From: Paul Mitchell
To: Kern, Chris (CPC)
Cc: Joyce
Subject: RE: GSW IS Admin Draft1 Archeo Comments
Date: Tuesday, October 28, 2014 12:09:03 PM

Chris:

1) As a followup to our discussion, immediately below is the draft impact and mitigation measure that ESA had developed for the GSW project at the Piers 30-32 site regarding testing for archeological resources. This was developed after ESA's consultation with Randall Dean for that site. We had submitted this to EP, but we don't believe anyone reviewed it, because the Piers 30-32 project went on hold soon after that. However, it is possible Randall may be looking for something similar for the Mission Bay site.

2) Further below is the impact and mitigation measures for the Draft UCSF 2014 LRDP EIR (August 2014) for archeological, paleontological and human remains. As you can see, the Draft EIR characterizes the UCSF campus as having a low potential for archeological resources, and the mitigation included are fairly straightforward accidental discovery measures.

3) Joyce points out that in one of Randall's comments on the Mission Bay cultural resources section, he indicates that EP Standard Language regarding mitigation of potential effects to human remains has been revised. Can you please provide that revised standard language to ESA?

Thanks.

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GSW Project at Piers 30-32 Administrative Draft EIR

Impact CP-3: Construction of the proposed project could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5, including prehistoric Native shellmiddens and potential historic archeological resources remains. (Less than Significant with Mitigation)

Construction activities for the proposed project could encounter archeological resources, both prehistoric and historic-era resources. Depending on the depth of project construction, activities at Seawall Lot 330 may encounter prehistoric resource(s) representing past human

occupation of lands that are currently submerged. Study of the project site vicinity's geologic history and the presence of nearby prehistoric sites suggest the potential for buried archeological deposits. Buried sites typically lack visible surface features that would indicate their presence. Ground disturbance for the proposed project could encounter and potentially impact unrecorded historic-era archeological resources at Seawall Lot 330 as well as at Piers 30-32. Potential historic-period resources include submerged resources, such as wharves and/or piers, as well as trash deposits.

Implementation of **Mitigation Measures M-CP-3a (Retain Qualified Archeological Consultant During Construction), M-CP-3b (Consultation with Descendant Communities) and M-CP-3c (Archeological Testing Plan)** would reduce the impact to less than significant.

If found, encountered prehistoric resources may be associated with the Prehistoric Native American shell middens on Mission Bay, San Francisco (PNASMB). This is a NRHP-eligible archeological district. The SHPO has concurred that the PNASMB archeological district is NRHP-eligible under Criterion D (scientific information potential) and Criterion A (having traditional significance to contemporary Native American descendant communities). There are no limiting dates for the period of significance for the archeological district, although most prehistoric shell midden sites currently within the PNASMB as late as 150 years B.P. The PNASMB archeological district incorporates apparent multi-site village communities clustered around the northern shore of Mission Bay.

Based on a brief review of relevant historic maps, the Seawall Lot 330 portion of the project site was historically in the Bay prior to development of the City. The Main Street and Beale Street Wharfs were later constructed from the foot of Rincon Point, and the land between these wharves and what is now The Embarcadero were filled in and used as a railyard. As discussed in Section 5.4.2.5, the project site has a low to moderate potential for the presence of historic-period wharves, but a low potential for industrial, residential, and commercial-related archeological resources. Geoarcheological testing, recommended above as part of Mitigation Measures M-CP-3c, could also confirm (or refute) the potential for wharf remnants or other submerged historic archeological evidence.

Even after the archeological program is implemented, resources could be encountered during construction activities, and ongoing archeological monitoring may be warranted during construction depending on the outcome of the archeological testing program. These impacts could be reduced to a less-than-significant level with implementation of **Mitigation Measure M-CP-3d (Archeological Monitoring)**. With implementation of this measure, the potential impact on archeological resources would be reduced to a less-than-significant level.

