

Cultural Resources Analysis Report

Mendocino County Visual & Cultural Resources Analysis

December 2, 2025



Prepared by
EMC Planning Group

CULTURAL RESOURCES ANALYSIS REPORT

**MENDOCINO COUNTY VISUAL & CULTURAL
RESOURCES ANALYSIS**

PREPARED FOR

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December 2, 2025



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1.0 Introduction

1.1 Purpose

The County of Mendocino contracted with EMC Planning Group to assist with an update to the Visual Resources, Special Communities, and Cultural (formerly referred to as Archaeological) Resources section of the Local Coastal Program (LCP), which is part of a comprehensive LCP update taking place. The project includes reviewing and mapping known cultural resources within the Coastal Zone and evaluating the Land Use Plan's policies and procedures to protect cultural and tribal cultural resources. The goal is to develop recommendations that ensure the protection of these cultural and tribal cultural resources while streamlining the coastal development permitting process.

1.2 Environmental and Cultural and Tribal Cultural Setting

Mendocino County is defined by its rugged, rural, and wild coastline. The Mendocino coast is known for its spectacular dramatic and diverse coastline, which features expansive ocean views, rocky promontories, a high concentration of offshore sea stacks and sea caves, mountains, sheer cliff faces, pastoral marine terraces, sand dunes, and river estuaries, all framed by the powerful Pacific Ocean. Compared to more developed areas of the California coast, the Mendocino coast has been largely maintained in its natural state.

Mendocino County has a long history of indigenous people living and thriving in the area. According to the County's 2009 General Plan, Mendocino County's coastal area has been inhabited by native people for millennium. The local tribes who have historically used, lived and flourished within the geographic region that is now known as the Mendocino County Coastal Zone include the Cahto Tribe of Laytonville, Coyote Valley Band of Pomo Indians, Guidiville Rancheria of California, Hopland Band of Pomo Indians, Manchester-Point Arena Band of Pomo Indians, Noyo River Indian Community, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley or Little River Band of Pomo Indians, Round Valley Indian Tribes of the Round Valley Reservation, Sherwood Valley Rancheria of Pomo Indians, and Yokayo Tribe.

1.3 Terminology

The County's existing Local Coastal Program uses the term "archaeological resources". Based on CEQA guidelines, the 2018 Coastal Commission guidance and current best practices, the LCP Update will include updating the terminology to "Cultural Resources" and "Tribal Cultural Resources" as described below.

Cultural Resources

The Cultural Resources section of CEQA Appendix G, Environmental Checklist Form covers historical resources and archaeological resources.

Pursuant to CEQA Guidelines Section 15064.5, the term "historical resources" includes:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) 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; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Pursuant to California Public Resources Code section 21083.2, the term “unique archaeological resource” means 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.

