

# Cultural and Historic Resources Element: Table of

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**Commented [A1]:** Please also include a policy the process on if these is discovery of archaeological or paleontological resources. Sample language from the Half Moon Bay Certified LCP:

**Discovery of Archaeological and Paleontological Resources.** Regardless of site location, require all development to halt work if subsurface archaeological or paleontological resources are discovered during construction. The developer shall notify the City and retain a qualified professional to identify any necessary handling and notification procedures and mitigation measures. Work shall not resume until these measures have been reviewed and approved by the City and all appropriate entities have been notified. Consult with the appropriate Native American tribe(s) on appropriate avoidance and mitigation measures."

# Cultural and Historic Resources Element

## I INTRODUCTION

### I.1 PURPOSE

The Sonoma County Coastal Zone has a rich cultural history and contains significant archaeological and paleontological resources as well as historic structures and sites. These resources serve important social, commercial, recreational, and educational roles in the community while evoking the unique heritage of the Sonoma Coast.

This element provides policies for protection and enhancement of Sonoma County cultural and historic resources within the Coastal Zone.

“Cultural resources” refers collectively ~~is used~~ to archaeological and paleontological resources, including Native American cultural and sacred sites, tribal cultural resources, artifacts, and remains. In addition “Tribal cultural resources” includes but is not limited to viewscapes, living vegetation, and species used for cultural practices and subsistence.

**Commented [A2]:** Please include relevant coastal act policy Section 30244 “Archaeological or paleontological resources”

**Commented [A3]:** Encourage County to reach out to the Tribes and Nations with ancestral ties to these lands and waters, if it has not already done so. The Tribes should have an opportunity to look at this chapter before it is approved to ensure there are no adverse effects to their rights or resources (some of which may/not be specifically outlined in treaties or other laws/regulations).

**Commented [A4]:** Please also note the importance of those resources to Tribes, not just the general Sonoma County community. Cultural resources are tied to the identity and practices of tribal peoples, and their relationship to these resources is much different than the relationship the general non-native community has to them.

“Historic resources” refers to structures, sites and artifacts associated with colonization, settlement, and development of the Coastal Zone. Historic resources are generally structures, sites and artifacts associated with non-Native American cultures during and after the Russian and Spanish colonial periods, but these sites may also contain cultural resources.

**Commented [A5]:** Consider adding background on the cultural context (Tribes that inhabit/inhabited the coastal zone), as well as a more in-depth description of what archeological and paleontological resources might consist of.

## 1.2 GOALS, OBJECTIVES, AND POLICIES | CULTURAL AND HISTORIC RESOURCE PROTECTION

**GOAL C-CH-1: Protect and preserve historical, archaeological and paleontological resources, including Native American cultural and sacred sites, tribal cultural resources, artifacts, and remains.**

**Objective C-CH-1.1:** Establish and maintain a respectful and effective means of communicating and consulting with Tribes with regard to identification, protection, and preservation of these resources.

**Objective C-CH-1.2:** Require coastal development projects to identify, preserve, and protect Historic and Native American cultural resources, sacred sites, places, features, and objects, including historic or prehistoric ruins, burial grounds, cemeteries, and ceremonial sites. Ensure appropriate treatment of Native American and other human remains discovered during the project.

**Commented [A6]:** In line with identification and preservation, there should be a policy that requires some sort of reporting when new cultural resources are discovered.

Sample Language from the certified 2021 HMB LCP states:

**Policy C-CH-1a:** Refer applications for coastal development permits resulting in new ground disturbance, including but not limited to building, grading, or demolition projects, to the Northwest Information Center at Sonoma State University to determine if the project site may contain archaeological or historic resources. If a site is likely to have archaeological, cultural or tribal resources, a field survey and an archaeological resources report that contains the results of the survey and includes appropriate mitigation measures shall be required. If the site is likely to have historic resources, a field survey and an historic resources report that contains an evaluation of whether the historic resources are significant under state and federal criteria shall be required. (EXISTING LCP REVISED)

“**Cultural Resources Reporting.** Require all known and newly discovered cultural resources to be reported to the appropriate tribe or tribal community, agency, or organization. These may include but are not limited to the California Native American Heritage Commission, the State Historical Resources Commission, or the California Office of Historic Preservation.”

**Commented [A7]:** This policy seems to conflict with policy C-CH-1d. Is there a difference btw a field survey and study? For consistency, we suggest placing policy C-CH-1a and C-CH-1d next to each other as they deal with related issues.

**Policy C-CH-1b:** Refer applications for development permits that involve the removal, demolition, or alteration of a building, structure, site, cemetery, feature, or object identified in a Historic Resource Survey to the Sonoma County Landmarks Commission for review and mitigation, with the exception of such projects within The Sea Ranch, which shall be referred to the Sea Ranch Design Committee. Measures for removal or demolition may include reuse, relocation, preparation of as-built drawings, and photo-documentation. (GP2020)

**Commented [A8]:** Does this center contain adequate information and staffing to determine this? Do they contain all the existing information on these resources in the coastal zone? Does this center have any tribal expertise? If not, is there another organization that has tribal expertise? Consider referring CDP that result in new ground disturbance to the State Historic Preservation Office and/or Tribal Historic Preservation Offices as well.

