

4.5 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This section describes existing conditions regarding cultural resources and tribal cultural resources, identifies associated regulatory requirements, evaluates potential project and cumulative impacts, and identifies mitigation measures for any significant or potentially significant impacts related to implementation of the Sustainability Policy and Regulatory Update of the County of Santa Cruz (County General Plan/Local Coastal Program (LCP) and County Code (Sustainability Update or project). The analysis is based on review of existing information and records.

4.5.1 Definitions

Under Appendix G of the State CEQA Guidelines (California Code of Regulations, Title 14), the term “cultural resources” encompasses both unique archaeological resources and historical architectural resources. More particularly, the category “cultural resources” focuses on two statutorily defined categories of resources: unique archaeological resources (see Public Resources Code [PRC] section 21083.2 and CEQA Guidelines section 15064.5[c][3]) and “historical resources,” which includes both structures and subsurface resources (see PRC section 21084.1 and CEQA Guidelines section 15064.5[a], [c][1]). Pursuant to AB 52, enacted in 2014, CEQA also considers a project’s potential impacts on tribal cultural resources. Cultural and tribal cultural resources are further defined as follows:

- Archaeological resources are objects or structures, often below ground, that relate to previous human use of an area. Archaeological resources are often distinguished by whether they are “prehistoric” or “historic.” Prehistoric archaeological resources are connected to people who occupied the land prior to European settlement; historic archaeological resources are connected to the period of continuous European settlement forward. In much of California, this generally starts from the date of the Portolá expedition in the year 1769.
- Historic architectural resources are structures and buildings that may have historical associations with people or events of regional significance. Sometimes, historic architecture is also referred to as the “historic built environment.” In Santa Cruz County, historic architectural resources are typically associated with the Spanish, Mexican, and American periods in California’s history.
- Tribal cultural resources, defined in section 21074(a) of the PRC, are sites, features, places, cultural landscapes, sacred places, or objects which are of cultural value to a California Native American tribe. Tribal cultural resources can sometimes also qualify as “unique archaeological resources” or “historical resources” (PRC section 21074[c]).

4.5.2 Environmental Setting

4.5.2.1 Cultural Context

Prehistoric Context

The prehistory of indigenous groups living within Santa Cruz County follows general patterns identified within the archaeological record of the greater Central Coast area of California. These patterns represent adaptive shifts in settlement, subsistence strategies and technological innovation demonstrated by people living throughout the Holocene Epoch and earlier. Six temporal periods describe changes in prehistoric settlement patterns, subsistence practices, and technological advances.

Paleo-Indian Period (Pre-8000 BCE)

The Paleo-Indian Period represents the initial human occupation of California, dating from the end of the Pleistocene and earlier. Multiple migrations of people into North America may have occurred both terrestrially and by sea. Evidence for this period is generally found in isolated artifacts, such as fluted projectile points, or sparse lithic scatters such as those found near San Luis Obispo or in the Santa Barbara area. To date, no coastal Paleo-Indian sites have been discovered in the Monterey Bay area; however, there is scant evidence of inland Paleo-Indian occupation within buried contexts in Scotts Valley and in the Santa Clara Valley.

Millingstone Period (8000 to 3500 BCE)

Human occupation occurred with more frequency in the Central Coast during the Millingstone Period. People living during the Millingstone Period were highly mobile and subsisted on marine resources, terrestrial mammals, and plant-based resources. Archaeological assemblages are characterized by abundant millingstones, or grinding slicks, handstones, cores and core-cobble tools, thick rectangular Olivella shell beads, and a low incidence of projectile points, which are generally lanceolate or large side-notched varieties. Eccentric crescents are also found in Millingstone Period sites.

Early Period (3500 to 600 BCE)

Early Period sites are located in more varied environmental contexts than Millingstone sites, suggesting more intensive use of the landscape than practiced previously. The Early Period is marked by a greater emphasis on formalized flaked stone tools, such as projectile points and bifaces, and the initial use of mortar and pestle technology. Early Period sites are commonly found in estuary settings along the coast or along river terraces inland and are present in both Monterey and Santa Cruz counties. The shift in site locations and artifact types during this time may suggest a population intrusion as a result of mid-Holocene warming trends, or an in-situ adaptive shift. The initial use of mortars and pestles during this time appears to reflect a more labor-intensive economy associated with the adoption of acorn processing.

Middle Period (600 BCE to 1000 CE)

The trend toward greater labor investment is apparent in the Middle Period. During this time, there is increased use of plant resources, more long-term occupation at habitation sites, and a greater variety of smaller “use-specific” localities. Artifacts dating to this period include a greater variety of Olivella and abalone beads and ornaments, bone tools, shell fishhooks, stone fish net sinkers, and a greater reliance on mortar and pestle tools. This pattern reflects a greater emphasis on labor-intensive technologies that include stone tool and plant processing. Additionally, faunal evidence reflects a shift toward prey species that are more labor intensive to capture, such as small schooling fishes, sea otters, rabbits, and plants such as acorn.

Middle-Late Transition (1000 to 1250 CE)

The Middle-Late Transition is a time that corresponds with a period of rapid climatic change and dramatic social reorganization. The Medieval Climatic Anomaly, characterized by fluctuations between cool-wet and warm-dry conditions, may have acted as an impetus for the cultural change which reflects a decline in regional population. Fewer archaeological sites dating to this time period exist than previous periods, and the archaeological assemblage reflects smaller projectiles, and may reflect the introduction of bow-and-arrow technology.

Late Period (1250-1769 CE)

Late Period sites are found in both inland and coastal contexts and include newly occupied task sites and encampments, as well as previously occupied localities. Coastal sites dating to the Late Period tend to be resource acquisition or processing sites, while evidence for residential occupation is more common inland. Artifacts dating to this period include smaller side-notched arrow points, stone drills, steatite and clamshell beads and a wider variety of Olivella and abalone beads and ornaments.

Ethnohistoric

Santa Cruz County lies within the territory traditionally occupied by people called “Costanoan” by the Europeans at the time of contact. Many modern descendants prefer to be called “Ohlone,” or by their specific tribal band. The Ohlone spoke eight separate dialects of the Penutian language family and lived between the vicinities of what is now Richmond in the north and Big Sur in the south. They were organized under approximately fifty autonomous polities or tribelets. At the time of European contact, the Awaswas Ohlone dialect was reportedly spoken within the northern portion of Santa Cruz County and the Mutsun dialect was spoken in the southern portion of Santa Cruz County. Ethnographic accounts of Ohlone at the time of contact described them as living in permanent villages, but also spending time in smaller camps to collect or process seasonal resources such as acorn or shellfish.

