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3 Introduction

4 This chapter provides a discussion of the cultural resources related to construction of the Proposed
5 Project and the 130-Unit Alternative in the Carmel Valley. This chapter includes a review of existing
6 conditions based on previously conducted archaeological investigations; a records search conducted
7 at the Northwest Information Center (NWIC); a summary of local, state, and federal regulations
8 related to cultural resources; and an analysis of direct and indirect environmental impacts of the
9 project. Where feasible, mitigation measures are recommended to reduce the level of impacts.

10 Impact Summary

11 Based on the NWIC records search results, prior studies, and the review of existing conditions, no
12 cultural resources have been identified within the project area that would be impacted by the
13 Project or the 130-Unit Alternative. However, there remains the potential for the presence of buried
14 resources that could not be identified during archival research and field survey, as the nature and
15 location of the project suggest that it is sensitive for prehistoric archaeological deposits. **Table 3.11-**
16 **1**, provides a summary of the potential cultural resource impacts of the Project and the 130-Unit
17 Alternative.

18 **Table 3.11-1. Cultural Resources Impact Summary**

Impact	Proposed Project Level of Significance	130-Unit Alternative Level of Significance	Mitigation Measure	Level of Significance after Mitigation
<i>A. Historical Resources</i>				
CR-1: Demolition, Destruction, Relocation, or Alteration of Historical Resources	NI	NI	None Required	—
<i>B, C, and D. Archaeological Resources, Human Remains, and Paleontological Resources</i>				
CR-2: Ground Disturbing Activities, Such As Grading, Trenching, or Excavation	Potentially Significant	Potentially Significant	CR-1: Archaeological Resources— Stop Work if Buried Cultural Deposits are Encountered during Construction Activities CR-2: Archaeological Monitoring during Ground-Disturbing Activities within the Project Area during Construction	LTS

Impact	Proposed Project Level of Significance	130-Unit Alternative Level of Significance	Mitigation Measure	Level of Significance after Mitigation
			CR-3: Archaeological Resources—Stop Work if Human Remains are Encountered during Construction Activities CR-4: Paleontological Resources—Stop Work if Vertebrate Remains are Encountered during Construction	
CR-3: Erosion or Usage of the Project Area That Could Expose Buried Archaeological Resources Due to Long-Term Use of the Area	Potentially Significant	Potentially Significant	CR-5: Consult With a Qualified Archaeologist to Identify Resources and Assess Impacts	LTS

LTS = Less-than-Significant, NI = No Impact

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2 Environmental Setting

3 Existing Conditions

4 The Proposed Project and the 130-Unit Alternative (henceforth referred to collectively as the
 5 “project area” unless otherwise specified) consists of portions of the Rancho Cañada Golf Club in
 6 Carmel, Monterey County. Based on a site inspection and review of historic topographic maps and
 7 aerial photographs, this facility appears to date from circa 1976 (ENGE0 2004). Only five structures
 8 were found to exist within the project area or the 130-Unit Alternative area. They are a Mission
 9 Revival restroom building; a sign with Old English style lettering in plastic; and on Lot 130, two
 10 small maintenance office and restroom buildings and a large maintenance facility garage building.
 11 The facilities on Lot 130 were built in 1986 (Lister pers. comm.). All of these structures appear to
 12 have been built after 1976, when the golf course was constructed, and are therefore less than 45
 13 years of age. Portions of the project area have been planted with grass turf for use as a golf course,
 14 while the remaining areas of the project area feature both introduced ornamental trees and plants
 15 (e.g., cypresses, pines, and palms), as well as clusters of native plants, such as willows, oaks, and
 16 scrub.

17 Methodology

18 Literature Reviewed

19 The following literature was reviewed for analysis of cultural resources found in the project area:

- 1 | Archaeological Consulting. *Preliminary Archaeological Reconnaissance for Rancho Cañada*
2 | *Community Partners Housing Site on a Portion of the Rancho Cañada Golf Club in Carmel,*
3 | *Monterey, CA.* December 13, 2003.
- 4 | Archaeological Consulting. *Preliminary Archaeological Reconnaissance for Rancho Cañada Village*
5 | *Extension, Including portions of APN 015-162-016 and APN 015-162-037 in Carmel, Monterey, CA.*
6 | July 28, 2005.
- 7 | Jones & Stokes 2008. *Draft Environmental Impact Report, Monterey County 2007 General Plan,*
8 | *Monterey County, California.* September 2008.
- 9 | Levy 1978, *Coastanoan*, in Volume 8 (California) of the Handbook of North American Indians,
10 | the definitive source for data on California Indian groups.
- 11 | 2014 Records Search conducted at the Northwest Information Center, Sonoma State University,
12 | Rohnert Park, which provides a list of previously recorded sites, studies, and other pertinent
13 | background data with regards to previously recorded cultural resources in and around the
14 | project area.
- 15 | Jones et al. 2007, Chapter 9: The Central Coast: a Midaltitude Milieu, in *California Prehistory*, the
16 | most recent compilation of California prehistory by region.

17 Prehistoric Context

18 The project area is located in the Monterey Bay Area, a component of the Central Coast of California.
19 Jones et al. (2007) present a chronological system of six periods in the Central Coast.

20 *Paleo-Indian (pre-8000 cal B.C.)*

21 Human presence in this area at this time is suggested only by isolated, fluted projectile points, such
22 as the specimens from Nipomo (see Mills et al. 2005), which likely reflected habitation sometime
23 between 13,000 and 10,000 years ago. No substantive components of this age have yet been
24 identified in the Central Coast (Jones et al. 2007:134).

25 *Millingstone Culture (8000 to 3500/3000 cal B.C.)*

26 At least 42 sites throughout the Central Coast area have been identified as Millingstone occupations,
27 including the open rocky coasts of Santa Cruz and San Luis Obispo Counties, the Morro Bay and
28 Elkhorn Slough estuaries, and the near shore interior valleys of San Luis Obispo County (Jones et al.
29 2007:135, 137). All of these sites are located no farther than 25 kilometers inland from the shore,
30 and most interior Millingstone sites have produced marine shells, indicating that the site inhabitants
31 also exploited coastal environments. The Millingstone Culture is marked by large numbers of well-
32 made handstones and/or milling slabs, crude core and cobble-core tools, with less abundant flake
33 tools and large side-notched projectile points. The Millingstone peoples practiced broad-spectrum
34 hunting and gathering and exploited shellfish, fish, birds, and mammals, according to faunal remains
35 from several sites (Jones et al. 2007:137).

