not jeopardize the National Register eligibility of the resource related to the collection. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Moderate Beneficial Effect – the action would improve the condition of the collection or protect its constituent parts from the threat of degradation.
- Major Adverse Effect – the effect on the collection is substantial, noticeable, and permanent, and would affect the integrity of most items in the collection and destroy the usefulness of the collection for future research and interpretation. The action severely changes one or more characteristics of the collection that qualify its related resource for inclusion in the National Register, diminishing the integrity of the resource and its related collection to such an extent that the resource is no longer eligible for listing in the National Register. For purposes of Section 106, the determination of effect would be *adverse effect*.
  - Major Beneficial Effect – the action would substantially secure the condition of the collection as a whole or its constituent components from the threat of degradation.