Historic Context

Spanish Period (1542 to 1822)

The first European to explore the Monterey Peninsula was Juan Rodríguez Cabrillo, a Portuguese explorer who was sent by the Viceroy of New Spain in 1542 to explore the Pacific coast north of Mexico. In 1602, Sebastián Vizcaíno was sent by the Spanish government to map the Californian coastline. It was Vizcaíno who named the area “Puerto de Monterey” after the viceroy of New Spain. The Gaspar de Portolá expedition traveled through the region in 1769 and returned again in 1770 to establish the Monterey Presidio, Spain’s first military base in Alta California. Mission Santa Cruz was established in 1791 as the twelfth mission in California. The Spanish missions drastically altered the lifeways of the Native Americans. Spanish missionaries conscripted members of local Native American communities to move to the Mission, where they were indoctrinated as Catholic neophytes. Native Americans were forced to build the mission church and auxiliary structures from local timber, limestone, and adobe, as well as cultivate wheat, barley, beans, corn, and lentils for the mission Padres and soldiers. Villa Branciforte, one of three Spanish civil settlements in California, was also established at that time on the eastern part of Santa Cruz.

Mexican Period (1822 to 1848)

After more than a decade of intermittent rebellion and warfare, New Spain (Mexico and the California territory) won independence from Spain in 1821. In 1822, the new government ended Spanish policies and decreed California ports open to foreign merchants. The Spanish Missions across the territory were secularized during this period releasing the Native Americans from control of the mission-system. The City of Monterey continued as the capital of Alta California and the Californios, the Mexicans who settled in the region were given land grants, in part to increase the population inland from the more settled coastal areas where the Spanish had first concentrated its colonization efforts. Land grants to citizens covered over 150,000 acres of present-day Santa Cruz County. The Mexican government secularized the mission lands in 1834.

American Period (1848 to Present)

The Mexican–American War, ending with the Treaty of Guadalupe Hidalgo in 1848, brought California into control of the United States. As the Gold Rush picked up steam in 1849, a massive influx of people seeking gold steadily flooded the rural counties of California. The gold fields quickly dried up causing many new arrivals to refocus on other economic opportunities. In Santa Cruz County, one of the 27 original counties of California, insightful entrepreneurs saw the arrival of opportunity-seeking laborers as a means to harvest the abundant natural resources found throughout the area. The lumber, lime, cement, fishing, and leisure industries formed the economic foundation of the county. California officially became a state with the Compromise of 1850. The new state of California recognized the ownership of lands in the state distributed under the Mexican Land Grants of the previous decades.

During the dawn of the 1900s, agriculture and tourism continued as the region’s most prominent economic drivers. By the late 1950s, the population began to expand with aid from the establishment of Cabrillo

College in 1959 and the University of California at Santa Cruz in 1965. These higher education facilities brought both students and jobs as the schools became major sources of community employment throughout the county. During the 1980s, a number of technology companies settled in the area due to its proximity to Silicon Valley. Today, tourism, agriculture, education, and high technology are the key industries that provide the economic base for county's residents.

4.5.2.2 Archaeological Resources in Santa Cruz County

Records Search

An "Area of Potential Effect" (APE) was created for regions of the unincorporated county where the majority of anticipated growth is expected to occur as a result of implementation of the proposed Sustainability Update. A records search for previously recorded prehistoric and historic cultural resources was conducted for this Study Area at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University. The records search was undertaken to identify documented archaeological and historical sites within the APE. The APE map is included in Appendix F.

Archaeological Resources in County

The County of Santa Cruz has defined areas that are sensitive for archaeological resources, some of which might be contain unrecorded or undiscovered resources. These areas have a high potential for significant archaeological resources to occur, as determined by both an inventory of known sites in the county, and by geographic attributes based on the topography and geological conditions of the area. Greater sensitivity generally occurs on level to gently rolling hills near the coast or along water courses. These areas of heightened sensitivity occur throughout the entire county. The area of mapped archaeologically sensitive resource areas in the unincorporated areas of the county totals approximately 99,056 acres or approximately 25.5% of the entire county land area.

Table 4.5-1 summarizes results of the records search by planning area. The records search identified a total of 205 documented sites in the General Plan/LCP planning area, of which 28 are prehistoric archaeological sites, 168 are historic archaeological sites, and 9 are sites with both a prehistoric and historical component. The records include sites with identified resources, sites found eligible or ineligible for listing in the California Register of Historic Resources (CRHR), and sites not evaluated. These previously recorded sites identified in the records search were compared with the areas defined by the County of Santa Cruz as sensitive for archaeological resources. Of the total 28 prehistoric sites, 20 are located in areas identified as archaeologically sensitive, and 8 sites were identified outside the county's sensitivity polygon. These included the following planning areas: 1 site in Aptos, 1 site in Live Oak, 1 site in Pajaro Valley, 2 sites in San Andreas and 3 sites in Soquel. A total of 49 historical sites were identified outside the County's sensitivity polygon. These include the following planning areas: 3 in Aptos Hills, 6 in Aptos, 1 in Carbonera, 28 in Live Oak, 4 in Pajaro Valley, 2 in San Andreas, 3 in the San Lorenzo Valley, and 2 in Soquel. Two multi-component sites were identified outside the County's GIS layer; one in San Andreas planning area and one in Soquel planning.

Table 4.5-1. Recorded Archaeological Sites* in Relation to County Areas of Archaeological Sensitivity

Planning Area	Prehistoric Sites		Historic		Prehistoric / Historic Sites	
	In County GIS	Outside County GIS	In County GIS	Outside County GIS	In County GIS	Outside County GIS
Aptos Hills	0	0	0	3	0	0
Aptos	6	1	48	6	3	0
Carbonera	2	0	3	1	0	0
Live Oak	1	1	4	28	0	0
La Selva	1	0	2	0	0	0
Pajaro Valley	4	1	15	4	2	0
San Andreas	1	2	1	2	0	1
San Lorenzo Valley -	2	0	38	3	2	0
Soquel	3	3	2	2	1	1
Salsipuedes	0	0	5	0	0	0
Total	20	8	118	49	8	2

*Includes potential CRHR-eligible, ineligible and unevaluated resources.

Tribal Cultural Resources

To date, the County has not been contacted by Native American tribes requesting notification of projects for the purpose of notification and consultation regarding tribal cultural resources pursuant to AB 52. See Section 4.5.3, Regulatory Framework, for information about AB 52 requirements.