36 *Hunting Culture (3500/3000 cal B.C. to cal A.D. 1000/1250)*

37 The term “Hunting Culture” was coined in 1929 to define a distinctive complex in the Santa Barbara
38 area that was marked by large quantities of stemmed and notched projectile points. This was a
39 direct contrast with the Millingstone Culture (Jones et al. 2007:138). This culture encompasses three

1 Central Coast chronological periods- Early, Middle, and Middle-Late Transition, which are
2 summarized below.

3 ***Early (3500 to 600 cal B.C.)***

4 The Early Period is marked by co-occurrence of contracting-stemmed and Rossi square-stemmed
5 points and large, side-notched variants (as a holdover from Millingstone). Portable mortars and
6 pestles appear for the first time, but also contain Millingstone holdovers such as handstone/slab
7 dyads, along with pitted stones. Early Period phases of this culture include Sand Hill Bluff in the
8 Santa Cruz area, Saunders on the Monterey Peninsula, and Redwood in Big Sur (Jones et al.
9 2007:138).

10 ***Middle (600 cal B.C. to cal A.D. 1000)***

11 Middle Period expressions of the Hunting Culture are well represented at SCR-9 and SMA-218
12 (which define the Ano Nuevo Phase) and at MNT-101 and MNT-282 (which define the Willow Creek
13 Phase), along with several other sites in Monterey and San Luis Obispo Counties that define
14 additional Middle Period phases. Ano Nuevo sites are characterized by distinctive long-stemmed
15 points. Other Middle Period characteristic include G2 saucer beads, both handstones/ slabs and
16 portable mortars/pestles, grooved stone net stinkers, and flexed burials (Jones et al. 2007:139).

17 ***Middle/Late Transition (cal A.D. 1000 to 1250)***

18 Around 1000 cal A.D., the Central Coast experienced changes in assemblages and settlement (the
19 appearance of large numbers of arrow points, the disappearance of most stemmed points, changes
20 in bead types). However, this transition seems to date differently in different areas; thus, the
21 indeterminate dating of this period (Jones et al. 2007:139). In the Santa Cruz area, Hylkema (2002)
22 argues that an abrupt, highly visible transformation took place at cal A.D. 1100; while in Big Sur,
23 finding from MNT-1233 suggest that the Hunting Culture persisted until cal A.D. In general, it
24 appears as though late-period Hunting Culture inhabitants preferred coastal habitation, but some
25 larger middens also appear in pericoastal valleys. These late-period sites are often characterized by
26 large quantities of biface-derived debitage and a range of site types, including middens, flaked and
27 ground stone scatters, and lithic procurement stations/quarries. Faunal remains show abundant
28 rabbit and deer consumption (Jones et al. 2007: 139-140).

29 ***Late Period (cal A.D. 1250 to 1769)***

30 No less than 157 Late-Period sites have been recognized in the Central Coast. Most of these sites are
31 away from the shoreline in a variety of settings, including the interior ranges, and are marked by
32 small middens with associated or nearby bedrock mortars (Jones et al. 2007:140). While expansive
33 sites have been documented at some locations, such as MNT-1277/H in Big Sur (Jones 2003); Late-
34 Period middens are often small (30-40 meters in diameter) with several discrete deposits clustered
35 in one area (Jones et al. 2007:140). The assemblages are characterized by large quantities of Desert
36 side-notched and Cottonwood arrow points, small bifacial drill beads, bedrock and hopper mortars,
37 Class E (lipped) and Class K (cupped) *Olivella* beads, and steatite disk beads, all of which represent a
38 change in artifact assemblage from the Hunting Culture. Sites from the Santa Cruz area and the
39 Monterey Peninsula also contain thin rectangular (Class M) beads and small serrated arrow points
40 (Jones et al. 2007:140).

41 The Central Coast, with its abundant resources, was a constant magnet for human occupation. The
42 pattern of occupation related to this resource base, however, suggests intermittent use on both

1 seasonal and longer timescales. Radiocarbon dates demonstrate that some seemingly homogeneous
2 midden deposits actually reflect multiple occupations separated by prolonged periods of
3 abandonment, often of a millennium or more. This pattern is increasingly evident in the Santa Cruz
4 area (e.g., SCR-20), the Monterey Peninsula (see discussion in Bean 1994), and other areas in
5 Monterey and San Luis Obispo Counties. It is possible that the diversity and flux of Central Coast
6 environments fostered a certain degree of instability in cultural adaptations over time. Future
7 research will need to focus more on the pattern of intermittent occupation and multiscaled site
8 abandonment that seems to characterize this mid-latitude milieu (Jones et al. 2007:145-146).

9 Ethnographic Background

10 The Carmel Valley is situated within territory once occupied by Costanoan (also commonly referred
11 to as Ohlone) language groups. Eight Ohlone languages were spoken in the area from the southern
12 edge of the Carquinez Strait to portions of the Big Sur and Salinas rivers south of Monterey Bay and
13 approximately 50 miles inland from the coast. Speakers of Rumsen, numbering about 800, occupied
14 the lower Carmel, Sur, and lower Salinas Rivers (Levy 1978:485).

15 Linguistic evidence suggests that the ancestors of the Ohlone moved south and west from the delta
16 of the San Joaquin-Sacramento River system into the San Francisco and Monterey Bay areas about
17 A.D. 500. The linguistic evidence also indicates that they were then in contact with speakers of a
18 Hokan language that shared some vocabulary with ancestral Pomoan and Esselen (Levy 1978:485).

19 The Ohlone were hunter-gatherers who relied heavily on acorns and seafood. They also exploited a
20 wide range of other foods, including various seeds (the growth of which was promoted by controlled
21 burning), buckeye, berries, roots, land and sea mammals, waterfowl, reptiles, and insects (Bean
22 1994).

23 Ohlone territories were composed of one or more land-holding groups that anthropologists refer to
24 as *tribelets*. The tribelet consisted of a principal village occupied year-round, with a series of smaller
25 hamlets and resource gathering and processing locations occupied intermittently or seasonally
26 (Kroeber 1955: 303-314).

27 Seven Spanish missions were founded in Ohlone territory between 1776 and 1797. While living
28 within the mission system, the Ohlone commingled with other groups, including the Yokuts, Miwok,
29 and Patwin. Mission life was devastating to the Ohlone population. When the first mission was
30 established in Ohlone territory in 1776, the Ohlone population was estimated be 10,000. By 1832,
31 the Ohlones numbered less than 2,000 as a result of introduced disease, harsh living conditions, and
32 reduced birth rates (Cook 1943a, 1943b in Levy 1978:486).

33 Ohlone recognition and assertion began to move to the forefront during the early 20th century,
34 enforced by legal suits brought against the United States government by Indians of California (1928-
35 1964) for reparation due them for the loss of traditional lands. The Ohlone participated in the
36 formation of political advocacy groups, which brought focus upon the community and reevaluation
37 of rights due its members (Bean 1994:xxiv). In recent years, the Ohlone have become increasingly
38 organized as a political unit and have developed an active interest in preserving their ancestral
39 heritage. Many Ohlones are active in maintaining their traditions and advocating for Native
40 American issues.

