

## 4.4 ARCHAEOLOGICAL RESOURCES

This section summarizes the results of the archaeological resources studies conducted for the project. The information in this section is largely based on the following technical reports and documents:

- *Preliminary Archaeological Reconnaissance of Assessor's Parcel 008-261-007, Pebble Beach, Monterey County, California* (Archaeological Consulting 2010)
- *Updated Preliminary Cultural Resources Reconnaissance of Assessor's Parcel 008-261-007, in the Del Monte Forest, Monterey County, PLN100338* (Morley 2015)

Additional references are provided in Chapter 8 of the EIR.

### 4.4.1 Existing Conditions

#### 4.4.1.1 Regional Setting

The project area lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. The Rumsen group of the Ohlone are believed to have inhabited the Del Monte Forest area since 500 A.D. or earlier. The Rumsen were hunter-gathers who relied heavily on the native flora and fauna for survival. The group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Some forms of resource management akin to agriculture were used by the Ohlone, including pruning and re-seeding plants. Controlled burns were also carried out to promote seed growth and to increase grazing area for deer, elk, and antelope.

The Del Monte Forest area shoreline contains numerous archaeological sites, which, along with several known upland sites, represent several periods of occupation. The Costanoan had both permanent village locations and seasonal camps to take advantage of the diverse terrain along the central coast. Costanoan habitation is considered to have been semi-sedentary and occupation sites are most often located at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. These original sources of water may no longer be present. Resource gathering and processing areas and associated temporary campsites are also frequently found near the coast and in other locations containing resources utilized by the group. Factors that may influence the locations of these sites include the presence of suitable exposures of rock for bedrock mortars or other milling activities, the presence of specific resources (oak groves, marshes, quarries, game trails, trade routes, etc.), proximity to water, and the availability of shelter. Temporary camps or other activity areas can also be found along ridges or other travel corridors (Archaeological Consulting 2010).

#### 4.4.1.2 Site-Specific Setting

The project site is identified as an area of high archaeological sensitivity in the Monterey County General Plan (County of Monterey 2010). Two separate cultural resources studies have been conducted at the project site to address the site's potential to contain archaeological resources. Neither study identified the presence of prehistoric or historic-era archaeological resources within or adjacent to the project site (Archaeological Consulting 2010; Morley 2015). However, archival research conducted at the NWIC of the CHRIS, located at Sonoma State University, Rohnert Park, identified the presence of one previously identified prehistoric archaeological site (CA-MNT-157) within close proximity (approximately 250 feet) of the project site (Archaeological Consulting 2010; Morley 2015).

CA-MNT-157 was first documented in the 1950s as a lithic and faunal scatter containing abundant stone tools and human remains (Archaeological Consulting 2010; Morley 2015). Based on the Updated Preliminary Cultural Resources Reconnaissance of the project site (Morley 2015), CA-MNT-157 is situated at an elevation of 25 feet above msl, while the project site is at an elevation of approximately 70–110 feet above msl on a different landform. Although in close proximity, there is no evidence that CA-MNT-157 extends into proposed project area (Morley 2015). Neither study revealed additional factors (aside from the presence of CA-MNT-157 in close proximity) to suggest that the project site has an elevated sensitivity for the presence of buried archaeological resources.

## **4.4.2 Regulatory Setting**

This regulatory framework section identifies the federal, state, and local laws, statutes, guidelines, and regulations that govern the identification and treatment of cultural resources as well as the analysis of potential impacts to cultural (archaeological) resources.

### **4.4.2.1 Federal Regulations**

#### **National Historic Preservation Act of 1966**

Significant archaeological and built environment resources are protected by the NHPA. NHPA §106 states that if a federal agency is involved in a proposed project through initiation, funding, and/or issuance of permits, the agency is required to consult with SHPO.

When a cultural resource is reported to SHPO, further study and/or preparation of a mitigation and monitoring plan may be required and the resource may be listed in the NRHP. The NRHP is an inventory of the historic resources of the United States and is maintained by NPS. The inventory includes buildings, structures, objects, sites, districts, and archeological resources.

NHPA §106 (16 United States Code [U.S.C.] 470f) requires federal agencies to take into account the effects of their undertakings on any site, structure or object that is included in or eligible for inclusion in the NRHP and to afford ACHP a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Under §106, the significance of any adversely affected cultural resource is assessed and mitigation measures are proposed to reduce any impacts to an acceptable level.