The County of Santa Cruz Planning Department sent a request to the California Native American Heritage Commission (NAHC) for a search of the Sacred Lands File (SLF), a list of properties important to local Native American tribes, for the Study Area. On October 2, 2021, the County received a letter from the NAHC that indicated “positive” findings from the SLF search with a recommendation to contact the Costanoan Ohlone Rumsen Mutsun Tribe and the Amah Mutsun Tribal Band for more information on tribal resources. On November 11, 2021, County staff reached out to Native American tribes recommended by the NAHC (see letters in Appendix F) . As indicated by the NAHC in its letter in response to the Environmental Impact Report (EIR) NOP, tribes do not always record their sites in the Sacred Lands File nor are they required to do. Results of the County’s consultation with Native American tribes is summarized below.

Native American Consultation

Prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, state law requires a city or county to consult with local Native American tribes that are on the contact list maintained by the NAHC. The purpose is to preserve or mitigate impacts to places, features, and objects (Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property) that are located within a city or county's jurisdiction. See Section 4.5.3 for further

description of these state laws. The County of Santa Cruz Planning Department contacted the NAHC on August 31, 2021 to request a list of local Native American tribes. The County received one response from the representative of the Indian Canyon Band of Costanoan Ohlone People, which indicated that the project's APE overlaps or is near the management boundary of a potentially eligible cultural site. The representative recommended that a Native American Monitor and an archaeologist be present on-site at all times during any/all ground disturbing activities. County staff responded with an offer to meet and consult with the representative, and also pointed out that the proposed project does not involve ground disturbance, although some of the land use policy changes as well as updates to land use designations and zoning on certain sites are intended to enable development in the future. No follow-up request for consultation was communicated by the Costanoan Ohlone Tribe. No other responses from Native American tribes were received in response to the County's letter.

Historic Built Environment Resources in Santa Cruz County

Historic resources include buildings, structures, and objects of historic or aesthetic importance that amplify the local population's sense of community, enhance perceptions and enjoyment of the community, and provide an important measure of the physical quality of life. When a significant concentration of such resources occurs within a defined geographic space, an historic district may be defined. To identify historic resources in the unincorporated area of the county, data from the NWIC records search was reviewed, as well as the listed properties on the National Register of Historic Places (NRHP), the CRHR, the California State Park Office of Historic Preservation's (OHP's) Designated California Historical Landmarks (CHL) list, and the County of Santa Cruz Historic Resource Inventory (HRI).

National Register of Historic Places

The NRHP includes districts, sites, buildings, structures, and objects deemed worthy of preservation by the Secretary of the Interior. There are 48 historic properties and districts in Santa Cruz County listed on the NRHP, 15 of which are located in the unincorporated portion of the county as shown on Table 4.5-2.

California Historical Resources

The CRHR includes properties formally listed in the NRHP, state landmarks, and California points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. Other resources included in the CRHR that are found in the unincorporated county in addition to those identified in Table 4.5-2 and CHLs identified below, include: Toll House-Toll House Resort Motel in Felton (Point of Interest) and Discovery of California Redwoods in Freedom (Point of Interest).

Table 4.5-2. National Register of Historic Places Listings in Unincorporated Santa Cruz County

Site	Location	Date Listed
Bayview Hotel	Aptos	3/30/1992
Brown, Allan, Site	Santa Cruz	6/25/1981
California Powder Works Bridge	Santa Cruz	2/27/2015
Castro, Jose Joaquin, Adobe	Watsonville	12/12/1976
Davenport Jail	Davenport	4/27/1992
Felton Covered Bridge	Felton	6/19/1973
Felton Presbyterian Church	Felton	4/6/1978
Grace Episcopal Church	Boulder Creek	12/19/2006
Headquarters Administration Building*	Boulder Creek	12/22/2015
Lower Sky Meadow Residential Area Historic District	Boulder Creek	9/24/2014
Phillipshurst-Riverwood	Ben Lomond	8/4/1983
Redman House	Watsonville	7/28/2004
Sand Hill Bluff Site	Santa Cruz	6/20/2008
Valencia Hall	Aptos	9/20/1984
Watsonville-Lee Road Site	Watsonville	5/28/1976
Wee Kirk	Ben Lomond	10/12/2017

*Destroyed in CZU fire in 2020.
Source: National Park Service 2021b.

CHLs are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting at least one of the criteria listed below:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder (California Office of Historic Preservation 2021).

There are nine designated CHLs in the county, five of which are located in the unincorporated portions of the county: the historic town of Glenwood, Felton Covered Bridge, Big Basin Redwoods State Park, the Castro Adobe, and the Mystery Spot (California Office of Historic Preservation 2021).

Santa Cruz County Historical Resource Inventory

Historic resources in the unincorporated areas of the county are protected through the implementation of the Santa Cruz County Historic Preservation Ordinance (see Section 4.5.3, Santa Cruz County Code [SCCC] Chapter 16.42, below for further description). County Planning staff maintains the HRI, a listing of all

officially designated historic resources in the County. Parcels that are designated in the County’s Historic Landmark L Combining District (SCCC Chapter 13.10) are considered historic resources in the HRI. There are currently 266 parcels within the Historic Landmark L Combining District, which are summarized by County planning area on Table 4.5-3. Properties which are listed on the NRHP and the CHL are also included in the County’s HRI and are protected under SCCC Chapter 16.42 as further explained in Section 4.5.3, Regulatory Framework.

Table 4.5-3 Parcels with County Landmark (L) Combining District Zoning

Planning Area	Total Number of Parcels with Landmark Combining District Zoning
Aptos Hills	8
Aptos	29
Bonny Doon	9
Carbonera	40
Eureka Canyon	9
Live Oak	35
La Selva	2
North Coast	10
Pajaro Valley	9
San Andreas	3
San Lorenzo Valley	67
Soquel	28
Salsipuedes	7
Skyline	2
Summit	8
Total	266

4.5.3 Regulatory Framework

4.5.3.1 Federal Regulations

National Historic Preservation Act

The NHPA established the NRHP and the President’s Advisory Council on Historic Preservation (ACHP), and provided that states may establish State Historic Preservation Officers to carry out some of the functions of the NHPA. Most significantly for federal agencies responsible for managing cultural resources, section 106 of the NHPA directs that:

[t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal

department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP.

Section 106 also affords the ACHP a reasonable opportunity to comment on the undertaking (16 U.S.C. 470f).

