







Plan Alternatives Comparison Chart Section 10.6 Cultural Resources- final PC Markup 7-21-11



Plan Alternative				Section 10.6 Cultural Resources	Staff Remarks/ Implementation	Position R,M,D
10.6.3 Goals						
A	B		D	CU-G1 Protection and Enhancement of Cultural Resources. Protected <u>and enhanced significant</u> cultural resources, providing <u>significant heritage,</u> historic, scientific, educational, social and economic <u>values to benefit</u> contributions to present and future generations.	Recommended staff revision a variation of FRWK 3530.	M Straw vote 5-1
				COMMENTS: 5-19-11 <u>Straw vote</u> Commissioners Masten, Krebs, Faust, Disiere and Gearheart supported the language developed by the staff with the cultural resources working group C. Nelson supports Alternative C.		
		C		CU-G1 Protection and Enhancement of Cultural Resources. Protected cultural resources providing significant historic, scientific, educational, social and economic contributions to present and future generations.		D
				COMMENTS:		
10.6.4 Policies						
A	B	C		CU-P1. Identification and Protection. Cultural resources <u>The potential for significant impacts to cultural resources</u> shall be identified during ministerial and discretionary permit review, assessed as to significance, and if found to be significant, protected from <u>substantial adverse change, deterioration, loss, or destruction.</u>	 MIN, QJ S1,4,5 IM5	M Straw vote 6-0

			<p>: Add definition to glossary: (per PRC 5020.1): <u>Substantial Adverse Change. Demolition, destruction, relocation, or alteration such that the significance of an historical resource or its immediate surroundings would be impaired.</u></p>		<p>M Straw vote 6-0</p>
			<p>COMMENTS: 5-19-11 C. Masten – I support the revised language of staff and the cultural resources working group for the first part of the policy with additional language added by the cultural resources group to be removed and added to standards section (the revised language will come back at a subsequent meeting). C. Kreb – I also support this, but I wanted to support what Tina Christensen said regarding the definitions. I would recommend adding “substantial adverse change” to the glossary as proposed by staff. I also would like to see a definition for “cultural resource commission”. C. Disiere – I’m concerned about ministerial permits not having sufficient noticing when there are cultural resources located on site – we need to make a process that is more clear for the property owner. I would support the director’s opinion on either an ordinance or clarification on process. C. Faust – I support the combined staff/working group’s recommendation. I am in support of an ordinance being developed. Especially with ministerial review – we need to define where that line is. I also am concerned about the definition of “substantial adverse change” – only deals with structures. Not adequate. Does not address cultural resources (native American artifacts). Davina Smith –sited PRC 5020.1 – it now extends the definition...alterations of the resources, or its immediate surroundings: <u>“Substantial adverse change in the significance of an historical resource 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. CEQA 15064.5(b)1”</u> <u>Straw vote</u> Unanimous support of the language developed by staff and CRWG and the addition of a new definition for adverse change 6/0</p>		
		D	<p>3531.1 Identification and Protection. Cultural resources (including but not limited to archaeological, paleontological, and architectural sites, grave sites and cemeteries) shall be identified where feasible, assessed as to significance, and if found to be significant, protected from loss, or destruction.</p>		D

A	B	C		 MIN, QJ S3	M Straw vote 6-0
			<p>CU-P2. Consultation. <u>Native American Tribes (as defined)</u>, historical organizations, <u>other interested parties</u>, and applicable agencies shall be consulted during discretionary project review, zone reclassifications, designation of open space lands, and Plan amendments for the identification, and protection <u>and mitigation of adverse impacts to</u> of cultural resources. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change in the significance of a historical <u>cultural</u> resource. <u>At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential significant Native American cultural resources located in project areas within their respective tribal geographical area of concern.</u></p> <p>COMMENTS: 5-19-11 (There were questions by the Commission regarding the definition of " other interested parties") K. Girard - "other interested parties" has specific meaning in our office so we may need to put in definition. C. Gearheart – do they need to be consulted (no)? Then maybe we just want to only send a referral notice – noticed but not necessarily consulted. C. Masten – I just want to be sure that the consultation happens early in process (happens during referrals). Does the county have a map that identifies the location of the aboriginal lands of the tribes? Yes. K. Girard – we still want a single point of contact. The NCIC has served as a referral center for the county in the past but we are not opposed to noticing the tribes. I think that is the system we are going to. C. Masten – it behooves us to start something now and get into place and avoid problems in the future. C. Nelson – it seems to me that there is plenty of people to send to for cultural but not historic. That bothers me. C. Faust – wants "other interested parties" to stay in (all okay with this) we need to be more specific on the types of ministerial permits that need to be referred, either by using a list, overlay zone, screening process – who and how. K. Girard – we recommend designing an implementation measure. (all okay with this) C. Kreb – I support the combined language with the removal of the word historical and replace with cultural. <u>Straw vote</u> Commissioner Kreb, Faust, Gearheart was in support of the language developed by staff and CRWG with the word "historical" replaced with "cultural"</p>		