Summary of Impact CP-3. Ground disturbance for the proposed project could encounter and potentially result in adverse effects on unrecorded prehistoric and historic-era

archeological resources at Seawall Lot 330 as well as at Piers 30-32, including submerged resources. However, this impact would be *less than significant with mitigation*, assuming implementation of Mitigation Measures M-CP-3a, M-CP-3b, M-CP-3c, and M-CP-3d, described below.

Mitigation Measure M-CP-3a: Retain Qualified Archeological Consultant During Construction

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the rotational Department Qualified Archeological Consultants List (QACL) maintained by the Planning Department archeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified in Mitigation Measure M-CP-3c. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

Mitigation Measure M-CP-3b: Consultation with Descendant Communities

If an archeological site[1] associated with Native Americans, the Chinese, or other group is discovered during construction, the contractor shall contact an appropriate representative[2] of the descendant group and the ERO and notify them of the discovery. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archeological Resources Report (see Mitigation Measure M-CP-3c, below) shall be provided to the representative of the descendant group.

Mitigation Measure M-CP-3c: Archeological Testing Plan

The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP) that describes the site-specific archeological testing program. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program is to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes a historical resource under CEQA. Geoarcheological investigations would be included as part of the ATP. Geoarcheological investigations would occur prior to construction activities, and would typically employ geoprobes (coring) to explore subsurface deposits. Study of the resulting cores can be further analyzed and interpreted to assess the potential for intact archeological deposits. The geoarcheological investigations could also confirm (or refute) the potential for wharf remnants or other submerged historic archeological evidence.

At the completion of the archeological testing program, the archeological consultant shall submit a written

report of the findings to the ERO. If, based on the archeological testing program, the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor, either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Data Recovery Program. If recommended by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures*. Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis*. Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy*. Description of and rationale for field and post-field discard and deaccession policies.[3]
- *Interpretive Program*. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures*. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report*. Description of proposed report format and distribution of results.
- *Curation*. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Final Archeological Resources Report. The archeological consultant shall prepare a Draft Final Archeological Resources Report (FARR) that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information in the report that may

put any archeological resource at risk shall be provided in a separate removable insert within the final report. The archeological consultant shall submit the draft FARR to the ERO for review and approval, and then prepare the FARR that addresses all comments of the ERO.

Once the FARR is approved by the ERO, the archeological consultant shall distribute copies of the FARR as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above, and the archeological consultant shall prepare and distribute the FARR as directed by the ERO.

Mitigation Measure M-CP-3d. Archeological Monitoring

If the ERO in consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;

- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;

- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;

- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

If an AMP is conducted, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO whether or not significant archeological resources are encountered.

UCSF 2014 LRDP Draft EIR (August 2014)

Impact CUL-MB-1: Construction of 2014 LRDP proposals at the Mission Bay campus site could cause substantial adverse changes to archaeological resources. (Potentially Significant)

Development proposals under the 2014 LRDP would occur on Blocks 15, 16, 18, 23, 25, 33, 34 and on the site of the Medical Center at Mission Bay (cancer outpatient building and Phase 2). These blocks are either undeveloped or contain existing development completed within the last 10 years. Due to the relatively recent age of the buildings on the subject blocks and surrounding areas, no historic resources exist on these development sites or in the immediate vicinity. Previous studies and archival research conducted for the Mission Bay campus site has not identified archaeological resources at the campus site (UCSF, 2005). Development to date on the UCSF Mission Bay North and South campuses has not resulted in the discovery of any significant archaeological resources. Archaeological sites are generally located near watercourses or water bodies. However, the Mission Bay area has been substantially altered over time, including the large amount of fill added along the shoreline; therefore, the likelihood of discovering archaeological resources is low.

In the unlikely event that archaeological artifacts are discovered during construction (including grading, excavation and other earthmoving activities), **Mitigation Measure CUL-LRDP-3** would be implemented to reduce the impact to a less than significant level.