36 CFR Part 800 implements section 106 of the NHPA. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values; to determine whether or not they may be adversely affected by a proposed undertaking; and the process for eliminating, reducing, or mitigating the adverse effects.

The content of 36 CFR 60.4 defines criteria for determining eligibility for listing in the NRHP. The significance of cultural resources identified during an inventory must be formally evaluated for historic significance in consultation with the ACHP and the California State Historic Preservation Officer to determine if the resources are eligible for inclusion in the NRHP. Cultural resources may be considered eligible for listing if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet criteria for historical significance.

According to criteria A through D of section 106, the quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, cultural resources, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (36 CFR 60.4):

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

The 1992 amendments to the NHPA enhance the recognition of tribal governments' roles in the national historic preservation program, including adding a member of an Indian tribe or Native Hawaiian organization to the ACHP. The NHPA amendments:

- Clarify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion in the National Register.
- Reinforce the provisions of the Council's regulations that require the federal agency to consult on properties of religious and cultural importance.

The 1992 amendments also specify that the ACHP can enter into agreement with tribes that permit undertakings on tribal land and that are reviewed under tribal regulations governing section 106. Regulations implementing the NHPA state that a federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

4.5.3.2 State Regulations

California Register of Historical Resources

In the California Register of Historical Resources, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (PRC section 5020.1[j]; see also CEQA Guidelines section 15064.5[a]). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC section 5024.1[a]). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP including associated historic integrity considerations and are enumerated below. According to PRC section 5024.1(c)(1–4), a resource may be eligible for listing in the California Register if it meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. 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.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 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 (see 14 California Code of Regulations [CCR] section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

Government Code - Native American Consultation Requirements

Prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, Government Code sections 65352.3 and 65352.4 require a city or county to consult with local Native American tribes that are on the contact list maintained by the NAHC. The purpose is to preserve or mitigate impacts to places, features, and objects described in PRC sections 5097.9 and 5097.993 (Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property) that are located within a city or county's jurisdiction.

California Environmental Quality Act

The following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC section 21083.2(g) defines “unique archaeological resource.”
- PRC section 21084.1 and CEQA Guidelines section 15064.5(a) define “historical resources.” In addition, PRC 21084.1 and CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource.” It also defines the circumstances when a project would “materially impair” the significance of an historical resource (an element of a “substantial adverse change” to the resource).
- PRC section 21074(a) defines “tribal cultural resources.”
- PRC section 5097.98 and CEQA Guidelines section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4(b) provide information regarding the mitigation framework for archaeological and historical resources. Consistency with the Secretary of Interior Standards for the Treatment of Historic Properties would reduce an impact on historical resources to a less-than-significant level. For archaeological resources, preservation-in-place is the preferred manner of mitigating impacts to both unique archaeological resources and “historical resources of an archaeological nature” because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s). Data recovery through excavation also is included.

California Environmental Quality Act Assembly Bill 52 Consultation

AB 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a separate category of resources in the CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. PRC section 21074 defines a “tribal cultural resource” as either:

- Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that is either listed, or determined to be eligible for listing, on the national, state, or local register of historic resources; or
- A resource determined by the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource.

PRC section 21084.2 now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The PRC requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

The CEQA lead agency for consultation with local Native American tribes is the County of Santa Cruz. As previously indicated, at the time of preparation of this Draft EIR, the County has not received any AB 52 requests from local tribes.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (California Health and Safety Code section 7050.5b). PRC section 5097.98 outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (California Health and Safety Code section 7050.5c). The NAHC would notify the most likely descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

4.5.3.3 Local Regulations

County of Santa Cruz General Plan/Local Coastal Program

The County of Santa Cruz General Plan/LCP is a comprehensive, long-term planning document for the unincorporated areas of the county and includes the County’s LCP, which was certified by the CCC in 1994. The County General Plan and LCP provides policies and programs to establish guidelines for future growth and all types of physical developments. The Conservation and Open Space Element of the County’s General Plan includes objectives and policies that pertain to the protection and preservation of archaeological and historical resources. However, the proposed project includes a new Agriculture, Natural Resources + Conservation (ARC) Element to replace the existing Conservation and Open Space Element, with

amendments to existing goals, policies, and implementation strategies as described in Chapter 3 of this EIR and further reviewed in Section 4.5.4.3 below.

Santa Cruz County Code

Chapter 13.10, Historic Landmark L Combining Zone District

The purposes of the Historic Landmark L Combining District are:

- a) To preserve, protect, enhance, and perpetuate those structures, objects, sites and areas of historic, archaeological, cultural, architectural, engineering, or aesthetic significance, importance, and value as part of the development, heritage or cultural characteristics of the County, State;
- b) To identify those structures, objects, sites and districts that have been designated as historic resources by the Board of Supervisors pursuant to the provisions of Chapter 16.42 of the SCCC, Historic Resource Preservation; and
- c) To regulate alterations, new construction, relocations, demolitions, and excavations that affect historic structures, objects, and sites or districts in accordance with the provisions of SCCC Chapter 16.42 SCCC.

The Historic Landmark L Combining District is used to denote those properties that have been designated by the Board of Supervisors as historic resources pursuant to the provisions of Chapter 16.42 of the SCCC. As previously indicated, there 266 parcels within the county that have this combining district. In addition to the regulations for development and use of the site imposed by the basic zone district, use, alterations, new construction, relocations, demolitions, and excavations that affect historic structures, objects, sites or districts in the Historic Landmark L Combining District are subject to the regulations set forth in SCCC Chapter 16.42, which summarized below.

Chapter 16.40 – Santa Cruz County Native American Cultural Sites Ordinance

SCCC Chapter 16.40 establishes regulations for the protection, enhancement, and perpetuation of Native American cultural sites. This chapter requires an archaeological survey for any discretionary project resulting in ground disturbance and located within a mapped archeological sensitive area. In addition, an archeological survey is required for any project resulting in ground disturbance within 500 feet of a recorded Native American cultural site. Furthermore, any person who discovers human remains, or any artifact or other evidence of a Native American cultural site during ground disturbance or excavation must adhere to the following regulations:

- Cease and desist from all further excavations and disturbances within 200 feet of the discovery.
- Arrange for staking around the area of discovery by visible stakes as specified in the chapter.
- Notify the Sheriff-Coroner and Planning Director of the discovery. If the Planning Director determines that the discovery is a site of cultural significance, an archaeological report must be

prepared and no further excavation or development may take place except as authorized by an Archaeological Site Development Approval.