			<p>Commissioner Gearheart thought Referred should be added to the beginning of the first sentence.</p> <p>Commissioner Nelson thought "other interested parties" should not have been "consulted"</p> <p>We need to come back and make clear who gets consulted under SB18.</p>		
			<p>COMMENTS: 5-26-11</p> <p>TH – support the recommendation by Janet Eidness changes to P2 – delete specific items referenced in SB-18 (see red below).</p> <p>CU-P2. Consultation. <u>Native American Tribes (as defined)</u>, historical organizations, <u>other interested parties</u>, and applicable agencies shall be consulted during discretionary project review, zone reclassifications, designation of open space lands, and Plan amendments for the identification, and protection <u>and mitigation of adverse impacts to</u> of cultural resources. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change in the significance of a <u>historical cultural</u> resource. <u>At their request, Tribes shall be afforded the opportunity to review and provide comments to the County early in project review and planning (screening) about known or potential significant Native American cultural resources located in project areas within their respective tribal geographical area of concern.</u></p> <p>TH – these deletions would remove the items that are specific items covered under SB-18 which is covered in the Governance section of the Plan.</p> <p>Straw vote</p> <p>Unanimous support of language developed by staff and CRWG 6/0</p>		
		D	<p>3531.2 Consultation. Concerned citizens, historical organizations, and applicable agencies shall be consulted during project review for the identification and protection of cultural resources.</p>		D

A	B		<p>CU-P3. Avoid Loss or Degradation. Projects located in areas found <u>known</u> to have cultural resources historic or prehistoric ruins, burial grounds, or archeological sites shall be conditioned and designed to avoid loss or substantial degradation of these resources, <u>including standard provisions for post-review inadvertent discoveries of archaeological or Native American remains.</u></p>	<p>Staff recommended additions to distinguish P3 from P1 and require additional precautions within known cultural resource areas.</p> <p>  MIN, QJ S4</p>	<p>M Straw vote 6-0</p>
			<p>COMMENTS: 5-19-11 C. Masten – why did you strike out cultural resources? TH – we wanted to differentiate historic and cultural resources <u>Straw vote</u> Unanimous support of language developed by staff and CRWG 6/0</p>		
		D	<p>3531.3. Avoid Loss or Degradation. Projects located in areas found to have cultural resources shall be conditioned and designed to avoid loss or substantial degradation of these resources.</p>		D
A	B	C	<p>CU-P4. Findings Necessary for Loss or Destruction. Cultural resources shall not be knowingly destroyed or lost through a ministerial or discretionary action unless:</p> <p>A. The site or resource has been found <u>not</u> to be of is significant value after consultation by representatives of the cultural resources community and relevant experts; or</p> <p>B. There is an overriding public benefit from the project, and compensating mitigation to offset the loss is made part of the project.</p>	<p>Staff recommended additions to improve the title.</p> <p>  MIN, QJ</p>	<p>M Straw vote 6-0</p>
			<p>COMMENTS: 5-19-11 C. Masten – who is the cultural resources community? C. Kreb – I want to see a definition of “cultural resources community” in the glossary. <u>Straw vote</u> Unanimous support of language developed by staff and CRWG 6/0</p>		

				<p>COMMENTS: 5-26-11 The Commission made changes to subsection "A" (as noted in red) to make clear that the cultural resources community does not make findings, but rather, recommendations to the governing bodies. All support proposed changes.</p>		
A	B	C	D	<p>CU-P5. Mitigation. Mitigation measures shall be required for any permitted project or County action that where new development would adversely impact <u>significant</u> cultural resources.</p>	  MIN, QJ S4	<p>M Straw vote 6-0</p>
				<p>Comments: 5-19-11 The Commissioners supported the "A" version that was submitted by the cultural resources working group.</p>		
10.6.5 Standards						
A	B	C		<p>CU-S1. Cultural Resources. Cultural resources include, but are not limited to, any object, building, structure, site, <u>district</u>, area, or place that is culturally, historically, or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Humboldt County. Sites, resources, or structures <u>listed placed</u> in federal, state, or local historic registration programs, <u>or formally determined eligible for listing, or that meet the criteria for listing in the California Register of Historical Resources</u> shall also be recognized as <u>significant cultural</u> (historical) resources. Cultural resources also include cultural places, as defined by California Public Resources Code Sections 5097.9 and 5097.993, including any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine or any Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources, including any historic or prehistoric ruins, any burial ground, and any archeological or historic site.</p>		<p>M Straw vote 4-2</p>
				<p>COMMENTS: 5-19-11 C. Kreb – I can support this wording. This is a twenty year plan and maybe we will come up the money. C. Disiere – I am concerned with the term "determined eligible" – it is not clear and I can't support this. I can support "listed" – because the property owner can be made aware. D. Girard – CEQA states that it could be a significant impact "is listed or is eligible to be" .</p>		