Cultural resources are considered during federal undertakings chiefly under §106 of the NHPA through one of its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the NEPA of 1969. Properties of traditional religious and cultural importance to Native Americans are considered under §101(d)(6)(A) of NHPA. Other relevant federal laws include the Archaeological Data Preservation Act of 1974, American Indian Religious Freedom Act of 1978, Archaeological Resources Protection Act of 1979, and Native American Graves Protection and Repatriation Act of 1989, among others.

### **4.4.2.2 State Regulations**

The State of California has formulated laws for the protection and preservation of historic and archaeological resources. Generally, a cultural resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the CRHR (PRC §5024.1, 14 CCR §4852) including the following:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

- Is associated with the 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; or,
- Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC §5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC §5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC §§5020.1(j) or 5024.1.

If the project may cause damage to a significant archaeological resource, the project may have a significant effect on the environment. CEQA §15064.5 pertains to the determination of the significance of impacts to archaeological and historic resources, and provides guidelines for administering to archaeological resources that may be adversely affected by project development in §151226.4. Achieving CEQA compliance with regard to treatment of impacts to significant cultural resources requires that a mitigation plan be developed for the resource(s). Preservation in place is the preferred manner of mitigating impacts to archaeological resources.

#### **4.4.2.3 Applicable State, Regional, and Local Plans and Policies Relevant to Archaeological Resources**

Table 4.4-1 lists applicable state, regional, and local land use policies and regulations pertaining to archaeological resources that were adopted for the purpose of avoiding or mitigating an environmental effect and that are relevant to the proposed project. A general overview of these policy documents is presented above in Section 4.4.2, Regulatory Setting, above, and in Chapter 3, Environmental Setting. Also included in Table 4.4-1 is an analysis of project consistency with identified policies and regulations. Where the analysis concludes the proposed project would potentially conflict with the applicable policy or regulation, the reader is referred to Section 4.4.5, Impact Assessment and Mitigation Measures, for additional discussion.

**Table 4.4-1. Applicable Local Plans and Policies Relevant to Archaeological Resources**

Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination*
<b>County of Monterey Del Monte Forest Area Land Use Plan</b>		
<b>Del Monte Forest Land Use Plan Key Policies</b>		
<p><b>Cultural Resources:</b> The Del Monte Forest’s cultural resources shall be maintained, preserved, and protected for their scientific and cultural heritage values. New land uses and development shall be considered compatible with this objective only when they incorporate site planning and design features necessary to avoid impacts to cultural resources, and where impacts are unavoidable they shall be minimized and reasonably mitigated.</p>	<p>The purpose of this policy is to protect cultural resources within the Del Monte Forest through site planning and design measures to avoid or minimize impacts.</p>	<p><u>Potentially Consistent.</u> Surveys at the project site did not identify any cultural resources. <u>Mitigation has been identified</u>, including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on unknown archaeological resources, consistent with this policy. <u>With implementation of identified mitigation</u>, the project would be consistent with this policy.</p>
<b>Resource Management Element</b>		
<b>CULTURAL RESOURCES</b>		
<p><b>Policy 57.</b> The timely identification and evaluation of archaeological, historical, and paleontological resources, and coordination with applicable Native American representatives, is encouraged, so that these resources are given full consideration during the conceptual design phase of land use planning for project development.</p>	<p>This policy is intended to protect cultural resources and encourage coordination with Native American representatives to ensure proper consideration of these resources.</p>	<p><u>Potentially Consistent.</u> Archaeological surveys at the project site did not identify any archaeological resources. The surveys found no additional factors that would indicate elevated sensitivity at the project site. The NOP for the project was issued prior to implementation of AB 52; however, the County notified affiliated tribes and in April 2018 the County received a comment letter from the Ohlone/Costanoan-Esselen Nation, consistent with this policy.</p>
<p><b>Policy 58.</b> Whenever development is proposed, it shall be determined whether the affected property has received an archaeological survey. If not, such a survey shall be conducted to determine if archaeological resources exist. The survey should describe the sensitivity of the site and make appropriate recommendations concerning needed protection</p>	<p>This policy is intended to identify and protect archaeological resources at the time development activity is proposed.</p>	<p><u>Potentially Consistent.</u> Archaeological surveys at the project site did not identify any archaeological resources. The surveys found no additional factors that would indicate elevated sensitivity at the</p>