Upon notification of a discovery, the County Planning Director shall determine, based on the results of the survey and any necessary additional site inspection of the property, whether the discovery is a site of cultural significance. If the site is not determined to be a site of cultural significance, excavation may resume. If the discovery is determined to be a site of cultural significance, an archaeological report must be prepared and an archaeological site development approval by the Planning Director is required. The archaeological site development approval can contain conditions established by the Planning Director, in consultation with local Native California groups and based upon the findings of an archaeological report, where one is required, in order to promote the purposes of this chapter.

In addition, any qualified professional archaeologist who proposes to excavate a Native American cultural site and who is not otherwise authorized to do so pursuant to SCCC 16.40.050 shall apply to the Planning Director for an archaeological excavation approval with a statement of the goals of the excavation project, and the methods and techniques to be employed in the excavation and analysis of the data. Plans to ensure that the artifacts and records will be properly preserved for scholarly research and public education must be identified and that the artifacts will ultimately be disposed of in a manner satisfactory to local Native American groups.

Chapter 16.42 – Santa Cruz County Historic Preservation Ordinance

SCCC Chapter 16.42 implements the General Plan historic resources policies to designate, preserve, protect, enhance, and perpetuate those historic structures, districts and sites within the unincorporated area of the County. This chapter establishes the definition of historic resources in the County, the procedures for designation of historic structures, and standards for permit review for alteration of an historic structure. Historic resource is defined in Chapter 16,42 as follows:

... any structure, object, site, property, or district which has a special historical, archaeological, cultural or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the county, state, or nation, and which either has been referenced in the County General Plan, or has been listed in the historic resources inventory adopted pursuant to SCCC 16.42.050 and has a rating of significance of NR-1, NR-2, NR-3, NR-4, or NR-5.

Chapter 16.42 does the following:

- Establishes the County's Historic Resources Inventory (HRI) which identifies significant historic resources in the unincorporated portion of the County;
- Requires that an historic review be conducted prior to carrying out of activities or final County approval of projects which affect historic resources as defined above; and
- Regulates activities which affect historic structures, objects, properties, sites or districts. The County Planning staff maintains the HRI. The County Historic Resource Commission reviews

proposals to amend the HRI and applications for changes to the exterior of properties included on the HRI. For officially designated historic resources, the State Historic Building Code, a more lenient building code developed to allow structural modifications to historic buildings, may be used in place of the standard building codes.

In order to be placed on the County Historic Resources Inventory, a property must first be evaluated for eligibility pursuant to one or more of the following criteria: (SCCC 16.42.050 Historic Resource Designation).

1. The resource is associated with a person of local, state or national historical significance.
2. The resource is associated with an historic event or thematic activity of local, State or national importance.
3. The resource is representative of a distinct architectural style and/or construction method of a particular historic period or way of life, or the resource represents the work of a master builder or architect or possesses high artistic values.
4. The resource has yielded, or may likely yield, information important to history.

In addition, the County of Santa Cruz defines Historic District (SCCC section 16.42.030[E]), although none currently exist in the county.

Development Procedures for Designated Historic Resources. For projects involving demolition of an historic structure as defined in the regulations, or involving relocation of an historical structure, an historical documentation report is required, prepared according to guidelines established by the Historic Resources Commission. The report shall contain the following:

- Information that supports the claim that preservation is not feasible due to the deteriorated condition of the structure or object, or would create exceptional hardship, or is necessary to alleviate a dangerous condition.
- Provisions to preserve the historic values of the structure or object by documentation and/or preservation of artifacts and building materials. Alteration and/or new construction is subject to restrictions and review by the County to preserve historic features.

4.5.4 Impacts and Mitigation Measures

4.5.4.1 Thresholds of Significance

The thresholds of significance used to evaluate the impacts of the proposed project related to cultural resources and tribal cultural resources are based on Appendix G of the CEQA Guidelines and, if applicable, other agency standards, as listed below. A significant impact would occur if the project would:

- CUL-1 Cause a substantial adverse change in the significance of an historical resource;
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource;
- CUL-3 Disturb any human remains, including those interred outside of formal cemeteries; or

CUL-4 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC section 5020.1(k).
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC section 5024.1. In applying the criteria set forth in subdivision (c) of PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.5.4.2 Analytical Methods

A records search for previously recorded prehistoric and historic cultural resources was conducted at the NWIC of the CHRIS at Sonoma State University for the Study Area as explained in Section 4.5.2, Environmental Setting. Native American tribes and tribal organizations were contacted by the County Planning Department in response to NAHC recommendations for making contact when the Sacred Lands File search was completed by NAHC. County staff also conducted required tribal consultations as summarized in Section 4.5.2.

Potential Growth Assumptions

Adoption and implementation of the proposed Sustainability Update includes amendments to the General Plan/LCP and SCCC, as well as amendments to General Plan land use designations and/or zone districts for 23 properties as summarized on Table 3-11 in Section 3, Project Description. Nine of the properties proposed for a change in zoning or land use designation are located along the Portola Drive corridor, and three other sites are located within the Live Oak planning area. The County Design Guidelines component of the proposed project does not include guidelines related to cultural resources, and this component of the proposed project would not result in impacts to cultural resources and is not further reviewed in the impact analyses.

The proposed General Plan/LCP amendments would not directly result in new development but could indirectly lead to future development and redevelopment, primarily within previously developed urban areas within the County's USL, which has the potential to result in impacts related to cultural and tribal cultural resources if any are present on any developing parcel. As described in the Section 4.0, Introduction to Analyses, this EIR estimates of the potential to accommodate approximately 4,500 housing units throughout the county over existing conditions as shown on Table 4.0-2, with approximately 75% projected to occur within urban areas. This EIR also estimates the potential to accommodate approximately 6,210,000 square feet of non-residential uses as shown on Table 4.0-3, with approximately 60% expected to occur within urban areas. These forecasts provide an estimate of potential growth that could occur as a result of adoption and implementation of the proposed Sustainability Update for the purpose of evaluation

in this EIR. This estimate of growth may or may not occur, and this estimate does not establish a limit to development. Annual limits for residential units are set annually by the County pursuant to Measure J and SCCC provisions as explained in Section 4.13 of this EIR, Population and Housing. Additionally, some of this projected development and growth would occur under the existing General Plan/LCP without the proposed project.

