

City of Pacific Grove, California
Archaeological Resources Procedures

PURPOSE:

Within the City of Pacific Grove there are known and possibly unknown archaeological sites. Both types of sites can become exposed due to excessive or severe weather events, particularly along the coast line, streams or through land development processes.

However, procedures are needed to properly respond to sites exhumed or discovered within the city's boundaries due to severe weather, i.e., high surf, excessive ground water seepage, or land development etc.

These procedures further establish guidelines for responding to exposed sites.

Goal: Encourage the conservation and identification of the City's archaeological resources.

BACKGROUND:

There are a number of existing State and Federal laws and policies dealing with the protection of archaeological resources. The following laws have key regulations for the consideration of Archaeological protection standards:

- 1. The Native American Graves Protection and Repatriation Act of 1990**
 - a. Protects Native American resources on Federal or Tribal lands.
- 2. The Secretary of the Interior's Standards**
 - a. Sets National Register criteria for Archaeological sites (Criterion D)
 - b. Establishes guidelines for Archaeological Documentation
- 3. California Code of regulations**
 - a. Government Code - Required consultation (SB18)
 - b. Penal Code - It is a Misdemeanor to willfully injure, disfigure, deface, or destruct any object or thing of archeological or historical interest or value, whether situated on private or public lands.
 - c. Health and Safety Code-Protects human remains.
- 4. California Environmental Quality Act (CEQA)**
 - a. Establishes Archaeological materials as a significant environmental resources and requires the consideration of impacts to those resources as part of a "project"
 - b. Establishes Tribal Cultural Resources and early consultation process with local Tribal representative (AB52).
- 5. State Guidelines**
 - a. PRC Sections 5097-5097.6 (Archaeological, Paleontological, and Historical Sites)
 - b. PRC Sections 5097.9 (Native American Historical, Cultural, and Sacred Sites)
 - c. PRC Sections 5097.995-5097.996 (Native American Historical Resource Protection Act)
 - d. PRC Sections 21083.2 and 21084.1 (CEQA Statutes)

- e. CCR Sections 15064.5 (CEQA Guidelines- Evaluating Impacts to Sites)
- f. CCR Sections 15331 (CEQA Guidelines- Historical Resource Restoration)
- g. CEQA Guidelines Appendix G (Environmental Checklist - Cultural Resources Portion)
- h. PC Sections 622 ½ and 623 (Protection of Archaeological Sites and Caves)

6. County Guidelines

- a. Archaeological resources are significant public resources for their cultural and religious ties to people associated with them and for the potential of a resource to yield important information about history or prehistory.
- b. On October 26, 2010, the County adopted the 2010 Monterey General Plan. The 2010 General Plan Policy LU-9.2 and Goals OS-6 and OS-8 and the General Plan policies implementing those goals require updating County standards for the protection of archaeological resources.

Policies-City of Pacific Grove Archeological Resources

1. General Policies

- a. Unique burial sites shall be identified and protected. All Native Californian cemeteries, burials, shrine sites, and sacred place locations shall be preserved in place to the greatest extent possible and as permitted by law. In cases where such sites and locations cannot be retained in place without modification, governing requirements in the Government Code, Health and Safety Code, California Environmental Quality Act and Native American Religious Freedom Act shall be taken into account in consulting with local Native Californian Tribal Groups with documented aboriginal ties to the site and shall be carried out, as necessary, with the assistance and input of the local Tribe Representative.
- b. Information on the location and significance of the City's sites shall be compiled and cross referenced to existing archaeological city data bases to determine site uniqueness.
- c. Development proposed at sites where known burials or human cemeteries are located shall in no case modify, disturb, excavate, or develop within such locations until all steps in compliance with CEQA, Native American Heritage Commission, Health and Safety Code and Government Code, and in accordance with any completed MOU with a local tribe, have been completed. Routine and ongoing Agricultural Activities are exempted from this procedure in so far as allowed by state or federal law. In the case of any conflict of interpretation, state requirements for the protection of burial sites are applicable and shall be implemented in good faith.
- d. Tribal representatives will be consulted, consistent with state preservation law, about the location of sacred places, ancestral sites, archaeological remains of village sites, burial and cemetery sites, and other significant cultural resources.

2. Exposure Due to Capital Improvement Projects

- a. Prior to the commencement of ground disturbing activities including trenching and excavation the contractor shall retain an archaeologist with local expertise

who is qualified by the City of Pacific Grove, to act as the Project Archaeological Monitor. The Project Archaeologist shall be provided with the approved Project Mitigation Monitoring Program and shall monitor project.

- b. A pre-construction meeting held on the site with the project archaeologist, the Director of Public Works, Environmental Program Manager, the excavation foreman, and a Community Development Department staff member. This is required prior to the commencement of excavation. The purpose of the meeting is to review all project permits and environmental compliance requirements prior to the onset of project-related disruption on the site.
- c. If intact archaeological artifacts/cultural features or soils are encountered at any time during project implementation, earth-disturbing work shall be immediately halted within 10 meters (30') of the find and the Community Economic Development Department Director or CEDD staff shall be immediately notified before work on the site may proceed.
- d. Earth-disturbing work shall not recommence within the designated area until the find is evaluated by the Project Archaeologist and the Lead Agency (City of Pacific Grove) project planner. If the Lead Agency determines that development impacts to the resource can be reasonably avoided, or that the resource is not a significant unique archaeological or paleontological artifact, earth-disturbing work may be allowed to proceed.
- e. Should human remains or significant unique or intact archaeological resources be encountered during project-related earth-disturbing activities, work shall be immediately halted within 50 meters (150') of the find, the Community Economic Development Department Director shall be immediately notified, and work shall not recommence until the find can be evaluated by a qualified professional archaeologist with local expertise, approved by the City. If the find is determined to be significant, appropriate mitigation measures (mitigation plan) shall be formulated.
- f. The mitigation plan shall be prepared at the contractor's expense, by an archaeologist with local expertise and approved by the City of Pacific Grove. The mitigation plan shall be submitted to and approved by the Director of the Community Economic Development Department before work can proceed within the designated area.

3. Exposure Due to Extreme Weather, Other Natural Events or Looted Sites

- a. Notification of the local Tribal Representative of exposed site.
- b. If intact archaeological artifacts/cultural features are exposed due to severe weather event(s) the City of Pacific Grove upon notification, shall implement if safe, and logical appropriate measures to maintain site discretion, such as perimeter control(s) of 10 meters (30') of the exposed site.

- c. Should human remains or significant unique or intact archaeological resources be exposed the City of Pacific Grove upon notification, shall implement if safe and logical, appropriate measures to maintain site discretion.
- d. Appropriate mitigation measures such as notifying the local tribal representative, and re-covering the site with decomposed granite will generally be pursued unless there are extenuating circumstances.
- e. In certain coastal situations due to rising sea levels, with Tribal consultation sites may be left to decompose within natural timeline and setting.

References: Pacific Grove Sewer Report and Final Archaeological Report for Consolidation Project of the Regional Sewage System. 1981. Stephen A. Dietz and Thomas L. Jackson.
City of Pacific Grove Draft Archaeological Resources Manual. 2002.
Community Development Department. Monterey County Code Section 21.66.050 (Standards for Archaeological Resource Areas) of Title 21 (inland zoning ordinance) County General Plan Goals OS-6 and OS-8