**Policy C-CH-1c:** State law regarding tribal consultation shall be considered the minimum standard of review for Local Coastal Program amendments, implementation of programs and initiatives, review of coastal development permits, and CEQA review and shall follow the principles found in Policy C-CH-1e. (GP2020 REVISED)

**Commented [A9]:** Please include an overview of the Northwest Information Center at Sonoma Center in the introduction.

**Policy C-CH-1d:** Development projects resulting in new ground disturbance, including but not limited to building, grading, or demolition projects shall provide a study prepared by a qualified professional evaluating historical, archaeological and paleontological resources, including Native American cultural and sacred sites, tribal cultural resources, artifacts, and remains. This policy may not apply to sites where an adequate study was previously prepared and is determined to adequately evaluate cultural and historic resources that may be affected by the project. Previous studies will be referred to Tribes for early and frequent comment and confirmation of adequacy. (NEW)

**Policy C-CH-1e:** To establish and maintain a respectful and effective means of communicating and consulting with Tribes the following principles shall be followed when evaluating coastal development projects: (NEW)

- (1) Communicate and consult with federally and non-federally recognized California Native American Tribes (Tribes) in a manner that is considerate and respectful. Seek tribal input regarding the identification of potential issues, possible means of addressing those issues, and appropriate actions, if any, to be taken by the County.
- (2) Assess the potential impact of proposed County actions on Tribal rights and interests and ensure, to the maximum extent feasible and required by law, that tribal concerns are considered before such actions are taken, such that impacts are avoided, minimized, or mitigated in conformity with Coastal Act and other applicable legal requirements.
- (3) Provide Tribes with meaningful opportunities to respond and participate in County decision-making processes that affect Tribal rights and Interests.
- (4) Acknowledge and respect both the confidential nature of information concerning cultural practices, traditions, beliefs, tribal histories, and Tribal lands, and legal protections of the confidentiality of certain tribal cultural information (e.g., Gov. Code §§ 6254(r), 6254.10, Pub. Res. Code § 21082.3(c)). The County will take all lawful and necessary steps to ensure confidential information provided by a Tribe is not disclosed without the prior written permission from the Tribe.
- (5) Encourage collaborative and cooperative relationships with Tribes in matters affecting coastal resources.
- (6) Acknowledge and seek ways to accommodate Tribes with limited financial and staffing resources, and staffing resources of the County and the California Coastal Commission to ensure effective communication and consultation, including joint consultation with the Coastal Commission Tribal Liaison staff.

**Commented [A10]:** This policy is a good start, but there should be a complementary policy that requires monitoring when a site is identified to have archaeological or paleontological resources. Example language from HMB certified LCP: In addition, consider including in the IP or appendix, standardized monitoring requirements for development projects like these.

**Archaeological and Paleontological Resources Monitoring.** Require, where a pre-development survey identifies the potential to affect known or newly discovered archaeological, Native American, or paleontological resources, the submittal of a monitoring and reporting plan that identifies methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.

**Commented [A11]:** Please clarify this language

**Commented [A12]:** Please be more specific here, how would tribes be incorporated in relevant county decision making processes?

- (7) Identify and recommend means to remove procedural impediments to working directly and effectively with Tribes.
- (8) Consultation should not be viewed as a one-time, one-meeting activity, but rather an iterative process.

**Policy C-CH-1f:** New development shall avoid impacts to cultural resources through siting and design measures to the extent feasible or required by law. Any unavoidable impacts, disturbance, or substantial adverse changes caused by development on cultural resources shall be mitigated through measures such as preservation in place or site sampling and salvage. The preferred and required alternatives for mitigating impacts, if feasible, are avoidance or preservation in place. Consult with affected Tribe(s) Native American representatives on appropriate alternatives. (EXISTING LCP REVISED)

**Policy C-CH-1g:** Continue to apply standard conditions requiring notification and evaluation in the event of the discovery of a burial or suspected human remains or other cultural resources, including consultation with the Most Likely Descendant as identified by the California Native American Heritage Commission, in the event that the remains are determined to be Native American. (GP2020 REVISED)

**Commented [A13]:** Sampling and salvage should also be coordinated with the appropriate Native American representatives (those with ancestral ties to the area are preferable). Often times these artifacts end up in museums rather than with the appropriate Tribe/Nation where they originated and with whom they belong. Therefore, there should be standards related to how the artifacts will be kept/taken care of, that should not be devised in coordination with the appropriate Tribe/Nation.

**Commented [A14]:** Consider adding a policy on the impacts of environmental hazards on cultural resources. Sample Language from the Half Moon Bay LUP:

**Impacts of Environmental Hazards on Cultural Resources.** Ensure that cultural resources are protected from the impacts of environmental hazards, including sea level rise. Work with the State Historic Preservation Officer to identify actions such as mitigation and monitoring programs to protect archaeological and paleontological resources including Native American artifacts at risk from hazards such as erosion, inundation, and sea level rise in a manner consistent with the policies of the LCP and other applicable provisions of the Coastal Act.