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Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination*
of the resource. If the development activity is subject to environmental review, this policy may be satisfied in conjunction with environmental review.		project site.
<b>Policy 59.</b> Where significant archaeological resources are identified, all available measures including dedication of open space conservation or scenic easements and purchase of development rights shall be considered to avoid development on significant archaeological sites.	This policy is intended to protect significant known archaeological resources through all available measures.	<u>Potentially Consistent.</u> Archaeological surveys at the project site did not identify any archaeological resources. The surveys found no additional factors that would indicate elevated sensitivity at the project site. <u>Mitigation has been identified</u> (AR/mm-1.3), including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on unknown archaeological resources, consistent with this policy. <u>With implementation of identified mitigation,</u> the project would be consistent with this policy.
<b><i>Monterey County Coastal Implementation Plan</i></b>		
<b>Part 5 Regulations for Development in the Del Monte Forest Plan Area (Chapter 20.147)</b>		
<b>20.147.080 Cultural Resources</b>		
<p>A. Coastal Development Permit Requirements</p> <ol style="list-style-type: none"> <li>1. Notwithstanding any coastal development permit exemptions that may otherwise apply, development proposed within 750 feet of a known archaeological resource, as identified through the survey report or as shown on current County resource maps or other available information, shall be required to obtain a Coastal Development Permit.</li> </ol>	This section is intended to protect and preserve cultural resources within the Del Monte Forest by requiring consideration of a project's potential impacts on cultural resources in the coastal development permit process.	<u>Potentially Consistent.</u> The project application includes a Coastal Development permit, consistent with this section.
<b>20.147.080 Cultural Resources</b>		
<p>B. Archaeological Report Requirements</p> <ol style="list-style-type: none"> <li>1. The timely identification and evaluation of archaeological, historical, and paleontological resources, and coordination</li> </ol>	This section is intended to protect cultural resources through the identification of standards for the preparation of archaeological reports.	<u>Potentially Consistent.</u> Archaeological surveys at the project site did not identify any archaeological resources. The surveys found no additional factors that would indicate elevated sensitivity at the

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<p>with applicable Native American representatives, is encouraged, so that these resources are given full consideration during the conceptual design phase of land use planning for project development. An archaeological survey report shall be required for all development within a known or potential archaeological resource area.</p> <ol style="list-style-type: none"> <li>2. The archaeological report shall be required by, submitted to and approved by the County prior to the application being considered complete. The manner (electronic versus hard copy, number of copies, etc.) said Plan is to be submitted shall be determined by the Planning Department.</li> <li>3. The archaeological report shall be prepared, at the applicants' expense, by a qualified archaeologist, as included on the County's list of archaeological consultants.</li> <li>4. The archaeological report shall be prepared according to the report standards of the Register of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologists, survey of available State resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity and any identified archaeological resources, site planning and design features necessary to avoid impacts to cultural resources and to minimize unavoidable impacts, appropriate levels of development for the site, results of coordination with applicable Native American representatives, appropriate recommendations concerning needed protection of the resource, and recommended mitigation measures for unavoidable impacts. The report may be required to include additional information according to the circumstances of the particular site.</li> <li>5. The archaeological report requirement may be waived under the following circumstances: <ol style="list-style-type: none"> <li>(a) a previous report was prepared for the site by a qualified archaeologist, as included on the County's list of archaeological consultants;</li> <li>(b) the previous report meets all of the above identified</li> </ol> </li> </ol>		<p>project site. The NOP for the project was issued prior to AB 52; however, the County notified affiliated Native American groups and in April 2018 the County received a comment letter from the Ohlone/Costanoan-Esselen Nation and consulted with the tribe consistent with this policy.</p>