				<p>TH suggested that the designation should be on the record prior to applying for a permit. That is the line that we should think about drawing. We then need to do a better, more comprehensive inventory. That would make it fair to the applicant. We have compiled a list of those sites that are registered. The question becomes on those that are “eligible” to be listed- every building must comply with their open space element. If the project (cultural resources) meet those requirements of the Open Space Element – fine, if not, discretionary and must go through CEQA.</p> <p><u>Straw vote:</u> Commissioners Masten, Faust, Krebs, Gearheart support the language developed by the staff with the cultural resources working group. Commissioners Disiere and Nelson were not in support of CU-S1 4/2</p>		
A	B	C	D	<p>CU-S2. Confidentiality. <u>As prescribed by law,</u> the exact location of archeological, paleontological, and grave sites and <u>sensitive Native American cultural places</u> shall not be publicly identified in order to prevent the possibility of theft or vandalism.</p>		<p>M Straw vote 6-0</p>
				<p>COMMENTS: 5-19-11 C Masten – I can support the changes worked out with staff and the cultural resources working group. C Nelson – gave an example of a property owner that didn’t know this information, they may not invest the money. How will we do this overlay so we will know? TH – as we do in the coastal zone we make an overlay with combining zones. C Disiere – says “as per by law” – what is that (TH - PRC 5097)</p> <p><u>Straw vote</u> Unanimous support of the language developed by staff and CRWG 6/0</p>		
A	B	C		<p>CU-S3. Tribal Organizations, Historical Organizations, and Applicable Agencies. Tribal organizations, historical organizations, and applicable agencies, include, but are not be limited to, tribal governments, the Humboldt County Historical Society, North Coastal Information Center, California Archeological Site Survey at Sonoma State University, Humboldt County Public Works and the Planning Division, the California State Office of Historic Preservation, and other Native American groups and affected citizens.</p> <p><u>CU-S3. Cultural Resources Community. The cultural resources community includes:</u></p> <p>a) <u>Native American Tribes, defined as federally recognized and non recognized tribes and tribal organizations that have ancestral lands in Humboldt County that are on</u></p>		<p>M Straw vote 6-0</p>

			<p><u>the contact list maintained by the Native American Heritage Commission; and, the appointed Tribal Historic Preservation Officers (THPOs) of such tribes.</u></p> <p><u>b) Applicable agencies and organizations, including the Native American Heritage Commission, the California State Office of Historic Preservation, the North Coastal Information Center, the Northwest Information Center, Humboldt County Public Works Department and the Planning and Building Divisions, and local historical societies and museums.</u></p> <p><u>c) Other interested parties who have requested in writing to be notified of such matters.</u></p>		
			<p>COMMENTS: 5-19-11 Staff recommended revising this language to be consistent with SB18 requirements.</p>		
			<p>COMMENTS: 5-26-11</p> <p>Staff recommends the following language:</p> <p><u>CU-S3. Cultural Resources Community. The cultural resources community includes:</u></p> <p><u>a) Native American Tribes, defined as federally recognized and non recognized tribes and tribal organizations that have ancestral lands in Humboldt County that are on the contact list maintained by the Native American Heritage Commission; and, the appointed Tribal Historic Preservation Officers (THPOs) of such tribes.</u></p> <p><u>b) Applicable agencies and organizations, including the Native American Heritage Commission, the California State Office of Historic Preservation, the North Coastal Information Center, the Northwest Information Center, Humboldt County Public Works Department and the Planning and Building Divisions, and local historical societies and museums.</u></p> <p><u>c) Other interested parties who have requested in writing to be notified of such matters.</u></p> <p><u>Straw vote</u> <u>Unanimous support of language developed by staff and CRWG 6/0</u></p>		

<p>A</p>	<p>B</p>	<p>CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss. Conditioning, designing, <i>and/or</i> mitigating projects to avoid (loss of cultural resources in general, but) <i>impacts to</i> archeological or paleontological resources (in particular,) <i>significant for their scientific value</i> shall include, where applicable:</p> <p>A. Change building and construction sites and/or road locations to avoid sensitive areas; <i>Design projects involving any ground disturbance to avoid known archaeological or paleontological sites, or</i></p> <p>B. Provide protective cover (<i>e.g. cap with geotextile material and/or other barrier and cover with imported fill soil using light-weight rubber tired equipment</i>) for all or portions of known (for) sites that cannot be <i>feasibly</i> avoided, nor <i>after the site has been adequately characterized (depth, area, constituents) and reported on using appropriate scientific excavation techniques, or</i></p> <p>C. <i>Where site avoidance is infeasible, design and implement a research design guided mitigation excavation program, in consultation with culturally affiliated Tribe(s) or other descendant groups, as appropriate, under the direction of a qualified and locally experienced professional, to document significant scientific information that would otherwise be lost by project implementation. Provide for removal or transfer of culturally significant material by a cultural heritage specialist, professional archeologist, or geologist where appropriate and with the approval of all parties concerned.</i></p> <p>D. For discretionary and ministerial projects that <i>will</i> involve ground disturbing activities, the following measures shall be included as a <i>standard</i> conditions of approval or as notations to be placed on development plans:</p> <p>“The project site is not located within an area where known cultural resources archaeological or paleontological sites have been identified. located. However, as there exists the possibility that undiscovered cultural resources archaeological or paleontological resources may be encountered during construction activities, the following <i>post-review, inadvertent archaeological discovery mitigation</i> measures are required under state and federal laws:</p> <p>“If cultural resources archaeological or paleontological resources are encountered, all <i>ground disturbing work at the find location plus a reasonable buffer zone</i> must be immediately suspended <i>cease</i> and a qualified professional cultural resources specialist contacted to analyze the significance of the find and formulate further mitigation (<i>e.g., project relocation, excavation plan, and protective cover</i>) in consultation with culturally affiliated tribes or other descendant groups, where applicable.</p> <p>“Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all ground-disturbing work must cease and the County</p>	<p>New wording required as a part of CEQA review process.</p>	<p>M Straw vote 6-0</p>
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			<p>analyze the significance of the find and formulate further mitigation (<i>e.g., project relocation, excavation plan, and protective cover</i>) in consultation with culturally affiliated tribes or other descendant groups, where applicable.</p> <p>___ Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all ground-disturbing work must cease and the County Coroner contacted.</p> <p>The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.”</p> <p>E. Voluntary deeding of the site into a permanent conservation easement.</p>		
			<p>COMMENTS: 5-19-11 C. Masten – support all the changes for S4 including the addition of the word “ministerial” in subsection D. Staff recommended the addition of subsection E regarding Conservation Easements - “E. Voluntary deeding of the site into a permanent conservation easement” C Faust – I support the changes with the additions of “ministerial” in D. <u>Straw vote</u> Unanimous support of the language developed by staff and CRWG with the addition of “ministerially” in sub-section “D” and the addition of Sub-section “E” voluntary deeding of cultural sites into conservation easements”. 6/0</p>		
	C	D	<p>CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss. Conditioning, designing, or mitigating projects to avoid loss of cultural resources in general, but archeological or paleontological resources in particular, shall include, where applicable:</p> <p>B. Change building and construction sites and/or road locations to avoid sensitive areas; or</p> <p>C. Provide protective cover for sites that cannot be avoided; or</p> <p>D. Provide for removal or transfer of culturally significant material by a cultural heritage specialist, professional archeologist, or geologist where appropriate and with the approval of all parties concerned.</p>		D