1 Historic Context

2 The following historic context has been adapted from the *Draft Environmental Impact Report,*
3 *Monterey County 2007 General Plan* (Jones & Stokes 2008).

4 Monterey Bay was the focus of several Spanish exploratory expeditions after it was first noticed by
5 Juan Cabrillo in 1542. The bay was named for Conde de Monterrey, Viceroy of Spain, by Sebastian
6 Vizcaino who sailed into it in 1602. The Franciscans founded three missions (San Carlos Borromeo,
7 San Antonio de Padua, and Nuestra Sonora de Soledad) in what is now Monterey County, and these,
8 along with the Presidio established in the late 1700s and eight large ranchos that formed from land
9 concessions to Spanish army veterans, became focal points of activity.

10 When the Mexican Republic formed in 1822, the missions were secularized and new ranchos
11 developed on 68 Mexican land grants. An agrarian economy emerged, based on cattle ranching on
12 large ranchos. This economy received a boost when the Mexican regime opened Monterey harbor to
13 foreign trade, enabling rancheros to trade their hides and tallow for products from the outside
14 world. The Custom House in Monterey became the site for collection of duties, providing the main
15 source of income for Alta California's government. This commercial vitality supported by Monterey
16 Bay's ideal harbor, led to Monterey's role as the Mexican capital of California.

17 Monterey continued to play a key role after the Americans took control of California in the late
18 1840s. For example, the convention to draft and sign California's new constitution convened at
19 Colton Hall. This period coincided with the California Gold Rush, and during the 1850s, the market
20 for tallow and hides shifted to a demand for beef and grain to feed the population of gold
21 prospectors. At the same time, dairy farming was introduced in the area around Gonzales and
22 Soledad. This enterprise required irrigation to support alfalfa production, a practice based on
23 rudimentary canal systems used earlier by friars at the Missions.

24 Transportation soon became a major factor in supporting the County's growing economy. In 1872,
25 Southern Pacific Railroad extended its train line to Salinas from Pajaro and Hollister. As the railroad
26 pushed farther south it opened new markets and stimulated settlement of new towns. From Salinas
27 it extended southward to Chualar, followed by Gonzales and Soledad, as landowners donated right-
28 of-way across their ranches. With this new transport capability, crops could be shipped to market
29 more efficiently. As improved irrigation systems were introduced to the area in the late nineteenth
30 century, combined with additional railroad connections, production of fruits and vegetables
31 replaced dry farming of grains as the leading agricultural products.

32 In addition to agriculture, by the late nineteenth Century, Monterey County became a destination for
33 tourism and resort activities. Three hot spring resorts with hotels developed at Paraiso, Tassajara,
34 and Slates Hot Springs. Pacific Grove was founded as a religious and cultural retreat, growing from a
35 tent city to a town of small Victorian cottages. In the early 1900s, Pebble Beach was subdivided and
36 became a fashionable summer resort. In Carmel, the Arts and Crafts movement took hold in local
37 architecture as the town became a colony for artists and writers.

38 Paleontological Resources

39 The following paleontological discussion has been adapted from the *Draft Environmental Impact*
40 *Report, Monterey County 2007 General Plan* (Jones & Stokes 2008).

1 Most of the fossils found in Monterey County are of marine life forms. They form a record of the
 2 region's geologic history of advancing and retreating sea levels. These deposits lack the large
 3 terrestrial fossils found in other regions due to their marine origin, and are comprised mainly of
 4 microorganisms such as foraminifers or diatoms or assemblages of mollusks and barnacles most
 5 commonly found in sedimentary rocks ranging from Cretaceous age (138 to 96 million years old) to
 6 Pleistocene age (1.6 million to 11 thousand years old).

7 Twelve sites in Monterey County have been identified as having significant paleontological
 8 resources. The fossils at these 12 sites generally reflect the type of assemblages found throughout
 9 the county (microorganisms or invertebrates); however, they also possess special characteristics
 10 that make them unique or rare, or in some way provide important stratigraphic or historic
 11 information. None of these 12 sites are in proximity to the project area.

12 Records Search Results

13 Sources consulted in the August 21, 2014, NWIC records search conducted for the project area
 14 include the list of prior studies, previously recorded sites, historical maps and literature, the
 15 National Register of Historical Places (NRHP), the California Register of Historical Resources
 16 (CRHR), and the Santa Clara County Historical Resources Index.

17 The records search identified no previously recorded cultural resources within the project area. One
 18 previously recorded resource was identified approximately 0.5 mile west of the project area.

- 19 | P-27-393/CA-MNT-290: a midden site with shell, animal bone, charcoal, and lithics. This
 20 resource, originally recorded in 1951, was noted as having "since been destroyed...A small
 21 remnant...is all that remains" (Waldron et al. 1984).

22 Nine reports have covered portions of the project area.

- 23 | S-3477, Wardell, D. 1978. *Preliminary Cultural Resource Assessment: File No. C-22 a, b, c,*
 24 *Monterey County Flood Control S.C.S. #216.* No resources in the vicinity of the project area were
 25 identified during this study.
- 26 | S-9647, Smith, C. and G. Breschini. 1987. *Preliminary Cultural Resources Reconnaissance of Parcel*
 27 *A.P.N. A09-021-06, Carmel, Monterey County, California.* No resources were identified during this
 28 study.
- 29 | S-28073, Doane, M. and G. Breschini. 2003. *Preliminary Archaeological Reconnaissance for the*
 30 *Rancho Cañada Community Partners Housing Site on a Portion of Rancho Cañada Golf Club in*
 31 *Carmel, Monterey County, California.* No resources were identified during this study.
- 32 | S-30063, Wulzen, W. 2005. *Barn Road Removal Project: The Big Sur Land Trust Palo Corona Front*
 33 *Ranch, Monterey County, California.* No resources in the vicinity of the project area were
 34 identified during this study.
- 35 | S-30341, Doane, M. and G. Breschini. 2005. *Preliminary Archaeological Reconnaissance for the*
 36 *Rancho Cañada Village Extension, Including Portions of APN 015-162-016 and 015-162-037, in*
 37 *Carmel, Monterey County, California.* No resources were identified during this study.
- 38 | S-30348, Doane, M. 2005. *Negative Archaeological Survey Report for the Carmel Valley Class I*
 39 *Bicycle Path Project in Lower Carmel Valley, Monterey County, California.* No resources were
 40 identified during this study.

