

This section of the EIR discusses the existing historical and cultural resources present at the project site and potential impacts to those resources that could result with implementation of the proposed project. Archaeological Consulting prepared a *Preliminary Cultural Resources Reconnaissance* report in 1993 on behalf of the project applicant. This report was peer reviewed by John Nadolski, M.A., a cultural resource specialist with PMC in November 2005. Based on the peer review, an updated database search and a pedestrian survey were performed by PMC in May 2006. The *Preliminary Cultural Resources Reconnaissance*, peer review letter, and the updated archaeological and historical investigation prepared by PMC are included in **Appendix D**.

3.4.1 ENVIRONMENTAL SETTING

REGIONAL SETTING

Prehistory

Two archaeological “patterns” exist for the Monterey Bay area: the Sur Pattern and the Monterey Pattern. The Sur Pattern represents an early “forager” subsistence strategy and a very generalized economy. The Sur Pattern appears prior to 3000 years before the present (B.P.), and may be associated with Hokan speaking ancestors of historic Esselen populations. The Monterey Pattern represents a “collector” subsistence strategy that appears in the Monterey Bay area after 2450 B.P. The Monterey Pattern highlights exploitation of marine resources, and may be associated with Penutian speaking ancestors of historic Costanoan populations.

Ethnography

At the time of Euroamerican contact (ca. 1769), Native American groups of the Costanoan language family occupied the area from San Francisco Bay to southern Monterey Bay and the lower Salinas River. The Costanoan language family consists of eight separate and distinct languages, and approximately 50 tribelets. The tribelets of Kalendaruc and Guachiron dominated the central Monterey Bay area. A wide variety of ecological zones, including foothills, valleys, sloughs, and coastal areas, were exploited by Costanoans to obtain subsistence. These resources included: various seeds; nuts (e.g., acorn, buckeye, laurel, and hazelnuts); berries; grasses; corms; roots; insects; birds (e.g., geese, mallard, and coot); fish (e.g., steelhead, salmon, and sturgeon); shellfish (e.g., abalone, mussel and clam); and both marine and terrestrial mammals (e.g., sea otter, sea lion, harbor seal, deer, elk, grizzly bear, rabbits, antelope, raccoon, and squirrels). Unfortunately, Costanoan culture was dramatically affected by missionization, and information (e.g., mission records and travelers logs) regarding its pre-contact organization is incomplete and inconsistent. Indeed, Costanoan languages were probably extinct by 1935, and in 1971 the remaining Costanoan descendants united as a corporate entity identified as the Ohlone Indian Tribe.

3.4 CULTURAL RESOURCES

History

Sebastian Vizcaino's landing at present day Monterey in 1602 is the earliest documented contact with Native Americans in the area. Gaspar de Portolá founded Monterey in 1769, and in 1770 Padre Junipero Serra founded Mission San Carlos de Borromeo, which was later relocated to Carmel. The Spanish attempted to convert the Native American population to Catholicism and incorporate them into the "mission system." The process of missionization disrupted traditional Salinan cultural practices, and they were generally slow to adapt to the mission system. The Spanish, however, were intent on implementing it, and by 1810 most Native Americans in the area were either incorporated or relocated into local missions. This factor, coupled with exposure to European diseases, virtually ended the traditional life of Native Americans in the area.

In 1833 the missions were secularized and their lands divided into land grants called "ranchos." These ranchos facilitated the growth of a semi-aristocratic group that controlled the larger ranchos. Owners of ranchos used local populations, including Native Americans, essentially as forced labor to accomplish work on their large tracts of land. Consequently, Costanoans, and other Native American groups across California, were forced into a marginalized existence as "vaqueros" on the large ranchos.

The latter half of the nineteenth century witnessed an ongoing and growing immigration of Anglo-Americans into the area, an influx also accompanied by regional cultural and economic changes. Indeed, Anglo-American culture expanded at the expense of Hispanic culture. Dispersed farmsteads slowly replaced the immense Mexican ranchos, and the farming of various crops slowly replaced cattle ranching as the primary economic activity in the region. Larger and larger tracts of land were opened for farming, and these agricultural developments demanded a large labor force, sparking a new wave of immigration into the region. These trends (i.e., expansion of agriculture and immigration of workers to work on farms) have continued into the 21st century, and generally characterize the development of the area to the present.