			COMMENTS:		
	B	C	<p>CU-S5. Assessment of Impacts. A cultural resources report study prepared by a professional who meets the U.S. Secretary of the Interior’s professional qualification guidelines (36 Code of Federal Regulations Part 61 as amended) may be required during environmental assessment to determine the presence, extent, and condition of cultural resources and the likely impact upon such resources. <u>For structures of historical significance, alternations and/or additions shall follow the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation.</u></p> <p><u>CU-S5. Assessment and Treatment of Impacts to Significant Historic Structures and Districts.</u></p> <p><u>A. For ministerial projects, a records check will be conducted. If the project site and/or structures are listed on the local, State, or federal register, or has been surveyed and determined to be eligible for listing on the local, State, or federal register, it will be considered a significant historic resource. The project will either be modified as may be necessary to ensure continued protection of the significant historical resources, or the project will be subjected to the discretionary review process described below.</u></p> <p><u>B. For discretionary projects, a records check will be conducted, and if no listing or survey for eligibility has been done, an initial screening will be conducted to determine whether there is a potential for significant historical resources to be significantly impacted by the project. Where it is found that there is a potential for significant adverse impacts, a cultural resources report prepared by a qualified professional shall be required. The report shall assess the presence, extent, and condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources found to qualify as significant historical resources under CEQA. The report shall include recommendations for avoiding and/or mitigating identified significant adverse impacts.</u></p> <p><u>C. To assist in protecting potential historical structures yet to be surveyed, the County the Board of Supervisors may designate areas of historical concern, in which all structures 45 years or older would be assessed as outlined for</u></p>	The addition is necessary to implement the findings in the report.	M Straw vote 3-2

			<p><u>discretionary projects above.</u></p> <p><u>D. To assist in identifying historical resources of significance, the County encourages the cultural resources community to utilize the nomination process of the State Office of Historic Preservation, which provides notice and comment opportunities for local government and the property owner, in determining eligibility for register listing.</u></p>		
			<p>COMMENTS: CU-S5. Assessment of Impacts. A Cultural Resources <i>Report study</i> prepared by a professional who meets the U.S. Secretary of the Interior’s professional qualification guidelines (36 Code of Federal Regulations Part 61 as amended) shall be required <i>when Initial Screening has determined there is a known or potentially unknown significant cultural resource that may be adversely impacted by the project (CU-P1).</i> during environmental assessment. <i>The Report shall document to determine the presence, extent, condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources— those found to qualify as (significant) historical resources under CEQA. Report recommendations for alterations and additions should</i> For buildings and structures of historical significance, alterations and/or additions shall follow the Secretary of the Interior’s Standards and Guidelines <i>for the treatment of historic properties. Rehabilitation. Study methods and reporting shall follow the Secretary’s Standards and Guidelines for Archeology and Historic Preservation. Cultural Resources Reports, including impact assessments on significant resource values, shall be reviewed by the advisory Cultural Resources Commission (CRC) for adequacy and compliance with recommendations to county staff and the Planning Commission.</i></p> <p><i>Notes: TH - revision of A version makes the most sense. Shall be reviewed by the CRC (commission) - it is not established. - delete the last sentence. Add “report recommendations for alterations and additions to should” ..</i></p>		
			<p>Comments: 5-26-11</p> <p>Staff suggested the following changes as a part of the staff report (as noted in red below) to include the recommendations of the cultural resources working group (as noted in green):</p> <p>CU-S5. Assessment of Impacts. A <i>Cultural Resources Report study</i> prepared by a professional who meets the U.S. Secretary of the Interior’s professional qualification guidelines (36 Code of Federal Regulations Part 61 as amended) shall may be required <i>when</i> during environmental assessment <i>initial screening has</i> to determined <i>there is a</i></p>		

