

10. PDSP002-NON-STANDARD CONDITION: MM#2 CULTURAL RESOURCES

Responsible Department: RMA-Planning

Condition/Mitigation  
Monitoring Measure:

Due to the project site's location in CA-MNT-17, a recorded prehistoric site and because the project includes excavation for a foundation and basement, there is a potential for human remains or cultural artifacts to be accidentally discovered. If human remains are uncovered, all work shall be halted within 50 meters (164 feet) of the find on the parcel until it can be evaluated by a qualified professional Archaeologist and the most likely descendant as identified by The Native American Heritage Commission and the procedure set forth in CEQA Guidelines Section 15064.5(e) shall be followed in addition to the language contained in this condition. In the event that non-human remain archaeological materials are uncovered, all excavation shall be halted within 50 meters (164 feet) of the find on the parcel and shall be immediately evaluated by a qualified archaeologist and a tribal cultural monitor. If the find is determined by a qualified archaeologist and a tribal cultural monitor to be historically (as determined by a qualified archaeologist) or culturally (as determined by a Tribal Cultural monitor) significant, appropriate mitigation measures shall be implemented in accordance with the Compliance or Monitoring Actions to be Performed, contained in this Condition of Approval. All mechanical excavation undertaken with a backhoe will be done with a flat blade bucket and rubber tires to minimize unnecessary impacts to any potential resources on site.

<b>HEARING SUBMITTAL</b>	
PROJECT NO./AGENDY	PLN170611 / #1
DATE RECEIVED	
SUBMITTED BY VIA	Staff
DISTRIBUTION TO DATE	DC / 12/5
DATE OF HEARING	12/5/18

Compliance or  
Monitoring  
Action to be Performed:

Mitigation Measure Monitoring Action No. 2a.: Notes on Plans

Prior to the issuance of grading or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 2, including the actions to be performed. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.

Mitigation Measure Monitoring Action No. 2b.: Discovery of Human Remains

If human remains are discovered during construction activities, there shall be no further excavation or disturbance within 50 meters (164 feet) of the find on the parcel and the following shall occur:

- The Owner/Applicant/Contractor shall contact the Monterey County Coroner within 24 hours of the find to request that they determine that no investigation of the cause of death is required;
  - The Owner/Applicant/Contractor shall contact the Monterey County Resource Management Agency Planning Department within 24 hours of the find to alert them to the discovery;
  - If the coroner determines the remains to be Native American:
    - o The coroner shall contact the Native American Heritage Commission and the RMA Planning Department within 24 hours of the determination.
    - o The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/Ohlone and Chumash tribal groups, as appropriate, it believes to be the most likely descendant.
    - o The most likely descendant may make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. This treatment includes, but is not limited to: return of all artifacts to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society, at the discretion of the property owner.
  - If the remains are determined to be Native American, and the most likely descendant, in concurrence with a qualified archaeologist, determines that:
    - a. The remains are evidence of a larger burial of human remains, which would qualify as a "unique archaeological resource", as defined in Public Resources Code Section 21083.2(g) that would be disturbed by further excavation; or
    - b. There is no acceptable location on the parcel to re-bury the remains which would not be affected by excavation
- The Owner/Applicant/Contractor will work with RMA Planning to move/shrink/modify/redesign the basement portions of the project which will have further impact on those areas of the site containing remains. Modified plans shall be submitted to RMA-Planning. The redesign should be done in a way that allows for maximum use of the property while still preventing additional disturbance to areas likely to contain remains. No work will re-commence on site within 50 meters of the find until the RMA Chief of Planning has approved the revisions to the approved plans.

CONTINUED IN CONDITION NO. 11

**11. (CONT) Mitigation Measure Monitoring Action No. 2c.: Discovery of Significant Cultural Artifacts**

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:** (CONTINUED FROM CONDITION NO. 10)

**Compliance or  
Monitoring  
Action to be Performed:** Mitigation Measure Monitoring Action No. 2c.: Discovery of Significant Cultural Artifacts

If significant Tribal Cultural artifacts (determined to be significant by the onsite Tribal Cultural Monitor in consultation with the qualified archaeologist – not including human remains which are handled in Action No. 2b.) are discovered during construction activities, there shall be no further mechanical excavation (e.g.: backhoe, trencher, etc.) or ground disturbance within 50 meters (164 feet) of the find on the parcel and the following shall occur:

- The artifact, and any subsequent artifacts determined to be significant tribal cultural artifacts shall be removed by a qualified archaeologist, and stored safely through the duration of excavation;
- Excavation will continue by hand (shovels) within a perimeter of two (2) meters surrounding the artifact for the subsequent one (1) meter of depth;
- If another significant tribal cultural artifact is found within the perimeter, the perimeter requirement for hand digging will be extended around the newly discovered artifact as well.
- If no additional significant tribal cultural artifacts are found in the original perimeter, or any of the subsequent perimeters, mechanical excavation may resume to completion unless another significant artifact is discovered in the process. If significant artifacts are discovered again after restarting mechanical excavation, hand digging will be required again as dictated by this condition.
- If human remains are found at any time during either hand digging or mechanical excavation, Contractor/Owner/Applicant/Agent will refer to Mitigation Measure Monitoring Action No. 2b. for direction.

After completion of excavation activities, all recovered artifacts will be cataloged by both the Tribal Cultural Monitor and the Qualified Archaeologist. Once cataloged, the qualified archaeologist will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, the qualified archaeologist will return all artifacts within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society, at the discretion of the property owner. A Final Technical Report shall be submitted to by the qualified archaeologist to RMA-Planning within one year of the discovery.