LOCAL SETTING

The County has delineated archaeological sensitivity zones, which rate an area's probability of having archaeological significance. High concentrations of archaeological sites are along the edges of the more abundant plant and wildlife resources. Less than five percent of Monterey County has been surveyed for archaeological resources, yet 49 sites of national and/or state significance have been designated. In addition to those historic sites on national and state registers, the County has identified about 220 sites on the County historic inventory. According to the *Toro Area Plan*, the Corral de Tierra area is designated as a highly sensitive zone for archaeological and historical sites, with twelve designated historical sites, as shown in **Figure 3.4-1, Archaeological Sensitivity Map**.

INSERT Figure 3.4-1, Archaeological Sensitivity Map

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3.4.2 REGULATORY SETTING

CEQA GUIDELINES

CEQA establishes guidelines at Section 15064.5 for the identification of historical resources and determining their historical significance. CEQA Section 15064.5(a)(3) presents the following eligibility criteria for inclusion of historical resources in the California Register of Historic Resources (CRHR). A resource is considered significant if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or
- Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA also presents criteria for the identification of unique archaeological resources at Section 21083.2(g). A resource is considered significant if it:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; and/or
- Is directly associated with a scientifically recognized important prehistoric or historic event.

In addition to the eligibility criteria at CEQA Section 15064.5(a)(3), the California Code of Regulations (CCR), Title 14, Division 3, Chapter 11.5 § 4852 (c) also states that integrity of historical resources should be considered when addressing their eligibility for inclusion in the CRHR. This section of the CCR describes integrity as the

...authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must...retain enough of their historic character to be recognizable as historical resources and to convey the reasons for their significance.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

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Therefore, eligible historic resources must not only meet one of the above listed criteria, but also they must retain enough of their historic character or appearance to convey the reasons for their importance, or retain the potential to yield significant scientific or historical information or specific data. Most often, historical resources eligible for the California Register will be 50 years old or older. However, the regulations stipulate “a resource less than fifty (50) years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance.”

CALIFORNIA OFFICE OF HISTORIC PRESERVATION, REGIONAL INFORMATION CENTERS

The California Office of Historic Preservation established the Regional Information Centers as local repositories for all archaeological reports prepared under cultural resource management regulations. State guidelines and current professional standards require a background search at the appropriate Regional Information Center. Following the completion of a project, a copy of the report must be deposited at the appropriate Regional Information Center to assist with future background searches.

COUNTY OF MONTEREY

Monterey County encourages the conservation and identification of the archaeological resources. The primary goals of the county regarding cultural resources are as follows:

- To encourage the conservation and identification of the County’s archaeological resources.
- To designate, protect, preserve, enhance, and perpetuate those structures and areas of historical, architectural and engineering significance, which contribute to the historical heritage of Monterey County and to enhance Monterey County’s historical heritage and diverse cultural background by encouraging the systematic collection and preservation of historic records and artifacts and the promotion of related cultural events.

They have specific policies that they enforce in order to reach their archaeological resources goals and objectives. The specific policies applicable to the proposed project are described below.

Monterey County General Plan

Policies

- 12.1.3 All proposed development, including land division, within high sensitivity zones shall require an archeological field inspection prior to project approval.

- 12.1.4 All major projects (i.e., 2.5 acres or more) that are proposed for moderate sensitivity zones, including land divisions, shall require an archaeological field inspection prior to project approval.
- 12.1.6 Where development could adversely affect archaeological resources, reasonable mitigation procedures shall be required prior to project approval.
- 52.1.1 The County shall compile and maintain a current inventory of cultural resources in unincorporated areas of the County and encourage the same of incorporated cities.

Toro Area Plan

Using available information and applying the various topographic characteristics most often associated with such sites, the County has delineated sensitivity zones. Three zones were established: low, moderate, and high, which indicate the probability of an archaeologically sensitive site being present. According to the *Toro Area Plan*, the project site is located in a high archaeological sensitivity zone.

Policy

- 12.1.4.1 The Toro Archaeological/Historical Sites Map contained in the *Inventory and Analysis* shall be used in interpreting General Plan policies, which address the requirements for field inspections in moderate and high archaeological sensitivity zones.

3.4.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The following thresholds for measuring a project's environmental impacts are based on CEQA Guidelines and standards used by the County of Monterey. For the purposes of this EIR, impacts are considered significant if the following could result from implementation of the proposed project:

- 1) Adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines;
- 2) Adverse change in the significance of an archaeological resource pursuant to section 15064.5 of the CEQA Guidelines;
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and/or
- 4) Disturb any human remains, including those interred outside of formal cemeteries.