		<p>potential for significant cultural resources to be significantly adversely impacted by the project. The report shall assess the presence, extent, and condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources found to qualify as significant historical resources under CEQA. Report recommendations for alterations and additions should For buildings and structures of historical significance, alterations and/or additions shall follow the Secretary of the Interior's Standards and Guidelines for the treatment of historic properties. Rehabilitation. Study methods and reporting shall follow the Secretary's Standards and Guidelines for Archeology and Historic Preservation.</p> <p>PC Discussion: TH – the contents of the report would be different between a historic structure versus a cultural resource. Staff recommends that we should come back with two standards that address this difference. Commissioner Nelson - when do you require this report? Ministerial or discretionary? TH - we should work this out to be more explicit. We need an ordinance to make this clearer. KG - There are a lot of detailed steps in determining what is an “historic structure”. My recommendation is to strengthen our implementation measure under IM-1 to include an implementation ordinance. Recommend a “two tiered” process (a recognized List and a “drive by assessment”). Commissioner Disiere - I’m not sure about the list of qualified professionals, we need more than just one or two. I don’t believe we can package this into one ordinance. Historic and cultural. I can support the ordinance idea - but not as a “packaged” idea. KG - “qualified professional” - and then define in the ordinance. Commission request that staff re-write.</p>		
		<p>COMMENTS: 7-21-11 The Commission requested that CU-S5 be reworked regarding the process for ministerial review of historical structures and brought back for Commission review. The primary concern was the lack of an “interim” review process for building permits before a historical resources ordinance can be prepared and adopted that addressed this. Two outstanding issues that need to be addressed are: 1) at what point is a resource deemed significant; and 2) what standard should be applied to lessen impacts to significant resources for mitigation? Staff provided the Commission with two options for S5: Option 1 approach: CU-S5 Assessment and Treatment of Impacts to Significant Historic Structures and</p>		

			<p>Districts. For ministerial and discretionary projects, a records check will be conducted for structures in excess of 45 years old, and if no listing or survey for eligibility has been done, an initial screening will be conducted to determine whether there is a potential for significant historical resources to be significantly impacted by the project as proposed. Where it is found that there is a potential for significant adverse impacts the project should be modified to avoid significant impacts. If after modification, the potential for significant impacts remain, a Cultural Resources Report prepared by a qualified professional shall be required. The report shall assess the presence, condition and significance of cultural resources and the likely impact upon such resources from the proposed project. The report shall include recommendations for avoiding and/or mitigating identified significant adverse impacts. The project shall be conditioned to implement the recommendations necessary to reduce the impacts to less than significant or the project is subject to the preparation of an EIR.</p> <p>The County may designate areas of limited historical concern, in which only structures which are listed or have been surveyed and determined to be eligible for listing on the local, State, or federal register, will be subject to the assessment process described in paragraph "A" above.</p> <p>Option 2 approach:</p> <p>CU-S5 Assessment and Treatment of Impacts to Significant Historic Structures and Districts.</p> <p>A. For ministerial projects, a records check will be conducted. If the project site and/or structures are listed on the local, State, or federal register, or has been surveyed and determined to be eligible for listing on the local, State, or federal register, it will be considered a significant historic resource. The project will either be modified as may be necessary to ensure continued protection of the significant historical resources, or the project will be subjected to the discretionary review process described below.</p> <p>B. For discretionary projects, a records check will be conducted, and if no listing or survey for eligibility has been done, an initial screening will be conducted to determine whether there is a potential for significant historical resources to be</p>		
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			<p>significantly impacted by the project. Where it is found that there is a potential for significant adverse impacts, a cultural resources report prepared by a qualified professional shall be required. The report shall assess the presence, extent, and condition, and explicit significance values of all extant cultural resources and the likely impact upon such resources found to qualify as significant historical resources under CEQA. The report shall include recommendations for avoiding and/or mitigating identified significant adverse impacts.</p> <p>C. To assist in protecting potential historical structures yet to be surveyed, the County <u>the Board of Supervisors</u> may designate areas of historical concern, in which all structures 45 years or older would be assessed as outlined for discretionary projects above.</p> <p>D. To assist in identifying historical resources of significance, the County encourages the cultural resources community to utilize the nomination process of the State Office of Historic Preservation, which provides notice and comment opportunities for local government and the property owner, in determining eligibility for register listing.</p> <p>PC Discussion: Tom Hofweber reviewed the suggestions that had been made by Susie Van Kirk. Staff agreed with the onsite visit but preferred staff's wording regarding determination of significance. Carolyn Ruth –CEQA does not necessarily make a ministerial project into a discretionary permit. C-Faust- the commission could make those projects C. Edmonds-are there instances where buildings may have become significant like structures that are built to look old and Mr. Hofweber explained the Commission had the discretion to designate any site as a potential historic resource. C. Nelson- questioned whether he would be able to put a new roof on his barn with a ministerial permit if it was 100 years old and Mr. Hofweber explained that option 1 would not allow for that and option 2 would. C. Disiere questioned staff about "C" and didn't think there was a process or how that was going to be designated and Mr. Hofweber explained that the intent would be ultimately by the Board of Supervisors (BOS).</p>		
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			<p>C. Disiere requested that the language be clarified in option 2. She suggested revised language “the county may designate” to “the Board of Supervisors”.</p> <p>C. Edmonds-would the designation of an area effect all structures in the area or only historical and Mr. Hofweber responded it would only be structures 45 years or older.</p> <p>C. Faust-questioned whether there were significant differences between the language suggested by Mrs. Van Kirk and the language suggested by Ms. Stanton and supported by Ms. Eidsness. Mr. Hofweber responded that their language was similar and Ms. Eidsness was in support.</p> <p>Straw vote Commissioners Nelson, Edmonds and Disiere: Option 2 as originally written by staff with revised language suggested by Commissioner Disiere Commissioners Kreb and Faust: Option 1 with changes by Kathleen Stanton and the additional suggestion of onsite inspection by Susie VanKirk 3/2</p>		
A			<p>CU-S5. Assessment of Impacts. A cultural resources report study prepared by a professional who meets the U.S. Secretary of the Interior’s professional qualification guidelines (36 Code of Federal Regulations Part 61 as amended) shall be required during environmental assessment to determine the presence, extent, and condition of cultural resources and the likely impact upon such resources. For structures of historical significance, alternations and/or additions shall follow the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation.</p>		D
			<p>COMMENTS:</p>		
A			<p>CU-Sx. Cultural Resources Report Contents. A Cultural Resources Report should, at the minimum, contain:</p> <p>(1) Evidence of a full background literature search through the depository at the Humboldt County Historical Society. Whether the resource is on any federal, State or local list of designated historic resources. Whether the resource is identified in any information in the historical archives;</p> <p>(2) A brief description of the project parcel(s) and the expectations of the consultant at the onset of the inventory report;</p> <p>(3) A clear description of the methods and results of the field inventory including rationale for surface coverage and a brief discussion of any historic resources encountered. This treatment should be patterned after the <i>Secretary of the Interior’s Standards and Guidelines for ARCHEOLOGY AND HISTORIC PRESERVATION</i> [As Amended and Annotated] - http://www.cr.nps.gov/local-law/arch_stnds_0.htm ;</p>		<p>R Straw vote 6-0</p>