Assessment of Potential Impacts

The impact analyses are based on definitions of resources and impacts set forth in CEQA and in the State CEQA Guidelines. Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC section 21084.1, CEQA Guidelines section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historical resources or identified as significant in an historical resources survey (meeting the requirements of PRC section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (PRC section 21084.1, CEQA Guidelines section 15064.5[a]). The lead agency is not precluded from determining that a resource is an historical resource even if it does not fall within this presumption (PRC section 21084.1, CEQA Guidelines section 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (PRC section 5020.1[q], CEQA Guidelines section 15064.5(b)(1)). In turn, CEQA Guidelines section 15064.5(b)(2) states the significance of an historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.

A project could impact an archaeological resource if the resource is an historical resource or a unique archaeological resource as defined in CEQA (see Section 3.5.3). If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of a project on archaeological resources shall not be considered a significant impact pursuant to CEQA Guidelines section 15064.5(c)(4).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in

place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC section 21083.2[a], [b], and [c]). PRC section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

As indicated above, impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC section 21083.2[a]; CEQA Guidelines section 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as tribal cultural resource (PRC section 21074[c], 21083.2[h]), further consideration of significant impacts is required. CEQA Guidelines section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC section 5097.98.

Where a project has been determined to conform with the Secretary of the Interior's Standards, the project's impact on historical resources would be considered mitigated to below a level of significance and, thus, not significant (CEQA Guidelines section 15126.4[b][1]).

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant (CEQA Guidelines section 15126.4[b][1]).

The Secretary of the Interior's Standards are a series of concepts focused on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They function as common-sense historic preservation principles that promote historic preservation best practices. There are four distinct approaches that may be applied to the treatment of historical resources:

- **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- **Rehabilitation** acknowledges the need to alter or add to an historic property to meet continuing or changing uses while retaining the property's historic character.

- **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- **Reconstruction** recreates vanished or non-surviving portions of a property for interpretive purposes.

EIR Notice of Preparation Comments

Public and agency comments were received during the public scoping period in response to the Notice of Preparation (NOP), which is included in Appendix A. A summary of the comments received during the scoping period for this EIR, as well as written comments received, are included in Appendix B. Comments related to cultural and tribal cultural resources included the following:

- A letter from the Native American Heritage Commission (NAHC) described the lead agency's responsibilities to evaluate tribal cultural resources under Assembly Bill (AB) 52 and Senate Bill (SB) 18 and provided recommendations for cultural resource assessment for the proposed project.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to CEQA and/or are raised by responsible agencies, they are identified and addressed within this EIR.

4.5.4.3 Project Impact Analysis

Impact CUL-1: Historical Resources (Significance Threshold CUL-1). Adoption and implementation of the proposed Sustainability Update could indirectly lead to development that could result in a substantial adverse change in the significance of historical built resources. *(Potentially Significant and Unavoidable)*

The proposed project would not directly result in new development but could indirectly lead to future development and redevelopment throughout the county, primarily within urban areas within the USL. Future development accommodated by the proposed Sustainability Update could potentially result in a substantial adverse change in the significance of an historical resource. Under CEQA, both prehistoric and historic archaeological sites may qualify based on historical associations as defined above in Section 4.5.4.2. This impact discussion focuses on impacts to historical built environment resources; impacts to archaeological resources are evaluated in Impact CUL-2 below.

Future potential redevelopment of existing developed sites may result in alteration or removal of historical structures, affecting the significance of historical values if the structure is considered an historical resource under CEQA definitions. As indicated above, 75% of the anticipated future development would occur within the urban areas in which historic or older buildings may be located. It is expected that redevelopment of existing properties would occur primarily within the county's urban areas, especially along key transportation corridors, such as Soquel Drive and Portola Drive. However, future development could occur throughout the unincorporated county areas. There are 17 federal- and state-listed historical resources in the unincorporated county, as well as 266 parcels identified by the County as being local historical resources as delineated by the Historic Landmark Combining District. Future development accommodated by the proposed Sustainability Update could be in areas with known historical sites or in areas where

structures have not yet been evaluated for historical significance. Buildings that are over the age of 50 years old and are proposed for modification or alteration in the future would require evaluations to determine eligibility for listing in the CRHR and/or NRHP listing, and if so, could be determined to be historically significant.

The proposed ARC Element of the County's General Plan/LCP includes policies that would serve to reduce potential future impacts to historical resources as summarized on Table 4.5-4. No amendments are proposed to SCCC sections that address historical resources. The General Plan/LCP policies outlined in Table 4.5-4 include measures to protect historical resources. For development activities on property containing historic resources, policies require protection, enhancement, and/or preservation of the resource, and plans for protection/preservation are required on properties with a designated historical resource. The proposed project continues to require review of applications for demolition of any structure more than 50 years old to determine whether the structure is an historical resource under CEQA (ARC-8.2p). County policies also protect and preserve historical resources (ARC-3.2.3 and ARC-8.2.4). Additionally, compliance with local regulations provided in SCCC Chapter 16.42 regarding historic alteration or demolition would also serve as the mechanism for review of projects that may alter existing historical resources as designated by the Historic Landmark Combining District.

Compliance with existing and proposed policies and regulations set forth in SCCC Chapter 16.42 regarding protection of historical resources would reduce the potential impact on known County-designated historical resources. However, while historical structures that are listed on federal, state, and local inventories would be subject to County review under existing SCCC Chapter 16.42, future development accommodated by the Sustainability Update could occur on sites with potentially eligible historic structures that have not been evaluated or are not currently recorded on the County HRI. The Sustainability Update includes a policy to require that any structures proposed for demolition that are more than 50 years old be evaluated for historical significance.

Furthermore, eight of the properties along Portola Drive that are proposed for amendments to existing General Plan/LCP land use and zoning designations contain buildings older than 50 years in age. Typically, structures older than 50 years in age (on sites proposed for development or redevelopment) are evaluated to determine whether the structure meets the CEQA definition of an historical resource, i.e., eligible for listing in the CRHR or local register or inventory, consistent with the Sustainability Update Implementation Strategy ARC 8.2p. If any of the structures on Portola Drive are determined to be an historical resource, redevelopment of the site would potentially result in removal/demolition of the structure, which would be considered a significant impact.