Tribal Cultural Resources

According to California Public Resource Code Section 21074,

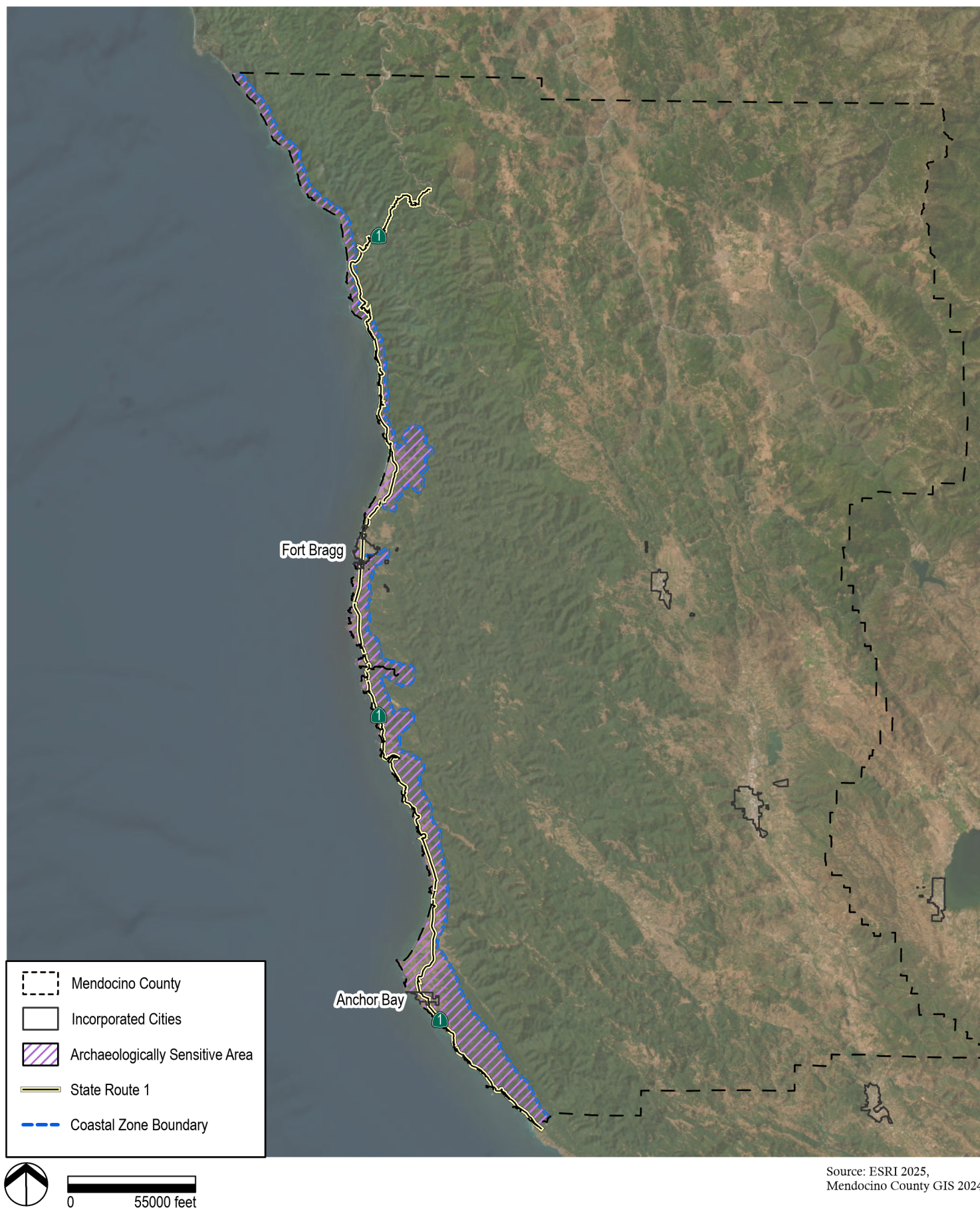
(a) “Tribal cultural resources” are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

1.4 Northwest Information Center Search

According to search results from the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC), there are prehistoric and historic archaeological resources throughout Mendocino County’s coastal zone. EMC Planning Group’s registered professional archaeologist reviewed the recorded resources and determined that the entire Mendocino County Coastal Zone is sensitive for both cultural resources and tribal cultural resources. See [Figure 1, Cultural Resource Sensitive Areas](#).



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2.0 Regulatory Framework

2.1 Background

A number of federal and state laws, policies, and guidelines exist to protect and preserve cultural and tribal cultural resources. As best practices for protection of cultural and tribal cultural resources and tribal consultation evolve, laws and policies are revised and added over time. As a result, the regulatory context for protection of these resources has significantly evolved since the adoption of Mendocino County's Archaeological Ordinance in 1976 and the certification of Mendocino County's LCP in 1991.

2.2 Confidentiality of Cultural and Tribal Cultural Resources including Archaeological Sites

The following federal and state laws govern and protect cultural and tribal cultural resources, particularly archaeological sites:

- Section 304 of the National Historic Preservation Act allows the federal government to withhold information about the location and characteristics of a historic property or archaeological site if revealing such information to the public could cause harm, theft or destruction to the property or cultural resources;
- Section 9(a) of the Archaeological Resources Protection Act is also designed to protect vulnerable archaeological sites from looting, vandalism, or other damage by authorizing confidentiality of information;
- Executive Order 13007 directs federal agencies to maintain confidentiality of sacred sites and to accommodate access to and ceremonial use of sacred sites by American Indian tribes;
- Section 6254.10 of the California State Government Code exempts certain records from public disclosure under the California Public Records Act. Specifically, it allows state and local agencies to withhold information about the location of archaeological sites and sacred sites if disclosing such information would endanger the sites by increasing the risk of vandalism, looting, or other harm;
- Section 106 of the National Historic Preservation Act requires the federal government to consult with Tribal Historic Preservation Officers;

- Senate Bill 18 requires California governments to notify and consult with California Native American Tribes about proposed land use plans that could affect traditional tribal cultural places; and
- California AB 52 is a law that requires public agencies to consult with traditionally and culturally affiliated California Native American tribes on projects reviewed under CEQA.