		<p>(4) A generally accurate map (7.5' USGS topographic, parcel map or engineers map) in a scale sufficient to show the intensity and coverage of the field inventory as well as the location of any resources encountered;</p> <p>(5) A description and evaluation of any structures and a determination of whether or not they qualify as historical resources. This evaluation should answer the following questions with respect to possible historic significance:</p> <p>a) Is it associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California, or the United States;</p> <p>b) Is it associated with the lives of persons important to local, California, or national history;</p> <p>c) Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master or possess high artistic values;</p> <p>d) Has it yielded, or does it have the potential to yield, information important to the prehistory or history of the local area, California, or the nation.</p> <p>(6) a) Given the answers to 5. a. through d., Does the resource qualify as an historic resource? If the answer to 6a is no, and any of the answers to 5a through 5d is yes, explain why, in your assessment, the resource does not qualify as historic.</p> <p>b) Does the resource have integrity for the period of significance? The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance.</p> <p>c) Identify whether or not the resource retains enough of its historic character of appearance to be recognizable as an historical resource and able to convey the reasons for significance. If it is determined that a resource has lost its historic character or appearance, does it still have the potential to yield significant scientific or historical information or specific data?</p> <p>d) Is the historic resource located within a historic district or a concentration of historic buildings, structures, objects, or sites with precise boundaries that share a common historical, cultural or architectural background? If so, and if it is determined that the resource lacks individual significance as an historic resource, could the resource be considered a contributor to the significance of the historic district or concentration of historic structures?</p> <p>(7) If the resource is historic, provide recommended means to avoid or lessen development related impacts to any historical resources encountered on the parcel(s);</p>		
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			(8) The names of any local persons consulted during the preparation of the report; (9) Statement of Qualifications (education, employment, field experience, previous reports and publications in historic resources).		
			<p>COMMENTS: 5-19-11 C Masten is in support of the working group. What is staff's recommendation? TH - This language does provide guidelines. However, if we end up with a committee, they would probably revise. Janet Eidness – yes we assumed if there was an Ordinance, this language would be developed. These standards are outdated. <u>Straw vote</u> Unanimous support of language developed by staff and CRWG 6/0</p>		
A			<p>CU-Sxx. Cultural Resource Commission Recommendations & Mitigation. The conclusions, findings and recommendations of the Cultural Resources Report will shall be evaluated during the environmental project review process <u>including referral for comments from the advisory and will be referred to the</u> Cultural Resources Commission. The Cultural Resources Commission will make recommendations on <u>cultural historic</u> resources to <u>County staff and</u> the Planning Commission. Applicants shall should be encouraged to <u>plan projects to avoid impacts to significant cultural historical</u> resources where feasible, otherwise, When this is not feasible, mitigation measures shall be required shall be incorporated into the project to lessen the impacts of the project on these resources to <u>a less than significant level. Mitigation shall be in accordance with Appendix K of the State CEQA Guidelines.</u></p>		M Straw vote 6-0
			<p>COMMENTS: 5-19-11 C. Masten supports the staff and working group's revisions. C. Disiere – I support as long as the committee is advisory only. C. Gearheart – when do we use them (for a cultural resources report) – I'm concerned, is it like a design review? KG – may not cover ministerial project. We need some guidance from you – panel of experts? Or broad representative of the community (realtors?) C. Masten – I know there is a concern for costs – THPO's would do it pro bono. I thought it would be more representative – include builders, THPO, realtor, etc. C. Nelson – are we having one or two? Are we lumping together? C. Faust – since the staff is going to meet the cultural resources group, they could discuss the possibility of one or two to implement this committee and present at a future meeting one or more options. <u>Straw vote</u></p>		