Therefore, while adherence to General Plan/LCP policies and local regulations provided in SCCC Chapter 16.42 would reduce potential adverse effects on known built historical resources, structures that may be eligible historical resources but have not been previously evaluated for historic significance would require preliminary review to determine whether adverse effects may result from future development accommodated by the proposed project. It is noted that the County Planning Department currently evaluates the potential for historical resources as part of the CEQA and discretionary development proposal reviews, and projects that could result in an adverse significant impact to a historical structures typically

require preparation of an historical resources assessment. It is therefore assumed that such procedures would continue as part of the CEQA environmental review of future development applications. PRC sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4(b) provide information regarding the mitigation framework for historical resources and indicate that consistency with the Secretary of Interior Standards for the Treatment of Historic Properties would reduce an impact on historical resources to a less-than-significant level. Therefore, a significant historical resource impact could be mitigated to a less-than-significant level if designed to be consistent with these standards. However, since the proposed Sustainability Update is a program-level analysis and no specific development projects are proposed, it is not possible to determine whether individual projects would be able to attain the Secretary of Interior's Standards.

Table 4.5-4. Proposed and Retained General Plan/LCP Policies that Avoid/Minimize Cultural Resources Impacts

Potential Impact	Policies and Implementation Strategies
Historical Resources	<ul style="list-style-type: none"> • Continue the review of proposed applications for demolition of any structure more than 50 years old that has not been previously surveyed for historic significance, and require a historic report prepared by a qualified historic consultant for structures that may have the potential to qualify as a historic resource as determined by County Planning staff. (ARC 8.2p) • Require protection, enhancement and/or preservation of historical values on sites proposed for development. (ARC-8.2.3). • Require plans for protection and preservation of historic resource values for development proposals on property containing designated historic resources. (ARC-8.2.4) • Environmental review shall be required for any project with the potential to significantly impact historic resources. (ARC-8.2.8) • Protect cultural and historical resources throughout the parks system. (PPF-2.3.2)
Archaeological Resources	<ul style="list-style-type: none"> • Protect archaeological sites until evaluated. (ARC -8.1.1) • Require archaeological site survey for projects within sensitive archaeological areas. (ARC-8.1.1) • Protect identified archaeological areas from development. (ARC-8.1.3) • Require evaluation of resource significance for development proposals on identified archaeological site. (ARC-8.1.4) • Cease activities upon accidental discovery of archaeological resources. (ARC-8.1.5) • Require environmental review for any project with the potential to significantly impact archaeological or tribal cultural resources. (ARC-8.1.6)
Disturb Human Remains	<ul style="list-style-type: none"> • Cease activities upon accidental discovery of human remains. (ARC-8.1.5)
Tribal Cultural Resources	<ul style="list-style-type: none"> • Prohibit disturbance of Native American sites cultural sites or tribal cultural resources without appropriate permit. (ARC-8.1.1) • The County shall consult with Native American tribes that request notice of projects pursuant to PRC 21073 and 21080 and work with affected tribe to identify appropriate mitigation measures if tribal cultural resources are found. (ARC-8.1.7) • Tribal consultation prior to amendment to the General Plan. (ARC-8.1.8)

In summary, future development projects facilitated by the Sustainability Update would be required to undergo project-level environmental review to analyze potential impacts to historical resources and mitigate any impacts to the extent feasible. Through compliance with federal, state, and local regulations, and implementation of mitigation measures identified through project-level CEQA reviews and County-required historical evaluations for any structure over 50 years old, the potential for adverse effects to historical resources would be identified, and mitigation would be required if a significant impact were identified. Nonetheless, preservation, reuse, maintenance, and/or avoidance of historical resources may not always be feasible, especially with potential redevelopment and intensification of uses in the USL, and recordation of a significant historical resource, alone, would not constitute adequate mitigation for a substantial adverse change to that resource. Therefore, because the potential for future development accommodated by the Sustainability Update to cause a substantial adverse change to an historical resource cannot be precluded, impacts to historical resources are conservatively considered *potentially significant*.

Mitigation Measures

Implementation of CUL-1 would require the review of listed, eligible, or unevaluated sites or structures over 50 years old to determine whether an historical resource exists, and if so, provide mitigation to reduce potentially significant impacts to a less-than-significant level. This would ensure adequate review of potential historical resources for any structure that is older than 50 years, consistent with County policies. With the addition of appropriate project conditions to ensure compliance with the Secretary of the Interior Standards pursuant to CEQA guidelines 15064.5(b)(3), any future impacts associated with Impact CUL-1 would be less than significant with mitigation. However, if a future development project were not found to be compliant with the Secretary of Interior Standards and other protection measures were not available or demolition of the structure were proposed to facilitate redevelopment of a site, the impact would remain significant and unavoidable.

Implementation of Mitigation Measure CUL-2 provides on-site preservation guidance, and in the event that a structure or resource cannot be preserved, it ensures that actions would be taken to appropriately record and document an identified historical resource. Through compliance with existing federal, state, and local regulations, and implementation of mitigation measures, the potential for adverse effects to historic resources would be substantially reduced. However, preservation, reuse, maintenance, and/or avoidance of historical resources may not always be feasible, and recordation of a significant historic resource does not constitute adequate mitigation for a substantial adverse change to that resource.

Because sites for future development have not been identified, except for the 10 parcels proposed for land use and zoning map changes along transportation corridors, for which site-specific historical evaluations have not been prepared because no development proposals are part of the proposed project, it is possible that there may be future impacts to historical resources on these sites or other locations in the county due to potential substantial alteration or demolition of a building, indirectly resulting from the proposed project that cannot be mitigated to a less-than-significant level. Therefore, because the potential for permanent loss of a historic resource cannot be precluded, it is conservatively concluded that the proposed project's impact to historical resources would be *potentially significant and unavoidable*.

MM CUL-1: Historic Resources Assessment and Project-Level Mitigation. Require preparation of an historic resources evaluation for any development proposal containing a structure or structures 50 years old or older and that are not identified as historic resources in the County HRI. If the structure(s) may potentially meet the criteria for listing as an historic resource, and proposed development would have the potential to impact the historic significance of the structure(s), the development applicant shall provide an historic assessment of the structure(s) prepared by a qualified historic consultant. The historic assessment shall include a completed DPR 523a form¹ and a letter prepared by the historic consultant stating whether the property has historic significance. If it is determined by the Community Development & Infrastructure Department based upon the historic assessment that a development would impact a structure that is eligible as an historic resource under CEQA definitions, the County shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure, including designs consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. If the building or structure can be preserved, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

MM CUL-2: Resource Documentation. If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the County shall ensure that a qualified architectural historian thoroughly documents the building and associated landscape and setting. Documentation shall include still and video photography and a written documentary record/history of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. The record shall be prepared in consultation with the State Historic Preservation Officer and filed with the Office of Historic Preservation. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.