Archaeological and tribal cultural resource locations are generally considered confidential and public access to such information is restricted by a number of laws, including the ones listed above. Confidentiality of sites is required to avoid disturbance, looting, vandalism and destruction of artifacts.

2.3 Coastal Commission Tribal Consultation Policy (2018)

Consideration of tribal cultural resources is now required in coastal planning and permitting decisions by the California Coastal Commission. Tribal cultural resources may include sites, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe. In 2018, the California Coastal Commission adopted a Tribal Consultation Policy intended to improve communications between public agencies and federally- and non-federally recognized California Native American Tribes.

The guiding principles of the Coastal Commissions Tribal Consultation Policy are:

1. Communicate and consult with Tribes and seek tribal input regarding the identification of potential issues, possible means of addressing those issues, and appropriate actions, if any, to be taken by the Commission.
2. Assess the potential impact of proposed Commission Actions on Tribal Interests and ensure, to the maximum extent feasible, that tribal concerns are considered before such Actions are taken, such that impacts are avoided, minimized, or mitigated in conformity with Coastal Act and other applicable legal requirements.
3. Provide timely and useful information relating to such proposed Actions that may affect Tribal Interests.
4. Communicate with and engage with Tribes at the earliest possible stage in the review and decision-making processes.
5. Communicate with Tribes in a manner that is considerate and respectful.
6. Provide Tribes with meaningful opportunities to respond and participate in decision making processes that affect Tribal Interests.
7. Acknowledge and respect Tribal Cultural Resources regardless of whether those resources are located on or off Tribal lands.

8. Acknowledge and respect both the confidential nature of information concerning cultural practices, traditions, beliefs, tribal histories, and Tribal lands, and legal protections of the confidentiality of certain tribal cultural information (e.g., Gov.Code § 6254(r), 6254.10, Pub. Res. Code § 21082.3(c)).⁶ The Commission will take all lawful and necessary steps to ensure confidential information provided by a Tribe is not disclosed without the prior written permission of the Tribe.
9. Encourage collaborative and cooperative relationships with Tribes in matters affecting coastal resources.
10. Acknowledge and seek ways to accommodate the limited financial and staffing resources of Tribes and the Commission to ensure effective communication and consultation, including taking advantage of any joint consultation opportunities as discussed on page 15.
11. Identify and recommend means to remove procedural impediments to working directly and effectively with Tribes.
12. To treat the resource(s) with culturally appropriate dignity by taking into account the tribal cultural values and meaning of the resource to the consulting California Native American Tribe.

2.4 Mendocino County Local Coastal Program

The County's LCP and the County's Archaeological Resource Ordinance govern the protection of archaeological resources within the County's Coastal Zone. The County's LCP was fully certified in 1991 and the County's Archaeological Resource Ordinance was first adopted in 1976, with the most recent update occurring in 1998. While the LCP and Archaeological Resource Ordinance have played a role in protecting archaeological resources along the Mendocino County coastline, they were adopted prior to some of the legislation that requires confidentiality of resources and before the 2018 Coastal Commission Tribal Consultation Policy was established, and therefore should be updated to reflect these laws and policies. Additionally, on August 29, 2023, the Board of Supervisors directed the Archaeological Commission to be dissolved, due in part, to confidentiality issues.

Land Use Plan and Archaeological Ordinance

Development and regulation of archaeological resources within the Coastal Zone is subject to Chapter 3.5 of the Land Use Plan (Policy 3.5-10) and Chapter 22.12 of the County of Mendocino Municipal Code, which are included below:

LCP Policy 3.5-10

The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be

required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.

All development projects within the Coastal Zone that require a Coastal Development Permit are subject to the following regulations of Mendocino County Municipal Code (MCMC) Chapter 22.12.050 (Archaeological Sensitivity Review) which is overseen by the Archaeological Commission (see below):

Sec. 22.12.050 - Archaeological Sensitivity Review

- (A) Literature Review. As part of preparation of any initial study prepared pursuant to CEQA or a Coastal Development Permit within the Coastal Zone for proposed projects submitted to the Department of Planning and Building Services, referrals shall be made to the N.I.C. for literature review regarding potential archaeological sensitivity within the Area of Potential Environmental Impact (A.P.E.I.). The recommendations in writing of N.I.C. to the Department of Planning and Building Services and the Commission will specify the need for an archaeological field inventory, or specific evaluative, or mitigative actions within the A.P.E.I. Should N.I.C. recommend no further inventory, evaluation or impact mitigation, the project applicant shall be relieved of further consideration of archaeological resources pursuant to CEQA.
- (B) Commission Review of N.I.C. Recommendations. Reviews by N.I.C. which recommend archaeological field inventory, or specific evaluative or mitigative actions will be scheduled at the earliest feasible meeting of the Commission. Summary notice of this scheduled review will be sent to project applicants. Recommendations of N.I.C. will be reviewed by the Commission and be approved, modified or overturned dependent on the introduction of additional information from N.I.C., the Commission, the Department of Planning and Building Services, the applicant or the public.