				<p>Unanimous support of language developed by staff and CRWG 6/0 The Commission requested staff to write a new Implementation Measure for a Cultural Resource Commission and a Historic Preservation Commission.</p>		
A				<p>CU-Sxxx. CEQA Review. Historical resources as provided in Section 15064.5 of the State CEQA Guidelines shall include: 1) a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources; 2) a resource listed in a local register of historical resources; or 3) any object, building structure, site, area or place which the County Planning Division determines to be historically or culturally significant.</p>		<p>M Straw vote 6-0</p>
				<p>COMMENTS: 5-19-11 <u>Straw vote</u> The Commission requested staff return with a revised CU-Sxxx and two new Implementation Measures for a Cultural Resource Commission and or Historic Preservation Commission.</p>		
				<p>COMMENTS: 5-26-11 see CU-S5 and IM1</p>		
10.6.6 Implementation Measures						
A	B	C	D	<p>CU-IM1 Review Existing Protections Cultural Resources Ordinance and Advisory Committee. Review existing ordinances and guidelines and make necessary amendments to assure the protection of cultural resources, <u>resulting in the adoption of a comprehensive Cultural Resources Protection Ordinance and including appointment establishment (and)</u> of (an) advisory Cultural Resources Committee(s). The purpose of the Ordinance is to implement the goals, policies and standards of this section (10.7- Cultural Resources), including <u>A County Cultural Resources Ordinance shall be enacted for purposes of Initial Project Review when a Cultural Resource Report is required, its contents, professional standards, and a clearly prescribed process for the identification, significance evaluation, assessment of anticipated impacts, and treatment (mitigation) of cultural resource impacts for County permitted projects or actions that could result in significant adverse impacts</u> The Ordinance shall also establish (a) Cultural Resources Committee(s) that includes, but not limited to, historic preservation professionals and Tribal Historic Preservation Officers (THPOs), to advise County staff and Planning Commission about the adequacy, findings and on recommendations of CEQA review and reporting for protection of cultural resources.</p>		<p>M Straw vote 5-0</p>

		<p>COMMENTS: 5-26-11: Staff recommended the following language: CU-IM1. Review Existing Protections Cultural Resources Ordinance and Advisory Committee. Review existing ordinances and guidelines and make necessary amendments to assure the protection of cultural resources, <u>resulting in the adoption of a comprehensive Cultural Resources Protection Ordinance including appointment of an advisory Cultural Resources Commission. A County Cultural Resources Ordinance shall be enacted for purposes of Initial Project Review when a Cultural Resource Report is required, its contents, professional standards, and a clearly prescribed process for the identification, significance evaluation, assessment of anticipated impacts, and treatment (mitigation) of cultural resource impacts for County permitted projects or actions that could result in significant adverse impacts. The Ordinance shall establish a Cultural Resources Committee that includes, but not limited to, historic preservation professionals and Tribal Historic Preservation Officers (THPOs), to advise County staff and Planning Commission about the adequacy, findings and recommendations of CEQA review and reporting for cultural resources.</u></p> <p>KG – we need to re-write to address the differences in historic versus cultural resources. SB-18 consultation versus comments on projects – what is the process of developing a committee of THPO’s that is commenting on another tribe’s resources?</p> <p>C. Masten – yes – I see this as a problem also. I would recommend that you get input from the tribes on each project. The tribes may choose who to represent on a committee</p> <p>KG – we have a vacuum of qualified professionals for historic resources. We just need to bet better at consultation. We need to come back with a well structured committee for historic resources. Ordinance to address how we consult for cultural resources. We will not form a committee for cultural resources only. TPHO’s for oversight of cultural resources.</p> <p>C Disiere – I support two separate advisory groups. If there is overlap, both review.</p> <p><u>Straw vote</u> Unanimous support for staff to revise CU-IM1 and bring it back.</p>		
		<p>COMMENTS: 6-16-11 Staff provided the following revisions: CU-IM1 Review Existing Protections Cultural Resources Ordinance and Advisory Committee. Review existing ordinances and guidelines and make necessary amendments to assure the protection of cultural resources, <u>resulting in the adoption of a comprehensive Cultural Resources Protection Ordinance and including appointment establishment (and) of (an) advisory Cultural Resources Committee(s). The purpose of</u></p>		

			<p>the Ordinance is to implement the goals, policies and standards of this section (10.7-Cultural Resources), including A County Cultural Resources Ordinance shall be enacted for purposes of Initial Project Review when a Cultural Resource Report is required, its contents, professional standards, and a clearly prescribed process for the identification, significance evaluation, assessment of anticipated impacts, and treatment (mitigation) of cultural resource impacts for County permitted projects or actions that could result in significant adverse impacts The Ordinance shall also establish (a) Cultural Resources Committee(s) that includes, but not limited to, historic preservation professionals and Tribal Historic Preservation Officers (THPOs), to advise County staff and Planning Commission about the adequacy, findings and on recommendations of CEQA review and reporting for protection of cultural resources.</p> <p>Straw vote Unanimous support of Staff’s revised language 5/0</p>			
A	B	C	D	<p>CU-IM2. Implementation Guidelines. Adopt implementation guidelines for cultural resource identification, protection, mitigation and enhancement, heritage, archeological, or paleontological resources and for historic resources.</p>	Staff recommended re-write for clarity.	D
				<p>COMMENTS: 5-26-11</p> <p>Straw vote</p> <p>Staff recommended deleting IM2 because it will be “merged” into the new IM1 and the Commission agreed unanimously.</p>		
A	B		D	<p>CU-IM3 Historical Registration Cultural Resources Designation Develop a program to encourage and actively support nominations to the federal, state, and local historical <u>cultural resource</u> registration programs.</p>		M Straw vote 6-0
				<p>COMMENTS: 5-26-11 staff recommended new wording.</p> <p>CU-IM3. Historical Registration Cultural Resources Designation. <u>Develop a program to</u> encourage and actively support <u>nominations to the</u> federal, state, and local historical <u>cultural resource</u> registration programs.</p> <p>Straw vote</p> <p>Unanimous support of language developed by staff and CRWG 6/0</p>		
A	B		D	<p>CU-IM4. Historic Building Code. Promote the use of the Historic Building Code of the State of California for historical sites.</p>		R
				<p>COMMENTS: 5-26-11</p> <p>All support as written.</p>		