> **Mitigation Measure CUL-LRDP-3:** Should an archaeological artifact be discovered during
> project construction and excavation, pursuant to CEQA Guidelines 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction”
> shall be instituted. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and UCSF shall consult with a qualified archaeologist or paleontologist to assess the significance of the find (per Public Resource Code Section 5024.1, Title 14 CCR,
> Section 4852 and/or Public Resource Code 21083.2 in the event of a unique archaeological find). If any find is determined to be significant and will be adversely affected by the project,
> representatives of UCSF and the qualified archaeologist and/or paleontologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation (per CEQA Guidelines 15064.5 (b) and Public Resource Code 21083.2). All significant cultural materials
> recovered shall be subject to scientific analysis, professional museum curation, and documented by the qualified archaeologist according to current professional standards (per the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR44716)).

Impact CUL-MB-2: Construction of 2014 LRDP proposals at the Mission Bay campus site could cause substantial adverse changes to paleontological resources. (Potentially Significant)
Paleontology is a multidisciplinary science that combines elements of geology, biology, chemistry, and physics in an effort to understand the history of life on earth. Paleontological resources, or fossils, are the remains, imprints, or traces of once-living organisms preserved in rocks and sediments. The fossil yielding potential of a particular area is highly dependent on the geologic age and origin of the underlying rocks. In general, older sedimentary rocks (more than 10,000 years old)
are considered most likely to yield vertebrate fossils of scientific interest. Review of geological maps and previous analysis suggests that there no unique paleontological resources or unique geologic features at the Mission Bay campus site, which is underlain by dune sands. In the event that paleontological resources are uncovered during the course of construction, implementation of **Mitigation Measure CUL-LRDP-4** would reduce impacts to a less than significant level.

> **Mitigation Measure CUL-LRDP-4:** If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, all ground disturbing activities within 50 feet of the find shall be
> halted until a qualified paleontologist can assess the significance of the find and, if necessary,
> develop appropriate salvage measures in consultation with UCSF and in conformance with Society of Vertebrate Paleontology Guidelines (SVP, 1995; SVP, 1996).

Impact CUL-MB-3: Construction of 2014 LRDP proposals at the Mission Bay campus site could cause substantial adverse changes to human remains. (Potentially Significant)
There are no known human remains, including those interred outside of formal cemeteries located at the Mission Bay campus site. In the event of an accidental discovery or recognition of human remains during project excavation and construction, **Mitigation Measure CUL-LRDP-5** would be implemented to reduce the impact to a less than significant level.

> **Mitigation Measure CUL-LRDP-5:** If the discovery includes human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed:
> In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
> (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
> (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
> (B) If the coroner determines the remains to be Native American: (1) the coroner shall contact the Native American Heritage Commission within 24 hours. (2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. (3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
> (2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
> (A) The Native American Heritage Commission is unable to identify a most

likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
(B) The descendant identified fails to make a recommendation; or
(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage

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From: Kern, Chris (CPC) [mailto:chris.kern@sfgov.org]
Sent: Tuesday, October 28, 2014 10:19 AM
To: Joyce; Paul Mitchell
Subject: RE: GSW IS Admin Draft1 Archeo Comments

Sorry!

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From: Joyce Hsiao [mailto:joyce@orionenvironment.com]
Sent: Tuesday, October 28, 2014 9:05 AM
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Subject: Re: GSW IS Admin Draft1 Archeo Comments

Attachment?

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On 10/28/2014 8:19 AM, Kern, Chris (CPC) wrote:

> Hi Paul and Joyce,
> Here are Randall's comments on the first draft of the IS. I haven't reviewed these yet (just got them), but wanted to pass on to you ASAP given our schedule. Hopefully, these comments can just be included in our comments on Draft 2, but I'll have a better idea if that makes sense once I've had a chance to review.
>
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[1] The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

[2] An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

[3] Deaccession is defined as the appropriate disposal of an item or items, typically from a museum collection.