Impact CUL-2: Archaeological Resources and Human Remains (Significance Thresholds CUL-1 and CUL-2). Adoption and implementation of the proposed Sustainability Update would not directly or indirectly cause a substantial adverse change in the significance of unique archaeological resources or historical resources of an archaeological nature, and/or disturb human remains. (*Less than Significant*)

The proposed project would not directly result in new development but could indirectly lead to future development and redevelopment throughout the county, primarily within urban areas within the USL. Development in the urban areas would primarily occur on underutilized properties that could be redeveloped at higher densities and/or land use intensities, particularly along transportation corridors,

¹ A form of California State Parks used to record/evaluate potential historical resources.

such as Soquel Drive and Portola Drive. Sensitive archaeological areas are found throughout the county in all planning areas. Grading, trenching, and other subsurface construction activities associated with future development could damage or destroy known resources or potentially to encounter unknown archaeological resources during construction, especially in identified sensitive areas. The same development activities also have the potential to disturb or destroy Native American burial sites if known or encountered during future construction. None of the 23 sites in which specific General Plan land use and/or zoning map changes are proposed were identified as being located on or adjacent to recorded prehistoric sites identified as part of the records search conducted for this EIR. However, some of these parcels are located within archaeologically sensitive areas defined by the County, and future development proposals would be required to prepare archaeological investigations.

The proposed ARC Element of the County's General Plan/LCP includes policies and implementation strategies that would serve to reduce impacts related to archaeological resources and human burials as summarized in Table 4.5-3. No amendments are proposed to SCCC sections that address archaeological resources. The General Plan/LCP includes policies that requires preparation of archaeological investigations for any project located within a sensitive archaeological area (ARC-8.1.1) and identified archaeological sites must be protected (ARC-8.1.3) and evaluated (ARC-8-1.4). Additionally, the County's accidental discovery policy (ARC-8.1.5) and procedures (SCCC Chapter 16.40) would also apply to properties in the study area in the event construction encounters unidentified archaeological deposits. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed. Similarly, both County policies and state and local regulations require construction to be stopped in the event that human remains are found, and state law requires that the County Coroner be notified in the event of this occurrence. If human remains are identified, state law sets forth the procedures for contacting the NAHC and Native American tribes.

Adoption and implementation of the proposed Sustainability Update would not directly result in new development, but new development accommodated by the plan would result in construction that may result in impacts to archaeological resources and/or human burials. Compliance with proposed General Plan/LCP policies and state and local regulations regarding archaeological resources and accidental discovery of archaeological resources and human remains during construction would reduce impacts to a less-than-significant level.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

Impact CUL-3: Tribal Cultural Resources (Significance Threshold CUL-4). Adoption and implementation of the proposed Sustainability Update would not directly or indirectly cause a substantial adverse change in the significance of a tribal cultural resource. *(Less than Significant)*

The proposed project would not directly result in new development but could indirectly lead to future development and redevelopment throughout the county, primarily within urban areas within the USL.

Development in the urban areas would primarily occur on underutilized properties that could be redeveloped at higher densities and/or land use intensities, particularly along major corridors, such as Soquel Drive and Portola Drive.

As previously described in Section 4.5.1, a tribal cultural resource is defined under state law as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register or included in a local register of historical resources, or if the County, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a tribal cultural resource. The archaeological records search and the County's outreach to Native American tribes did not identify specific tribal cultural resources. The Indian Canyon Band of Costanoan Ohlone People responded that the APE overlaps a potentially eligible cultural site. However, three follow-up attempts from the County failed reach the respondent for further information.

Furthermore, the proposed ARC Element of the County's General Plan/LCP includes policies and implementation strategies that would serve to protect tribal cultural resources and reduce impacts related to tribal cultural resources as summarized in Table 4.5-4. The General Plan/LCP existing and proposed policies includes a policy that prohibits disturbance of Native American sites cultural sites or tribal cultural resources without an appropriate permit. Additionally, the County's accidental discovery policy (ARC-8.1.5) and procedures (SCCC Chapter 16.40) would also apply to properties in the event future construction encounters unidentified tribal cultural resources. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed.

Adoption and implementation of the proposed Sustainability Update would not directly result in new development, but new development indirectly accommodated by the plan could result in construction that could potentially result in impacts to tribal cultural resources if any exist on a site that is being developed. Compliance with proposed General Plan/LCP policies and state and local regulations regarding archaeological resources and accidental discovery of archaeological resources and human remains during construction would reduce impacts to tribal cultural resources a *less-than-significant* level.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

4.5.4.4 Cumulative Impact Analysis

As shown in Table 4.0-2, there are other cumulative projects that would be located within unincorporated Santa Cruz County, as well as within neighboring jurisdictions, including all four cities within the county and at the University of California, Santa Cruz (UCSC). Some of these cumulative projects would be approved by the County and some would require discretionary approval from other local lead agencies. The context for the cultural resources and tribal cultural resources cumulative analysis considers the former territory of the Costanoan or Ohlone people and the historic-era settlement patterns that have occurred over roughly the

past two centuries. As there is a finite number of significant cultural resources, the loss of any one cultural resource site could affect the scientific value of others in a region. Implementation of appropriate mitigation measures that are identified during the discretionary approval process for cumulative projects can help to capture and preserve knowledge of such resources through a range of typical actions (e.g., preservation in place, data recovery, conformance with the Secretary of the Interior’s Standards) and federal, state, and local laws can also protect these resources. Preservation in place is not always feasible for archaeological resources, and therefore cumulative projects could result in a potentially significant cumulative impact on cultural resources and tribal cultural resources. However, with implementation of local requirements for review of cultural and tribal cultural resources during the CEQA process and implementation of required measures to address the discovery of unknown resources, cumulative impacts would not be considered significant for archaeological and tribal cultural resources.

Cumulative development projects located within Santa Cruz County could result in incremental losses of historical resources on a project-by-project basis, which could combine to constitute a significant cumulative effect. While the proposed project’s potential impacts on historical resources would be substantially reduced through compliance with federal, state, and local regulations and incorporation of mitigation measures, adverse effects on the significance of historical resources could occur as a result of future development facilitated by the Sustainability Update. Because project-level details are not available for future development that would be facilitated by the Sustainability Update, at a program level, the proposed project’s incremental contribution to significant cumulative impacts on historical resources could be cumulatively considerable when combined with the impacts of cumulative development projects.

4.5.5 References

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