A	B		<p>CU-IM5 Historic Building Identification. Establish and maintain a system for identifying significant historic buildings and structures (individually or as part of districts or landscapes) properties.</p>		<p>M Straw vote 6-0</p>
			<p>COMMENTS: 5-26-11 staff recommended new wording.</p> <p>CU-IM5. Historic Building Identification. Establish and maintain a system for identifying significant historic buildings and structures (individually or as part of districts or landscapes) properties.</p> <p>C. Disiere – are we putting the cart before the horse without an ordinance? We need to be able to tell people what to do with them.</p> <p>TH – we are trying to find some clarity in process.</p> <p>C. Kreb – can we put in the word “ordinance” in here?</p> <p>C. Masten – this is a good point. It is not a good way to do business. How do we do a parallel track – timeframe for developing the ordinance?</p> <p>KG – you first set up a policy framework and then the Board decides the priority for implementing.</p> <p>C. Disiere – can we make recommendations to the Board as to what we think are the priority ordinances to implement? (once the Board acts on the Plan, yes).</p> <p>Straw vote Unanimous support of language developed by staff and CRWG 6/0</p>		
A			<p>CU-IMx. Certified Local Government Program. Pursue County certification under the Certified Local Government Program through the State Office of Historic Preservation (SHPO). Requirements of the program include:</p> <ul style="list-style-type: none"> -Enforce appropriate legislation for the designation and protection of historic properties. -Establish and maintain a qualified historic preservation commission. -Maintain a system for identifying historic properties. -Provide for public participation and perform other agreed functions delegated by SHPO. 		<p>D</p>
			<p>COMMENTS: 5-26-11: Staff recommends deleting. All support deleting.</p>		
A			<p>CU-IMx Map Resource Areas. Update the County sensitivity map (not site specific) that identifies potential locations of archaeological resources, and survey and evaluate existing archaeology resources every three years (while maintaining confidentiality</p>		<p>M Straw vote</p>

		<p>regarding the location of archaeological sites). In consultation with the cultural resources community (as defined) tribal governments, THPOs, the NCIC and the NWIC, the HSU Cultural Resources Facility, and the Cultural Resources Commission, and other experts as appropriate, <u>consider (1) devising Overlay Zones for culturally sensitive zones (including potentially significant cultural landscapes) especially in rural, inland areas outside the Coastal Zone to expand the County’s review of projects that may affect known & unknown cultural resources to facilitate Initial Project Screening (CU-P1), and (2) developing a confidential database that identifies locations of high archaeologically or cultural heritage sensitivity, and (3) developing a listing of listed, eligible or potentially eligible historical resources including architectural sites, districts and cultural landscapes, within the County’s jurisdiction. In the near-term at a minimum, continue to contract with the NCIC and NWIC to provide rapid-response, reduced fee initial review of project locations for purposes of determining if known cultural resources are recorded on or near project areas, and for opinions on cultural resources sensitivity with appropriate recommendations.</u></p>		5-0
		<p>COMMENTS: 5-19-11: All support (disiere – make sure there is an overlay for notification purposes).</p> <p>5-26-11: Staff to revise.</p>		
		<p>COMMENTS: 6-16-11: Staff recommended the following revisions to CU-IMX:</p> <p>CU-IMx Map Resource Areas. Update the County sensitivity map (not site specific) that identifies potential locations of archaeological resources, and survey and evaluate existing archaeology resources every three years (while maintaining confidentiality regarding the location of archaeological sites). In consultation with the cultural resources community (as defined) tribal governments, THPOs, the NCIC and the NWIC, the HSU Cultural Resources Facility, and the Cultural Resources Commission, and other experts as appropriate, <u>consider (1) devising Overlay Zones for culturally sensitive zones (including potentially significant cultural landscapes) especially in rural, inland areas outside the Coastal Zone to expand the County’s review of projects that may affect known & unknown cultural resources to facilitate Initial Project Screening (CU-P1), and (2) developing a confidential database that identifies locations of high archaeologically or cultural heritage sensitivity, and (3) developing a listing of listed, eligible or potentially eligible historical resources including architectural sites, districts and cultural landscapes, within the County’s jurisdiction. In the near-term at a minimum, continue to contract with the NCIC and NWIC to provide rapid-response, reduced fee initial review of project</u></p>		

			<p><u>locations for purposes of determining if known cultural resources are recorded on or near project areas, and for opinions on cultural resources sensitivity with appropriate recommendations.</u></p> <p>Straw vote Unanimous support of staff's recommendation 5/0</p>		
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