- 1 | S-33690, Doane, M. and G. Breschini. 2007. *Preliminary Archaeological Reconnaissance for the*
2 | *River Unit Riparian Revegetation Project, Palo Corona Regional Park Near Carmel, Monterey*
3 | *County, California*. No resources were identified during this study.
- 4 | S-34371, Doane, M. and G. Breschini. 2007. *Preliminary Archaeological Reconnaissance for*
5 | *Assessor's Parcel 015-281-015, in Carmel, Monterey County, California*. No resources were
6 | identified during this study.
- 7 | S-37683, Breschini, G. 2010. *Carmel Valley Bicycle Path, realigned segments* (letter report). No
8 | resources were identified during this study.

9 | An additional 42 reports have been conducted within 0.5 mile of the project area. These reports
10 | included a variety of regional overviews, site-specific studies, and archaeological surveys for a
11 | variety of projects throughout the Carmel Valley, and greater Monterey County. None of these
12 | reports identified any resources in proximity to the project area.

13 Native American Correspondence

14 | As required under Senate Bill (SB) 18, the Native American Heritage Commission (NAHC) and Native
15 | American groups and representatives were contacted about the Rancho Cañada Village Recirculated
16 | Draft EIR. Their input was requested as part of the planning process. Initiation of this contact
17 | included a letter sent to the NAHC on July 16, 2008. A discussion of SB 18 is provided in the
18 | Regulatory Setting below.

19 | ICF contacted the NAHC on August 13, 2014 to identify any areas of concern within the project area
20 | that may be listed in the NAHC's Sacred Lands File. The NAHC responded on August 21, 2014 stating
21 | that a search of their files failed to indicate the presence of Native American cultural resources in the
22 | immediate Project area.

23 Regulatory Setting

24 | This section discusses the local, state, and federal policies and regulations that are relevant to the
25 | analysis of cultural resources issues of the Proposed Project and the 130-Unit Alternative being
26 | considered by Monterey County.

27 Federal Policies and Regulations

28 | There are no relevant federal regulations for cultural resources because there are no known historic
29 | or prehistoric resources or outstanding examples of paleontological features in the project area that
30 | could be affected.

31 State Policies and Regulations

32 California Environmental Quality Act and Guidelines (Section 15126.2[a])

33 | CEQA requires that public or private projects financed or approved by state or local public agencies
34 | be assessed to determine their potential to affect historical resources. CEQA uses the term *historical*
35 | *resources* to include buildings, sites, structures, objects, or districts, each of which may have
36 | historical, pre-historical, architectural, archaeological, cultural, or scientific importance.

1 CEQA states that if implementation of a project would result in significant effects on historical
2 resources, then alternative plans or mitigation measures must be considered; however, only
3 significant historical resources need to be addressed (14 California Code of Regulations [CCR]
4 15064.5, 15126.4). Therefore, before impacts and mitigation measures can be identified, the
5 significance of historical resources must be determined.

6 The State CEQA Guidelines define three ways that a property may qualify as a historical resource for
7 the purposes of CEQA review.

8 | The resource is listed in or determined eligible for listing in the California Register of Historical
9 Resources (CRHR).

10 | The resource is included in a local register of historical resources, as defined in
11 Section 5020.1[k] of the California Public Resources Code (PRC) or identified as significant in a
12 historical resource survey meeting the requirements of Section 5024.1[g] of the PRC, unless the
13 preponderance of evidence demonstrates that it is not historically or culturally significant.

14 | The Lead Agency determines the resource to be significant, as supported by substantial evidence
15 in light of the whole record (CCR, Title 14, Division 6, Chapter 3, section 15064.5[a]).

16 Each of these ways of qualifying as a historical resource for the purpose of CEQA is related to the
17 eligibility criteria for inclusion in the CRHR (PRC Sections 5020.1[k], 5024.1, 5024.1[g]). A historical
18 resource may be eligible for inclusion in the CRHR if it meets any of the following conditions:

19 | The resource is associated with events that have made a significant contribution to the broad
20 patterns of California's history and cultural heritage.

21 | The resource is associated with the lives of persons important in our past.

22 | The resource embodies the distinctive characteristics of a type, period, region, or method of
23 construction or represents the work of an important creative individual or possesses high
24 artistic values.

25 | The resource has yielded, or may be likely to yield, information important in prehistory or
26 history.

27 Properties that are listed in or eligible for listing in the NRHP are considered eligible for listing in the
28 CRHR and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1[d]
29 [1]).

30 According to CEQA, a project that may cause a substantial adverse change in the significance of a
31 historical resource is a project that may have a significant impact on the environment (14 CCR
32 15064.5[b]). Under CEQA, a substantial adverse change in the significance of a resource means the
33 physical demolition, destruction, relocation, or alteration of the resource or its immediate
34 surroundings such that the significance of the historical resource would be materially impaired.
35 Actions that would materially impair the significance of a historic resource are any actions that
36 would demolish or adversely alter the physical characteristics that convey the property's historical
37 significance and qualify it for inclusion in the CRHR or in a local register or survey that meet the
38 requirements of PRC Sections 5020.1[k] and 5024.1[g].

39 CEQA includes in its definition of *historical resources* "any object [or] site ... that has yielded or may
40 be likely to yield information important in prehistory" (State CEQA Guidelines Section 15064.5[3]),
41 which is typically interpreted as including fossil materials and other paleontological resources. In

1 addition, destruction of a “unique paleontological resource or site or unique geologic feature”
2 constitutes a significant impact under CEQA (State CEQA Guidelines Appendix G). Treatment of
3 paleontological resources under CEQA is generally similar to treatment of cultural resources,
4 requiring evaluation of resources in a project’s area of potential affect; assessment of potential
5 impacts on significant or unique resources; and development of mitigation measures for potentially
6 significant impacts, which may include monitoring combined with data recovery and/or avoidance.

7 **Senate Bill 18 (Chapter 905, Statutes of 2004) – Local and Tribal Intergovernmental** 8 **Consultation**

9 SB 18 is a process separate from CEQA that requires cities and counties to consult with federally and
10 non-federally recognized Native American tribes prior to approving certain land use plans that
11 include traditional tribal cultural places on both public and private lands. A cultural place is a
12 landscape feature, site, or cultural resource that has some relationship to particular tribal religious
13 heritage or is a historic or archaeological site of significance or potential significance.

14 SB 18 places the responsibility of initiating consultation on local governments. The purpose of SB 18
15 is to provide time for tribal input early in the planning process. From the date on which a California
16 Native American tribe is contacted by a city or a county, the tribe has 90 days to accept the offer of
17 consultation. Consultation is a “government to government” interaction between tribal
18 representatives and representatives of the County; however, the process may also include
19 applicants and consultants. The NAHC maintains a list of Native American individual/groups,
20 organized by county, for SB 18 Tribal Consultation.

21 **California Public Resources Code**

22 Historical resources are considered under PRC Section 5024.1, which established the CRHR. PRC
23 Section 5024 requires state agencies to identify and protect state-owned resources that meet NRHP
24 listing criteria.