2.5 Archaeological Commission

Section 22.12.040 of the MCMC establishes the Archaeological Commission, which is primarily responsible for ensuring that adequate protection is provided to conserve archaeological sites and resources as well as the cultural heritage of Mendocino County. At the time, the process of review by the Archaeological Commission was considered comprehensive and transparent. However, it was established prior to current guiding legislation and confidentiality laws, and is no longer in

conformance with current standards regarding confidentiality of resources. For this reason, on August 29, 2023, the Board of Supervisors directed the Archaeological Commission to be dissolved. Dissolution of the Commission is still pending implementation.

The Archaeological Commission consists of five members appointed by the Board of Supervisors and meets the second Wednesday of each month. The Commission evaluates the NWIC recommendation and determines whether an archaeological survey is required, mitigation measures are required, or both. A County staff planner assigned to a Coastal Development Permit is present at the hearing to answer any specific questions.

If an archaeological survey is required by the Commission, a second hearing is scheduled for the Archaeological Commission to review the findings of the survey and review, approve, or modify the mitigation measures recommended by a professional archaeologist.

Sec. 22.12.040 - Archaeological Commission

- (A) There is hereby established the Mendocino County Archaeological Commission, hereinafter referred to as "Commission." The Commission shall consist of five (5) regular members and one (1) alternate member, each member to serve without compensation except for travel and other out-of-pocket costs. The Board of Supervisors shall appoint the following persons to the Commission:
- (1) The Director of the Mendocino County Museum (or his designee);
 - (2) A Native American Indian or a representative of a Native American Indian tribe, council or group who is a resident of the County of Mendocino;
 - (3) The Director of Mendocino County Planning and Building Services and his/her designee;
 - (4) A qualified, professional archaeologist; if such person is not available, the Board of Supervisors may appoint, in lieu thereof, a person having professional training in the field of archaeology;
 - (5) A representative of an industry such as timber, cattle, sheep or other type likely to be affected by this Chapter; and
 - (6) A person having professional training in the field of archaeology designated by the Board of Supervisors as an "alternate member," to serve whenever a regular member is unable for any reason to attend or participate in any Commission proceedings.
- (B) All members of the Commission except for the Director of the Mendocino County Museum and the Director of the Mendocino County Planning and Building Services Department (or their designees) shall be appointed for a term of two (2) years. At the first regular meeting

following January 1st of each year, the Commission members shall elect from among themselves a chairperson and a vice-chairperson.

- (C) The Commission shall make rules and regulations and take action necessary or convenient for carrying out its duties and powers under this Chapter. Any person aggrieved by the adoption of any rule, regulation or action may appeal by filing within ten (10) days thereafter a letter with the Clerk of the Board of Supervisors specifying the rule, regulation or action appealed from and the grounds for appeal. No rule, regulation or action shall go into effect until the lapse of ten (10) days after its adoption or, if appealed, upon approval by the Board of Supervisors.
- (D) Three (3) members of the Commission shall constitute a quorum. The affirmative vote of a majority of the total membership of the Commission shall be required for any action of the Commission when four or more members are present. The affirmative vote of a majority of the quorum shall be required for any action of the Commission when only a quorum is present. A decision of the Commission may be made by telephone or other verbal agreement if there is insufficient time for a meeting to be called; any decision so made shall be deemed effective unless the Commission fails to ratify the same at a regular or special meeting within thirty (30) days thereafter.
- (E) Appeals from the action of the Commission may be made only to the Board of Supervisors. Appeals must be filed with the Clerk of the Board within ten (10) days of the action and shall be accompanied by a fee set by the Board of Supervisors. The decision of the Board of Supervisors is final.
- (F) The Commission may appoint or designate representatives to act in the name of the Commission whenever such representatives are authorized to act by the provisions of this chapter. Each such representative shall be subject to removal by the Board of Supervisors upon good cause shown.
- (G) The Commission shall consult with the Mendocino County Sheriff-Coroner and the Native American Heritage Commission as appropriate when human remains are encountered by or reported to the Commission to fulfill any obligations under the California Public Resources Code Section 5097.98 and Section 7050.5 of the Health and Safety Code of California. (Ord. 3657, adopted 1987.)

