

# MONTEREY COUNTY

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## STAFF REPORT

**Date:** August 27, 2014

**To:** The Monterey County Planning Commission

**From:** Resource Management Agency – Planning  
Craig W. Spencer, Associate Planner

**Subject:** Archaeological Resources Ordinance Update and Status (REF110065)

**cc:** Jacqueline R. Onciano, Planning Services Manager; The Open Monterey Project; LandWatch (Amy White); John H. Farrow; Janet Brennan; Gary Brechini; Susan Morely; Ruben Mendoza; John W. Burch; Fredrick Segobia; Valentin Lopez; Irene Zwierlein; Tony Cerda; Ann Marie Sayers; Louise Miranda-Ramerz; Donna Haro; Tom “Little Bear” Nason; Susan Latta; Linda Yamane; Arwa Awan; Laura Prishmont Quimby; Ken Woodrow; Project File.

Dear Planning Commissioners,

This Status Report is provided by Resource Management Agency –Planning staff for the purpose of updating the Planning Commission, and the public, on the progress of the Archaeological Resources Ordinance following the Planning Commission hearing on June 25, 2014.

At the June 25, 2014 hearing before the Planning Commission, the Commission expressed concerns about the draft ordinance. Concerns included:

1. The composition of the Native Californian Advisory Panel,
2. The need to provide more specific guidelines and operational details for the Panel,
3. The need to provide clarity on when a project will be referred to the Panel for recommendation;
4. The potential to amend exemptions from archaeological survey requirements to avoid archaeological surveys for minor and ordinary projects; and
5. A desire to address concerns raised by the public at the hearing in an inclusive manner.

Primary concerns raised by the Public at the hearing include:

1. Lack of involvement and consultation with Native American representatives in drafting the ordinance
2. Specific powers and duties provided to one tribe (the Ohlone/Coastanoan, Esselen

- Nation) without reference to other tribes and individuals indigenous to the area.
3. The composition of the Advisory Panel and lack of guidelines and operational details; and
  4. Lack of definitions and clarity on what Traditional Cultural Landscapes, sacred sites, and ethnobotanical resources are and how to identify them.

The hearing was continued to August 27, 2014, in order to address these issues and concerns.

Following the June 25, 2014 Planning Commission hearing, on July 18, 2014, staff met with representatives from the Ohlone/Coastanoan, Esselen Nation, the Salinan Nation, the Esselen Tribe, Rumsen Tribe, Archaeological Consulting, the Army, and others. Issues and suggestions provided in the meeting were noted and Planning staff is still in the process of determining how best to address those concerns. One significant issue discussed in the meeting, and not listed above, was the possibility of amending General Plan policy OS-8.7.

Policy OS-8.7 has created concern amongst tribal governments and individuals who are not part of the Ohlone/Coastanoan, Esselen Nation (OCEN). The concern is that OCEN may be given authority over data recovery, monitoring, and disposition of human remains beyond the established process overseen by the Native American Heritage Commission and potentially within areas of Monterey County that are represented by other tribal governments and individuals outside of OCEN. OCEN representatives have expressed a desire to remain involved in this process as a large tribal government representing many indigenous people to the Monterey County area.

Staff is now exploring potential revisions to address the concerns expressed thus far. A second stakeholder meeting will be held in September to review changes.

Staff is recommending that the Planning Commission continue this item to October 8, 2014 in order to provide sufficient time for staff to meet with stakeholders a second time and to make necessary revisions following that meeting.