25 Several PRC sections extend protection to paleontological resources. Section 5097.5 prohibits
26 “knowing and willful” excavation, removal, destruction, injury, and defacement of any paleontologic
27 feature on public lands (lands under state, county, city, district, or public authority jurisdiction, or
28 the jurisdiction of a public corporation), except where the agency with jurisdiction has granted
29 express permission. Section 30244 requires reasonable mitigation for impacts on paleontological
30 resources that occur as a result of development on public lands.

31 **California Health and Safety Code—Treatment of Human Remains**

32 Under Section 8100 of the California Health and Safety Code (HSC), six or more human burials at one
33 location constitute a cemetery. Disturbance of Native American cemeteries is a felony (HSC Section
34 7052).

35 HSC Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered
36 human remains until the county coroner can determine whether the remains are those of a Native
37 American. If the remains are determined to be Native American, the coroner must then contact the
38 NAHC, which has jurisdiction pursuant to PRC Section 5097.

39 In the event of the accidental discovery or recognition of any human remains in any location other
40 than a dedicated cemetery, the following steps should be taken:

- 1 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably
2 suspected to overlie adjacent human remains until:
 - 3 a. The county coroner has been informed and has determined that no investigation of the
4 cause of death is required, and:
 - 5 b. If the remains are of Native American origin:
 - 6 | The coroner shall contact the NAHC within 24 hours.
 - 7 | The NAHC shall identify the person or persons it believes to be the most likely
8 descendent (MLD) from the deceased Native American.
 - 9 | The descendants of the deceased Native American(s) make a recommendation to the
10 landowner or the person responsible for the excavation work, for means of treating or
11 disposing of, with appropriate dignity, the human remains and any associated grave
12 goods as provided in PRC Section 5097.98.
 - 13 2. The landowner or his authorized representative shall rebury the Native American human
14 remains and associated grave goods with appropriate dignity on the property in a location not
15 subject to further subsurface ground disturbance, in the event that the NAHC is unable to
16 identify a MLD, or the MLD failed to make a recommendation within 24 hours after being
17 notified by the commission, or if the landowner or his authorized representative rejects the
18 recommendation of the descendant, and the mediation by the NAHC fails to provide measures
19 acceptable to the landowner.

20 Paleontological Resources

21 Under CEQA, destruction of a “unique paleontological resource or site or unique geologic feature”
22 constitutes a significant impact. Appendix G of the State CEQA Guidelines provides a checklist of
23 questions a lead agency should address. The question on the checklist with respect to paleontology
24 is: “Would the project directly or indirectly destroy a unique paleontological resource?” The
25 treatment of paleontological resources under CEQA generally requires an evaluation of resources in
26 a project’s area of potential effect; an assessment of potential impacts on significant or unique
27 resources; and the development of mitigation measures for potentially significant impacts, which
28 may include monitoring combined with data recovery or avoidance (or both).

29 The Society of Vertebrate Paleontology (SVP) *Conformable Impact Mitigation Guidelines* (SVP
30 guidelines) (Society of Vertebrate Paleontology Conformable Impact Mitigation Guidelines
31 Committee 1995; 1996) serve as a method to comply with CEQA and local ordinances and laws
32 which protect paleontological resources. According to the SVP guidelines, significant paleontological
33 resources are defined as fossils that provide important information on evolution, age of a
34 sedimentary strata, past environments, and biotic history, and which are rare or in short supply.

1 Local Regulations

2 Current County Plans and Policies

3 2010 Monterey County General Plan

4 The following 2010 *Monterey County General Plan* (2010 General Plan) policies pertain to cultural
5 and paleontological resources (Monterey County 2010) and are relevant to the Proposed Project
6 and 130-Unit Alternative.

7 *Policy OS-6.1:* Important representative and unique archaeological sites and features shall be
8 identified and protected for all parcels with undisturbed natural conditions (i.e., ungraded
9 properties), consistent with State Office of Historic Preservation guidelines and definitions employed
10 on a statewide basis, including Phase I, II, and III studies.

11 *Policy OS-6.3:* New development proposed within moderate or high sensitivity zones, or within 150
12 feet of a known recorded archaeological and/or cultural site, shall complete a Phase I survey
13 including use of the regional State Office of Historic Preservation or the California Native American
14 Heritage Commission's list of sacred and traditional sites. Routine and Ongoing Agricultural Activities
15 shall be exempted from this policy in so far as allowed by state or federal law.

16 *Policy OS-6.4:* Development proposed in low sensitivity zones are not required to have an
17 archaeological survey unless there is specific additional information that suggests archaeological
18 resources are present.

19 *Policy OS-6.6:* Efforts by historical, educational, or other organizations to improve the public's
20 recognition of the County's cultural heritage and the citizen's responsibilities for archaeological or
21 cultural resource preservation shall be encouraged. The County shall adopt a uniform set of
22 guidelines to define Phase I, II, and III significance assessment and data recovery programs. Similar
23 guidelines shall be created to set standards for requirements for consultation with Native Californian
24 descendants to establish procedures for determining the presence or absence of sacred or traditional
25 sites. These guidelines shall address monitoring requirements and participation in cultural resource
26 data recovery programs.

27 *Policy OS-7.3:* Development proposed within high and moderate sensitivity zones and known fossil
28 bearing formations shall require a paleontological field inspection prior to approval. Routine and
29 Ongoing Agricultural Activities are exempted from this policy in so far as allowed by state or federal
30 law.

31 *Policy OS-7.4:* Development proposed in low sensitivity zones are not required to have a
32 paleontological survey unless there is specific additional information that suggests paleontological
33 resources are present.

34 *Policy OS-7.5:* Policies and procedures shall be established that encourage development to avoid
35 impacts to sensitive paleontological sites including: a. designing or clustering development to avoid
36 paleontological deposits; b. requiring dedication of permanent conservation easements where
37 subdivisions and other developments can be planned to provide for such protective easements. The
38 2010 *Monterey County General Plan Environmental Impact Report* (Jones & Stokes 2008) provides the
39 following exhibits for implementing general plan policies.

40 | **Archaeological Sensitivity** (Exhibit 4.10.2). This map displays three archaeological sensitivity
41 zones (low, moderate, and high), based on available information and knowledge of those
42 topographic characteristics most often associated with archaeological sites. Zones of high
43 sensitivity are found along the coast and inland along the Carmel River and along the major
44 creeks. The project area is considered to be in a high sensitivity zone because of its proximity to
45 the Carmel River.