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Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination*
<p>archaeological report criteria; and                      (c) the previous report clearly and adequately included the currently proposed development site within the scope of the survey.</p>	<p>This section is intended to protect cultural resources through implementation of mitigating project design and development standards.</p>	<p><u>Potentially Consistent</u>. The proposed residence would be predominantly located within areas of previous disturbance, with reduced potential for archaeological resources. Archaeological surveys at the project site did not identify any archaeological resources. <u>Mitigation has been identified</u>, including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on unknown archaeological resources, consistent with this section. <u>With implementation of identified mitigation</u>, the project would be consistent with this policy.</p>
<p><b>20.147.080 Cultural Resources</b>                      C. Development Standards</p> <ol style="list-style-type: none"> <li>1. When developments are permitted on parcels where archaeological or other cultural resource sites are located, project design shall be required which avoids or mitigates impacts to such sites. Where the site has religious significance, emphasis shall be placed on preserving the entire site. Where the site is of known regional significance, consideration shall be given to nominating the site to the National Register, and preserving it.</li> <li>2. Where significant archaeological resources are identified, all available measures including dedication of open space conservation or scenic easements and purchase of development rights shall be considered to avoid development on significant archaeological sites.</li> <li>3. Development on parcels with an archaeological site and/or archaeological resources, including as identified through an archaeological report prepared for the site, shall be subject to the following conditions of approval to be completed prior to issuance of building or grading permits:                             <ol style="list-style-type: none"> <li>(a) The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made conditions of approval.</li> <li>(b) The applicant shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.</li> <li>(c) The archaeological site and/or area of archaeological resources shall be placed in conservation easement. The easement shall be required pursuant to Section</li> </ol> </li> </ol>	<p>This section is intended to protect cultural resources through implementation of mitigating project design and development standards.</p>	<p><u>Potentially Consistent</u>. The proposed residence would be predominantly located within areas of previous disturbance, with reduced potential for archaeological resources. Archaeological surveys at the project site did not identify any archaeological resources. <u>Mitigation has been identified</u>, including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on unknown archaeological resources, consistent with this section. <u>With implementation of identified mitigation</u>, the project would be consistent with this policy.</p>

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<p>20.64.280. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants.</p> <p>4. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate preservation measures shall be required. Preservation and mitigation measures shall be designed by a qualified archaeologist in accordance with current accepted guidelines, including those of the Register of Professional Archaeologists.</p> <p>5. Unauthorized collecting of archaeological, historical, and paleontological artifacts is prohibited.</p> <p>6. Public access to, or over, known archaeological or paleontological sites shall be sited and designed to appropriately protect such resources.</p> <p>7. Prior to approval of any proposed development seaward of 17 Mile Drive at Pescadero Point (Assessor's Parcel Numbers 008-451-009-000 and 008-451-010-000, as of August, 2011), further archaeological review shall be required and mitigation measures adequate to protect the site's archaeological resource shall be developed and implemented.</p>		
<b>County of Monterey General Plan (1982)</b>		
<b>Goals, Objectives, and Policies for Natural Resources</b>		
<b>ARCHAEOLOGICAL RESOURCES</b>		
<p><b>Goal 12:</b> To encourage the conservation and identification of the county's archaeological resources</p>	<p>The intent of this goal is to protect the county's archaeological resources.</p>	<p>Potentially Consistent. Archaeological surveys at the project site did not identify any archaeological resources. <u>Mitigation has been identified</u>, including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on</p>



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Goals, Policies, Plans, Programs and Standards	Intent of the Policy in Relation to Avoiding or Mitigating Significant Environmental Impacts	Preliminary Consistency Determination*
<p><b>Policy 12.1.2</b> The Archaeological Sensitivity Zones map shall be used, along with whatever other data is appropriate, to evaluate whether archaeological resources are threatened by proposed development projects. The map shall be updated continuously as new data becomes available and shall have an appropriate review in five years.</p>	<p>The intent of this policy is to protect archaeological resources from impacts associated with development in archaeological sensitivity zones.</p>	<p>unknown archaeological resources. <u>With implementation of identified mitigation</u>, the project would be consistent with this policy.</p> <p><u>Potentially Consistent</u>. The project site is located within a “High” Archaeological Sensitivity Zone. Archaeological surveys at the project site did not identify any archaeological resources and found no additional factors that would indicate elevated sensitivity at the project site.</p>
<p><b>Policy 12.1.3</b> All proposed development, including land divisions, within high sensitivity zones shall require an archaeological field inspection prior to project approval.</p>	<p>The intent of this policy is to protect archaeological resources from impacts associated with development in archaeological sensitivity zones.</p>	<p><u>Potentially Consistent</u>. The project site is located within a “High” Archaeological Sensitivity Zone. Archaeological surveys were conducted at the project site consistent with this policy; these surveys did not identify any archaeological resources.</p>
<p><b>Policy 12.1.6</b> When development could adversely affect archaeological resources, reasonable mitigation procedures shall be required prior to project approval.</p>	<p>The intent of this policy is to protect archaeological resources for impacts associated with development.</p>	<p><u>Potentially Consistent</u>. Archaeological surveys at the project site did not identify any archaeological resources. <u>Mitigation has been identified</u>, including archaeological monitoring during ground disturbing activities, to reduce the potential for adverse impacts on unknown archaeological resources. <u>With implementation of identified mitigation</u>, the proposed project would be consistent with this policy.</p>