3.4 CULTURAL RESOURCES

METHODOLOGY

Available information pertaining to cultural resources within the project site was reviewed, including the *Preliminary Cultural Resource Reconnaissance* (Archaeological Consulting 1993). This report was peer reviewed in November 2005 by John Nadolski, M.A., a cultural resource specialist with PMC. The peer review recommended that the records search be updated and an updated pedestrian survey be completed; a sacred lands records search be performed; and that a better description of the project area be provided, including the cultural context and archaeological sensitivity of the project area. PMC conducted an updated records search in December 2005 and performed a field reconnaissance of the project site in May 2006. The survey conducted in May 2006 focused on the approximate locations of the proposed home sites. The archaeological report prepared by Archaeological Consulting, the peer review letter, and updated archaeological and historical evaluation are incorporated in Appendix D of the DEIR.

PROJECT IMPACTS AND MITIGATION MEASURES

Disturbance of Cultural, Archaeological, Historical, or Paleontological Resources

Impact 3.4-1 No cultural, archaeological, historical, or paleontological resources are known to exist on the project site. However, there is always a possibility that such resources would be discovered and directly affected during site preparation and grading activities at the project site. This would be considered a **potentially significant impact**.

According to the *Toro Area Plan*, the project site is located in a high archaeological sensitivity zone. Policy 12.1.3 in the *Monterey County General Plan* requires that "All proposed development, including land division, within high sensitivity zones shall require an archeological field inspection prior to project approval."

Archaeological Consulting conducted a "general surface reconnaissance" of all areas that could reasonably be expected to contain visible cultural resources and could be viewed without major removal of vegetation in 2003. Archaeological Consulting did not find any recorded resources of archaeological, cultural, or pre-historic significance. In May 2006, PMC conducted an updated field reconnaissance and records search for the proposed project to determine if conditions at the project site had changed and to confirm the negative results of the previous survey. The investigation conducted by PMC included a records search at the Northwest Information Center at Sonoma State University, Rohnert Park; a sacred lands search conducted by the Native American Heritage Commission; consultation with the Native American community; and pedestrian surface survey of the project site. The pedestrian surface surveys were conducted using 10 to 15 meter parallel transects across open areas and 20 to 25 meter transects across areas covered with brush did not identify any cultural resources. Surface visibility was generally good across the residential lots along the ridge tops (e.g., there are areas of exposed native soils and rock along the ridge tops) and ranged from good to poor in areas beyond the residential lots on

the slopes of the ridges that have a relatively low sensitivity for cultural resources. Consequently, surface visibility across the project site was adequate to identify the types of cultural resources that would typically occur in the area. The archaeological and historical investigation conducted by PMC for the proposed project did not identify any cultural resources (e.g., prehistoric sites, historic sites, historic buildings, or isolated artifacts) either within or immediately adjacent to the project site. Therefore, it is not anticipated that the proposed project would affect any historical resources and/or unique archaeological resources.

However, it is always possible to inadvertently uncover cultural, archaeological, historical, paleontological resources or human remains during ground disturbing activity (e.g. grading activities) associated with construction activities at the project site. Any destruction or disturbance of undiscovered archaeological resources, whether planned or inadvertent, is considered a **potentially significant impact**. Implementation of the following mitigation measures would reduce this impact to a **less than significant level**.

Mitigation Measure

MM 3.4-1 If archaeological resources or human remains are discovered during grading or construction, the following step shall be taken immediately upon discovery:

- a) There shall be no further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains until;
- b) The Coroner of the County of Monterey in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- c) If the Coroner determines the remains to be Native American:
 - The Coroner shall contact the Native American Heritage Commission and the Monterey County Resource Management Agency – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinian, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - 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 5097.9 and 5097.993, or

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- Where the following conditions occur, the landowner or his authorized representatives 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:
 - The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation with 24 hours after being notified by the commission.
 - The descendent identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measure acceptable to the landowner.

Implementation of the above mitigation measures would reduce the potential impact to undiscovered cultural, archaeological, historical, and/or paleontological resources to a **less than significant impact** by halting operations in the event of a discovery and assessing the find in accordance with Section 7050.5 of the California Health and Safety Code.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Impact to Undiscovered Cultural Resources

Impact 3.4-2 Implementation of the proposed project, in combination with cumulative development activity in the area, would increase the potential to disturb or contribute to the loss of known and undiscovered cultural resources in the area. This would be considered a **potentially significant cumulative impact**.

Implementation of mitigation measure **MM 3.4-1** would ensure the project's contribution to this cumulative impact remains at a **less than significant** level by addressing impacts on a case-by-case basis, thus avoiding compounding the impact of cumulative development on cultural resources.

REFERENCES/DOCUMENTATION

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