- 1 | **Historic Resources** (Exhibit 4.10.3). This map displays primary historical resources that are
 2 | located in the County and that are listed on the Monterey County Inventory of Historic
 3 | Resources (MCIHR). The MCIHR listing meets the requirements of PRC Section 5020.1(k), which
 4 | states that properties officially designated or recognized as historically significant by a local
 5 | government are considered significant resources for the purposes of CEQA. None of the
 6 | buildings or structures in the project area is included on the map of the MCIHR.
- 7 | **Paleontological Resources** (Exhibit 4.10.1). This map identifies the 12 significant
 8 | paleontological localities within the County. None of the 12 sites within the County that have
 9 | been identified as having significant paleontological resources are near the project area.

10 | 2013 Carmel Valley Master Plan

11 | The 2013 *Carmel Valley Master Plan* (2013 CVMP) is part of the 2010 General Plan. As such, the
 12 | policy outlined in the 2013 CVMP and presented below must be considered in conjunction with the
 13 | 2010 General Plan and is relevant to the Proposed Project and 130-Unit Alternative.

14 | 3.13 (CV). Historic and Archaeological Resources, including buildings and sites of historical
 15 | significance, located in Carmel Valley shall:

- 16 | a. be reviewed on a site by site basis.
 17 | b. be rezoned to the “HR” District as a condition of permit approval for any development
 18 | impacting such sites.
 19 | c. require preservation of the integrity of historic sites and/or structures.

20 | A committee to evaluate the current condition of each and recommend deletions, additions or other
 21 | measures shall be drawn from members of local historical, architectural, and/or educational
 22 | societies as determined by the Planning Commission.

23 | Prior County Plans and Policies

24 | As stated in Chapter 1, *Introduction*, discussion pertaining to the 1982 General Plan is provided for
 25 | informational purposes only.

26 | 1982 Monterey County General Plan

27 | As discussed in the 1982 *Monterey County General Plan* (1982 General Plan), the County has
 28 | recognized that the data obtained from archaeological surveys are useful in determining other areas
 29 | likely to contain archaeological resources, and that this “extrapolation of data can then be used by
 30 | planners to identify areas where an archaeological survey may be required before development can
 31 | occur” (Monterey County 1982).

32 | The goals and policies pertaining to Archaeological Resources are as follows.

33 | **Goal 12:** Encourage the Conservation and Identification of the County's Archaeological Resources.

34 | *Objective*

35 | Identify and conserve important representative and unique archaeological sites and features.

1 **Policies**

2 12.1.1. The County shall take such action as necessary to compile information on the location and
 3 significance of its archaeological resources so this information may be incorporated into the
 4 environmental or development review process.

5 12.1.2. The Archaeological Sensitivity Zones map shall be used, along with whatever other data is
 6 appropriate, to evaluate whether archaeological resources are threatened by proposed development
 7 projects. The map shall be updated continuously as new data becomes available and shall have an
 8 appropriate review in five years (January 1, 1987).

9 12.1.3. All proposed development, including land divisions, within high sensitivity zones shall require
 10 an archaeological field inspection prior to project approval.

11 12.1.4. All major projects (i.e., 2.5 acres or more) that are proposed for moderate sensitivity zones,
 12 including land divisions, shall require an archaeological field inspection prior to project approval.

13 12.1.5. Projects proposed for low sensitivity zones shall not be required to have an archaeological
 14 survey taken unless specific additional information has been obtained to suggest that archaeological
 15 resources are present.

16 12.1.6. Where development could adversely affect archaeological resources, reasonable mitigation
 17 procedures shall be required prior to project approval.

18 12.1.7. All available measures, including purchase of archaeological easements, dedication to the
 19 County, tax relief, purchase of development rights, consideration of reasonable project alternatives,
 20 etc., shall be explored to avoid development on sensitive archaeological sites.

21 **Objective**

22 12.2. Encourage various historical and educational societies or other appropriate organizations in
 23 their efforts to improve the public’s recognition of its cultural heritage and the citizen’s
 24 responsibilities for archaeological or cultural resource preservation.

25 The goals and policies pertaining to Historic Preservation are as follows.

26 **Goal 52:** To Designate, Protect, Preserve, Enhance, and Perpetuate Those Structures and Areas of
 27 Historical, Architectural, and Engineering Significance which Contribute to the Historical Heritage of
 28 Monterey County and to Enhance Monterey County’s Historical Heritage and Diverse Cultural
 29 Background by Encouraging the Systematic Collection and Preservation of Historic Records and
 30 Artifacts and the Promotion of Related Cultural Events.

31 **Objective**

32 52.2. Protect the County’s cultural resources by developing a historic preservation plan and a historic
 33 preservation ordinance by 1985 which establish the necessary tools to protect the County’s cultural
 34 resources.

35 **Policies**

36 52.1.1. The County shall compile and maintain a current inventory of cultural resources in
 37 unincorporated areas of the County and encourage the same of incorporated cities.

38 52.1.2. The County shall encourage and assist property owners to submit applications to qualify
 39 appropriate properties and buildings on the National Register of Historic Places and/or the State
 40 Landmark program. Those achieving such status shall be given “HR” zoning.

41 52.1.3. The County shall work with property owners to mitigate the destruction or alteration of
 42 historic resources by zoning identified historic sites as “HR” or Historic Resources zones. The “HR”
 43 reclassification would be implemented as follows:

44 | Either at the time of requests for demolition or alteration of the resource, or

1 | At the time of mutual agreement between the County and the property owner to preserve that
 2 | historic resource.

3 | **52.1.4.** The County shall appoint an Architectural Review Board to review restoration, rehabilitation,
 4 | alteration, and demolition proposals of those cultural resources identified by the cultural resources
 5 | inventory.

6 | **52.1.5.** The County shall support any such tax incentive, mutual covenants, protective covenants,
 7 | purchase options, preservation easements, building, fire, health and County code modifications and
 8 | any other methods deemed mutually agreeable between County and landowner which will help to
 9 | preserve historic resources.

10 | **52.1.6.** The County shall, through monies acquired from grants, donations and other revenue sources,
 11 | provide funds for the restoration and enhancement of historic resources.

12 | **52.1.7.** The County shall encourage lending institutions to reinvest in culturally significant
 13 | neighborhoods where conventional loans are available and shall encourage the flow of low interest
 14 | mortgage and home improvement loans.

15 | **52.1.8.** The Monterey County Historical Advisory Commission shall:

- 16 | | Work for the continuing education of county residents concerning historic resources;
- 17 | | Seek financial support from local, state, and federal governments as well as the private sector to
- 18 | | protect, preserve, and enhance the County's historic resources; and
- 19 | | Coordinate its activities with all groups concerned with the preservation of historic resources.

20 | **Objective**

21 | **52.2.** Preserve the County's public records of historic value by initiating a preliminary study of
 22 | present records management policies which outlines problems, identifies appropriate storage areas,
 23 | makes recommendations for a records management program, and identifies public and private
 24 | funding sources for the implementation of such a program by 1985.