\* Although a preliminary determination regarding project consistency is made, it is the responsibility of the County Planning Commission or Board of Supervisors, the lead CEQA decision makers, to make the final determination regarding consistency issues.

### 4.4.3 Thresholds of Significance

CEQA directs lead agencies to protect and preserve resources with cultural, historic, scientific, or educational value. The significance of cultural resources are based on thresholds identified in accordance with Section 15064.5 (Determining the Significance of Impacts to Archaeological and Historic Resources) and Appendix G of the State CEQA Guidelines, which provide the following thresholds for determining impact significance with respect to archaeological resources. A significant impact to archaeological resources would occur if the project would:

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

A substantial adverse change in the significance of a historical resource would occur if the project results in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resources would be materially impaired.

### 4.4.4 Impact Assessment Methodology

The assessment of impacts to archaeological resources was based on the results of the previously prepared cultural resources studies, including the studies' conclusions and recommendations (prepared by a qualified cultural resources consultant), and independent research and analysis.

In addition to a search of the NWIC's archives, the following sources of information, along with official maps and records were consulted:

- National Register of Historic Places – Listed Properties (2015)
- California Register of Historical Resources (2015)
- California Inventory of Historical Resources (1976)
- California State Historical Landmarks (1996 and updates)
- California Points of Historical Interest (1992 and updates)
- OHP Historic Property Directory and Determinations of Eligibility (2011)
- Native American Heritage Commission Sacred Lands File

### 4.4.5 Impact Assessment and Mitigation Measures

#### 4.4.5.1 Archaeological Resources

##### Inadvertent Discovery of Unknown Archaeological Resources

No known archaeological resources are present within the project site; however, there is always a potential for disturbance of unknown resources. The site is located in close proximity to a known prehistoric archaeological site and in an area identified as having a high potential for archaeological resources in the 2010 Monterey County General Plan. The project would include earth disturbance, construction activities, and or vegetation removal and dune restoration over the entire 2.22-acre project area. Potential project specific impacts include direct and indirect impacts to unknown archaeological resources.

Direct impacts would include damage or destruction of archaeological resources as a result of earth disturbance and land modification directly caused by the construction of the new residence. Indirect impacts include disturbance of an archaeological resource due to erosion, vibration, unauthorized artifact collecting, and vandalism during project construction.

Although no known archaeological resources are present within the project site, proposed mitigation measures have been identified to minimize the potential for impacts related to the inadvertent discovery of archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting.

<b>AR Impact 1</b>	
Ground disturbance (e.g., grading, excavation, vegetation removal, dune rehabilitation activities) associated with the project could result in the disturbance and destruction of unknown archeological resources, resulting in a significant impact.	
<b>Mitigation Measures (mm) and Mitigation Monitoring Actions (mma)</b>	
AR/mm-1.1	<p><i>Prior to commencement of any demolition, site grading, or vegetation removal activities, the applicant shall verify that all contractors/employees involved in ground disturbing and vegetation removal activities have received training from a qualified archaeologist. The training shall address the following issues:</i></p> <ul style="list-style-type: none"> <li>a. <i>Review the types of archaeological artifacts and resources that may be uncovered;</i></li> <li>b. <i>Provide examples of common archaeological artifacts and resources to examine;</i></li> <li>c. <i>Review what makes an archaeological resource significant to archaeologists, and local Native Americans;</i></li> <li>d. <i>Describe procedures for notifying involved or interested parties in case of a new discovery;</i></li> <li>e. <i>Describe reporting requirements and responsibilities of construction personnel;</i></li> <li>f. <i>Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and,</i></li> <li>g. <i>Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.</i></li> </ul>
AR/mma-1.1.1	<p><i>Prior to commencement of any demolition, site grading, or vegetation removal activities, the applicant shall submit to the County of Monterey Resource Management Agency – Planning Department a signed letter by a qualified archaeologist reporting the date of training and a list of names and signatures of those in attendance.</i></p>
AR/mm-1.2	<p><i>Prior to issuance of grading and construction permits, the applicant shall submit an Archaeological Monitoring Plan to the County of Monterey Resource Management Agency – Planning Department for review and approval. The Plan shall be prepared by a qualified archaeologist and reviewed and updated as needed in the event of project alterations or amendments. The plan shall include, at minimum:</i></p> <ul style="list-style-type: none"> <li>a. <i>List of personnel involved in the monitoring activities;</i></li> <li>b. <i>Description of the types of project activities requiring monitoring;</i></li> <li>c. <i>Description of how the monitoring shall occur;</i></li> <li>d. <i>Description of monitoring frequency;</i></li> <li>e. <i>Description of resources expected to be encountered;</i></li> <li>f. <i>Description of circumstances that would result in a diversion or stopping of work activities in the case of discovery at the project site;</i></li> <li>g. <i>Description of procedures for diverting or stopping work on the site and notification procedures, including contacting the Ohlone/Costanoan-Esselen Nation (OCEN) Tribal Council;</i></li> <li>h. <i>Procedures for developing a strategy in consultation with the OCEN Tribal Council if</i></li> </ul>

<b>AR Impact 1</b>	
	<i>resources are discovered for either return to the Tribe or reburial; and,</i> i. <i>Description of monitoring reporting procedures, as applicable to each identified project component.</i>
<i>AR/mma-1.2.1</i>	<i>Prior to issuance of grading and construction permits, the applicant shall submit an Archaeological Plan prepared by a qualified archaeologist to the County of Monterey Resource Management Agency – Planning Department for review and approval.</i>
<i>AR/mm-1.3</i>	<i>At a minimum, a County of Monterey Resource Management Agency – Planning Department-approved archaeological monitor shall be present during initial ground disturbing construction and vegetation removal activities, and as further described in the approved Archaeological Monitoring Plan, until it is deemed the potential for encountering unknown archaeological resources is negligible.</i>
<i>AR/mma-1.3.1</i>	<i>Upon completion of all monitoring and mitigation activities required by AR/mm-1.1 through AR/mm-1.3, and prior to final inspection or occupancy, whichever occurs first, the applicant shall submit to the County of Monterey Resource Management Agency – Planning Department, a report summarizing all monitoring and mitigation activities and confirming that all recommended mitigation measures have been met.</i>
<b>Residual Impacts</b>	
Implementation of the project would not directly impact a known archaeological resource. Archaeological monitoring and reporting is recommended to reduce the potential for impacts associated with direct or indirect impacts to an unknown archaeological resource. With implementation of the recommended mitigation measures, residual impacts would be <i>less than significant</i> .	

#### **4.4.5.2 Disturb Human Remains**

##### **Inadvertent Discovery of Human Remains**

The discovery of human remains is always a possibility during construction activities. California Health and Safety Code §7050.5 addresses this issue and states that, in the event of inadvertent discovery of human remains, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC §5097.98. The County Coroner shall be notified of the find immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The inadvertent disturbance of human remains during earth-disturbing or grading activities would be a *potentially significant* impact.

<b>AR Impact 2</b>	
Ground disturbance (e.g., grading, excavation) associated with the project could result in the disturbance of unknown human remains, resulting in a significant impact.	
<b>Mitigation Measures (mm) and Mitigation Monitoring Actions (mma)</b>	
AR/mm-2.1	The following measure shall be incorporated into the Archaeological Monitoring Plan, and noted on all grading and construction plans: <ul style="list-style-type: none"> <li>a. If human remains are exposed during construction, the applicant shall notify the Monterey County Resource Management Agency – Planning Department immediately and comply with State Health and Safety Code Section 7050.5, which requires that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. Construction shall halt in the area of the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by law.</li> </ul>
AR/mma-2.1.1	Prior to issuance of grading and construction permits, the applicant shall submit the Archaeological Plan prepared by a qualified archaeologist to the County of Monterey Resource Management Agency – Planning Department to establish compliance with this measure.
<b>Residual Impacts</b>	
With implementation of the recommended mitigation measures, residual impacts would be <i>less than significant</i> .	