25 | **Policies**

26 | **52.2.1.** The County shall inventory existing County records to determine those which have historic
 27 | value, unify archives and records management policies within the county government and private
 28 | archives, and accept donations of artifacts, manuscripts or monetary gifts which are to be used for
 29 | acquisition of historical records.

30 | **52.2.2.** The County shall support the revision of appropriate sections of the California Government
 31 | Code to provide a strong statutory base for the management and preservation of state and local
 32 | records.

33 | **Objective**

34 | **52.3.** Support existing cultural events and generate new programs by providing activity sites within
 35 | the Monterey County Parks system and by developing and enhancing interpretive centers at San
 36 | Lorenzo, San Antonio, Laguna Seca, Toro, Royal Oaks, and Jacks Peak Parks by 1985.

37 | **Policy**

38 | **52.3.1.** The County shall promote Monterey County's historical heritage through the recognition of
 39 | existing cultural events and shall implement new activities such as tours, workshops, speaking
 40 | engagements, interpretive programs, and festivals within the County Parks System.

1 **1986 Carmel Valley Master Plan**

2 The following plans and policies are presented in the 1986 Carmel Valley Master Plan (1986 CVMP)
 3 (Monterey County 1986).

4 ***Archaeological Resources***

5 12.1.6.1 (CV). Archaeological resources, historic resources, and ethnographic and ethnohistoric
 6 resources shall be identified, and if adverse impacts would result from a project their significance
 7 shall be evaluated, prior to project approval. Based on this evaluation, important representative or
 8 unique resources shall be protected and preserved.

9 12.1.7.1 (CV). On discovery of archaeological sites or historic sites, or upon identification of
 10 ethnographic or ethnohistoric sites, procedures will be followed which employ project modification,
 11 relocation or on-site mitigation measures appropriate to the location, significance of the find and
 12 potential impacts of development.

13 12.1.8.1 (CV). Archaeological surveys are required within the three sensitivity zones as follows:

14 | High and Potentially High Sensitivity Zones: All permit applications which include earth
 15 disturbing or earth altering activities (including but not limited to grading permits, utility and
 16 other excavations, foundation trenching and land leveling, etc.) shall be preceded by a cultural
 17 resources reconnaissance.

18 | Low Sensitivity Zones: All major projects or projects otherwise requiring preparation of an EIR
 19 shall be preceded by a cultural resources reconnaissance. Construction of or addition to single-
 20 family dwellings and other minor projects shall not be required to conduct a cultural resources
 21 reconnaissance.

22 12.1.9.1 (CV). The archaeological sensitivity map shall be updated by a professional archaeologist every
 23 two years.

24 12.1.10.1 (CV). Known historic, historical archaeological sites and ethnographic or ethnohistoric sites
 25 shall be coded into the County Planning Department database through the use of Assessor's Parcel
 26 Numbers. Categorical and ministerial exemptions, grading, mechanical clearing, and all other
 27 activities under County permitting authority which might be destructive to these known sites shall be
 28 reviewed for appropriate conditions by the County Planning Department.

29 Development rights for known sites of archaeological, historic or ethnographic nature shall be
 30 acquired by the County of Monterey as follows:

31 3. Known archaeological and ethnographic sites shall be protected by an easement which deeds the
 32 development and disturbance rights to the County of Monterey. Such sites may also be rezoned to
 33 the status of "HR" District. Stewardship shall include preservation. Scientific research disturbance
 34 shall only be allowed upon approval of a Use Permit not to exceed a 10% sampling disturbance
 35 upon showing of an appropriate research design acceptable to a college with a recognized program
 36 for California archaeology, which will be conducted by archaeologists on the County list of qualified
 37 archaeologists.

38 4. Historic sites shall be required to be rezoned to the HR District as a condition of permit approval
 39 for any development impacting such sites. Any Use Permit required by the HR zone shall require
 40 preservation of the integrity of historic sites and/or structures. Appropriate mitigation measures
 41 shall be implemented as conditions of the permit.

42 12.1.11.1 (CV). The Monterey County Historical Inventory files for the planning area shall be
 43 completed and/or updated annually, and will be made available for the use of historical researchers.
 44 These files shall be amended to include ethnographic and/or ethnohistoric resources. Complete
 45 copies of all files pertaining to the CVMP area shall be made available to (1) the Bancroft Library at

1 the University of California, Berkeley, and (2) the archives vault of the Monterey County Historical
2 Society in Salinas.

3 *12.1.12.1 (CV)*. Innovative preservation techniques, such as purchase or dedication of façade
4 easements in exchange for property tax reductions, shall be considered to protect and preserve
5 historic resources.

6 *12.1.13.1 (CV)*. The County shall consider adoption of the California State Historic Buildings Code and
7 the Model Historic Preservation Ordinance.

8 Impact Analysis

9 Methods for Analysis

10 To assess potential impacts of the Proposed Project and the 130-Unit Alternative on cultural
11 resources, the results of the previous cultural resources investigations, including those conducted by
12 Archaeological Consulting (2003, 2005) were reviewed in detail. ICF also conducted archival
13 research at the NWIC in Sonoma County in 2014, reviewed the information regarding existing
14 conditions in the project area, and reviewed project maps and the surrounding topography to
15 independently assess the sensitivity for the presence of cultural resources within the project area.

16 Criteria for Determining Significance

17 In accordance with CEQA, State CEQA Guidelines, 2010 General Plan plans and policies, and 2013
18 CVMP plans and policies, and agency and professional standards, a project impact would be
19 considered significant if the project would:

20 A. Historical Resources

21 | Cause a substantial adverse change in the significance of a historical resource (State CEQA
22 Guidelines Section 15064.5), including physical demolition, destruction, relocation, or alteration
23 of historical resources or their immediate surroundings, such that their significance would be
24 materially impaired. The significance of a historical resource is considered materially impaired
25 when a project demolishes or adversely materially alters those physical characteristics that
26 convey its historical significance and that justify its eligibility for or inclusion in the CRHR or in
27 registers meeting the definitions in PRC 5020.1(k) or 5024.1(g).

28 B. Archaeological Resources

29 | Cause a substantial adverse change in the significance of an archaeological resource, or potential
30 disturbance to undiscovered archaeological resources (State CEQA Guidelines Section 15064.5).

31 C. Human Remains

32 | Disturb or potentially disturb any undiscovered human remains, including those interred
33 outside of formal cemeteries.

34 D. Paleontological Resources

35 | Directly or indirectly destroy a unique paleontological resource or site, or a unique geological
36 feature.