#### 4.4.5.3 Tribal Cultural Resources

On July 1, 2015, AB 52 came into effect requiring all lead agencies to provide Native American tribes the opportunity to participate in consultations to protect tribal cultural resources prior to submission of CEQA documentation, including an EIR. The NOP for the project was filed on February 17, 2015, prior to the requirements of AB 52, and therefore is not subject to AB 52 consultation requirements. On April 12, 2018, the Ohlone/Costanoan-Esselen Nation (OCEN) submitted a letter to the County identifying a known cemetery within 250 feet of the project. As previously discussed under 4.4.1.2, Site Setting, the prehistoric archaeological site known as CA-MNT-157 has been previously identified and documented in the project vicinity. The OCEN has requested that a tribal monitor be present during any activities that involve new soil disturbance. While there are no known archaeological resources present within the project site the, close proximity to a known prehistoric archaeological site coupled with the potential for disturbance of unknown resources, potential project-specific impacts could include direct and indirect impacts to unknown tribal cultural resources. With the implementation of recommended mitigation measures for potential impacts to archaeological resources, a qualified archaeologist would be present during new ground disturbance and any unknown discovered tribal cultural resources or human remains would require a cessation of construction activities in the vicinity of the discovery and treatment in accordance with federal, state, and county laws. The Archaeological Monitoring Plan must specify procedures for notification of OCEN Tribal Council and development of a strategy for returning resources to the Tribe or reburial in the event that resources are discovered. With implementation of identified mitigation measures, potential impacts to tribal cultural resources would be less than significant with mitigation.

<b>AR Impact 3</b>
Ground disturbance (e.g., grading, excavation) associated with the project could result in the disturbance of unknown tribal cultural resources, resulting in a significant impact.
<b><i>Mitigation Measures (mm) and Mitigation Monitoring Actions (mma)</i></b>
<i>Implement AR/mm-1.1, AR/mma-1.1.1, AR/mm-1.2, AR/mma-1.2.1, AR/mm-1.3, and AR/mma-1.3.1.</i>
<b><i>Residual Impacts</i></b>
With implementation of the recommended mitigation measures, residual impacts would be <i>less than significant</i> .

#### 4.4.6 Cumulative Impacts

Pursuant to State CEQA Guidelines §15130(a), the EIR “shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in Section 15065(a)(3).” The analysis of cumulative impacts relates to whether impacts of the proposed project and future related projects, considered together, might substantially impact/diminish the number of archaeological resources, in terms of context or property type.

The project has the potential to result in the inadvertent disturbance of archaeological resources. Similar projects in the Del Monte Forest area and other areas in the vicinity of the project would have a similar potential to inadvertently impact archaeological resources, resulting in a potentially significant cumulative effect on the environment. Based on the project’s avoidance of known significant sites, and mitigation measures identified to avoid impacts to unknown subsurface resources, potential cumulatively considerable significant impacts to archaeological resources would be *less than significant*.

<b>AR Impact 4</b>
Impacts to archaeological resources caused by inadvertent damage or destruction of unknown resources would be cumulatively considerable when considered in conjunction with other potential disturbances in the project area, resulting in a significant cumulative impact.
<b><i>Mitigation Measures (mm) and Mitigation Monitoring Actions (mma)</i></b>
<i>Implement AR/mm-1.1, AR/mma-1.1.1, AR/mm-1.2, AR/mma-1.2.1, AR/mm-1.3, AR/mm-2.1, and AR/mma-2.1.1.</i>
<b><i>Residual Impacts</i></b>
Implementation of the recommended mitigation measures would reduce the project’s potential contribution to cumulative impacts on archaeological resources. Residual impacts would be <i>less than significant</i> .

#### 4.4.7 References

- Archaeological Consulting. 2010. *Preliminary Archaeological Reconnaissance of Assessor's Parcel 008-261-007, Pebble Beach, Monterey County, California*. Prepared for Massy Mehdipour by Mary Doane, B.A., and Gary S. Breschini, Ph.D., RPA, Archaeological Consulting. February 2, 2010.
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