1 Impacts and Mitigation Measures

2 A. Historical Resources

3 **Impact CR-1: Demolition, Destruction, Relocation, or Alteration of Historical Resources (no** 4 **impact)**

5 **Proposed Project**

6 Implementation of the Proposed Project would require that the two structures that currently exist
7 within the project area be removed: a restroom and the concrete monument sign at the entrance to
8 the facility. However, neither the built features nor the designed landscape features appear to be
9 historic resources for the purposes of CEQA. The features found within the project area are less than
10 45 years old and are not associated with significant persons or patterns and events of history. The
11 property also does not exhibit distinctive characteristics or high artistic values that would indicate
12 that it is the work of a significant builder or landscape designer. Therefore, there would be *no impact*
13 on historical resources. No mitigation is required.

14 **130-Unit Alternative**

15 Similar to the Proposed Project, the 130-Unit Alternative would require removal of the currently
16 existing structures including (three facilities maintenance buildings on Lot 130). These structures
17 do not appear to be historic resources for the purposes of CEQA. These structures are less than 45
18 years old, and not associated with significant persons or patterns and events of history. Therefore,
19 there would be *no impact* on historical resources. No mitigation is required.

20 **B, C, and D. Archaeological Resources, Human Remains, and Paleontological** 21 **Resources**

22 **Impact CR-2: Ground Disturbing Activities, Such as Grading, Trenching, or Excavation (less** 23 **than significant with mitigation)**

24 **Proposed Project**

25 Ground disturbing activities have the potential to adversely affect unknown archaeological or
26 paleontological resources, including the discovery of human remains. While no known
27 archaeological resources, human remains, or paleontological resources would be affected by the
28 Proposed Project, there is always the possibility that previously unrecorded sites will be disturbed
29 during construction. This would be a *potentially significant impact*. Implementation of **Mitigation**
30 **Measures CR-1 through CR-4** would reduce the impact to a *less-than-significant* level.

31 **130-Unit Alternative**

32 No known archaeological resources, human remains, or paleontological resources are known to
33 exist in the 130-Unit Alternative site. However, there is always the possibility that previously
34 unrecorded sites would be disturbed during construction. This would be a *potentially significant*
35 *impact*. Implementation of **Mitigation Measures CR-1 through CR-4** would reduce the impact to a
36 *less-than-significant* level.

1 **Mitigation Measure CR-1: Archaeological Resources—Stop Work if Buried Cultural**
2 **Deposits are Encountered during Construction Activities**

3 If buried cultural resources are encountered during construction activities, the Project Applicant
4 or its contractor will stop work. If cultural resources such as chipped stone or groundstone,
5 historic debris, building foundations, or human bone are inadvertently discovered during
6 ground-disturbing activities, the Project Applicant or its contractor will stop work within a 100-
7 foot radius of the find until a qualified archaeologist can assess the significance of the find and
8 recommend additional treatment measures appropriate to the nature of the find. The Project
9 Applicant will be responsible for ensuring that treatment measures are implemented, in
10 accordance with the archaeologist’s recommendations.

11 **Mitigation Measure CR-2: Archaeological Monitoring During Ground-Disturbing Activities**
12 **within the Project Area during Construction**

13 The alluvial plain of the Carmel River Valley is highly sensitive for the presence of buried
14 prehistoric archaeological resources, which do not always have surface expression and can be
15 difficult to identify through a Phase I archaeological survey. Due to the sensitive nature and
16 location of the project area, there is a possibility that buried prehistoric archaeological materials
17 could be discovered during ground-disturbing activities during the construction phase of the
18 project. Prior to the start of construction activities, the Project Applicant or its contractor will
19 obtain the services of an archaeological monitor who can identify resources and minimize
20 impacts on buried deposits, if present.

21 **Mitigation Measure CR-3: Archaeological Resources—Stop Work if Human Remains are**
22 **Encountered during Construction Activities**

23 If human remains are encountered during construction, the Project Applicant or its contractor
24 will notify the County Coroner immediately, as required by County Ordinance No. B6-18. Because
25 this measure will be implemented along with Mitigation Measure CR-2, a qualified archeologist
26 will already be onsite. If the County Coroner determines that the remains are Native American,
27 the Coroner will then contact the NAHC, pursuant to HSC Section 7050.5[c]. S/he will also
28 contact the County Coordinator of Indian Affairs. There will be no further excavation or
29 disturbance of the site or any nearby area reasonably suspected to overlie human remains until
30 the County Coroner has determined that no investigation of the cause of death is required.

31 If the Coroner determines that the remains are not subject to their authority, they will notify the
32 NAHC, who will attempt to identify descendants of the deceased Native American, who will be
33 consulted as to proper treatment of Native American remains and any associated grave goods. If
34 no satisfactory agreement can be reached as to the disposition of the remains pursuant to this
35 state law, then the land owner will re-inter the human remains and items associated with Native
36 American burials on the property in a location not subject to further subsurface disturbance.

37 **Mitigation Measure CR-4: Paleontological Resources—Stop Work if Vertebrate Remains**
38 **are Encountered during Construction**

39 If vertebrate fossils are discovered during construction, work will stop within a 100-foot radius
40 of the find until a qualified professional paleontologist can assess the nature and importance of
41 the find and recommend appropriate treatment. Treatment will include preparation and
42 recovery of fossil materials so that they can be housed in an appropriate museum or university

1 collection, and may also include preparation of a report for publication describing the finds. The
2 project proponent will be responsible for ensuring that the paleontologist's recommendations
3 regarding treatment and reporting are implemented.

4 **Impact CR-3: Erosion or Usage of the Project Area that Could Expose Buried Archaeological**
5 **Resources Due to Long-Term Use of the Area (less than significant with mitigation)**

6 **Proposed Project**

7 Long-term use of the area could result in the exposure of buried archaeological resources that were
8 not visible or uncovered during archaeological survey, or construction of the project. This could
9 result from frequent human use, foot traffic, vehicular traffic, maintenance or construction activities,
10 and any activities that could cause erosion within the project area. This would be a *potentially*
11 *significant* impact. Implementation of **Mitigation Measure CR-5** would reduce the impact to a *less-*
12 *than-significant* level.

13 **130-Unit Alternative**

14 Similar to the Proposed Project, long-term use of the 130-Unit Alternative area could result in the
15 exposure of buried archaeological resources that were not visible or uncovered during
16 archaeological survey, or construction of the project. This could result from frequent human use,
17 foot traffic, vehicular traffic, maintenance or construction activities, and any activities that could
18 cause erosion within the project area. This would be a *potentially significant* impact. Implementation
19 of **Mitigation Measures CR-5** would reduce this impact to a *less-than-significant* level.

20 **Mitigation Measure CR-5: Consult with a Qualified Archaeologist to Identify Resources**
21 **and Assess Impacts**

22 If archaeological resources are uncovered as a result of long-term use of the project area,
23 resulting from the implementation of the Project or the 130-Unit Alternative, the Project
24 Applicant will consult with a qualified archaeologist to identify the resource, assess the potential
25 significance of the discovery, and assess and mitigate the impacts as appropriate to the
26 resources and level of impacts, as required by CEQA.