Policy Review and Recommendations

3.1 Review of Existing LUP Policy 3.5-10

Policies which address archaeological resources in the Land Use Plan are brief and limited to one, LCP Policy 3.5-10, which focuses on coastal development permits and the associated permit process. LCP Policy 3.5-10 requires a limited field survey by a qualified professional for development projects within an area of known or probable archaeological or paleontological significance; however, the County does not have maps, confidential or otherwise, that illustrate areas of known or probable archaeological or paleontological significance.

LCP Policy 3.5-10 also requires adherence with the Mendocino County Archaeological Ordinance (MCMC Section 22.12.050). MCMC Section 22.12.050 requires all applications for Coastal Development Permits to be referred to the NWIC for a determination of archaeological sensitivity within the area of potential environmental impact from the proposed development. Consequently, the Department of Planning and Building Services refers all proposed projects with ground disturbance subject to a Coastal Development Permit to the Northwest Information Center for determination.

LCP Policy 3.5-10 is not aligned with MCMC Chapter 22.12.050 in terms of process. LCP Policy 3.5-10 requires a limited field survey by a qualified professional for development projects within an area of known or probable archaeological or paleontological significance whereas MCMC Chapter 22.12.050 requires all applications for Coastal Development Permits to be referred to the NWIC for a determination of archaeological sensitivity within the area of potential environmental impact from the proposed development and requires review by the Archaeological Commission.

While the current LCP doesn't explicitly reference tribal consultation, it is integrated into the planning and development process through SB 18 and AB 52. SB 18 requires local governments to notify and consult with California Native American tribes prior to adopting or amending General Plans or Specific Plans. AB 52 requires notification to affiliated tribes, and consultation if requested, for projects subject to CEQA review.

3.2 Considerations of Archaeological Commission Process

While the County currently has a robust process that emphasizes local Commissioner knowledge and oversight to protect resources from impacts related to human initiated ground disturbance and

development, the current regulations can result in a cumbersome, non-confidential, and lengthy Coastal Development Permit approval process. On August 29, 2023, the Board of Supervisors directed staff to dissolve the Archaeological Commission due to conflicts between the public nature of the Brown Act body and confidentiality requirements governing archaeological resources.

The current process specified by the MCMC requires an initial determination of archaeological sensitivity by the NWIC. If the NWIC recommends no further field inventory, evaluation or impact mitigation, no further action is required. However, if the NWIC recommends an archaeological field inventory or specific evaluative or mitigation actions, the NWIC recommendation must be scheduled for an Archaeological Commission hearing. Recommendations from the NWIC are reviewed by the Archaeological Commission and must be approved, modified, or overturned. Projects that are scheduled for the Archaeological Commission for review have minimum of 30 days added to the process. If the Archaeological Commission determines that an archaeological survey is required, it typically takes 2-6 months for the survey to be completed and brought back before the Archaeological Commission for second hearing. Recommendations from the archaeological survey are reviewed by the Commission and must be approved, modified, or overturned. Additionally, project planners staff the meeting and the knowledge and expertise related to archaeological and historical resources varies amongst staff.

While the review by the Archaeological Commission provides public oversight of County staff and professional archaeologists, it also divulges the general location of known archaeologically sensitive areas in a public setting and lacks confidentiality¹. This can lead to destruction, vandalism, and looting of resources.

Additionally, up to two public hearings before an additional hearing body results in a lengthy and sometimes confusing process for applicants. If a quorum cannot be found, or if a hearing agenda is full, it may take an applicant several extra months to have their item agendaized with the Archaeological Commission.

The County does not staff the hearing with a professional archaeologist or historic resources planner, and often the questions that come up by the Commission cannot be properly fielded by the County planner.

Finally, the current process lacks consultation with tribal groups outside the context of AB 52 CEQA requirements. More recent California Coastal Commission guidance recommends that tribes should be consulted on coastal development permit projects. For all of these reasons, it is recommended that the Board of Supervisors direction to dissolve the Archaeological Commission is implemented.

¹ Refer to minute 32 of the October 9, 2024 Archaeological Hearing.

3.3 Policy and Procedure Recommendations

As discussed above, it is recommended that the Land Use Plan is revised to replace the term “archaeological resources” with “cultural and tribal cultural resources”. This revision is based on CEQA guidelines, CCC guidance, and current best practices.

There are a number of ways to streamline permit processing in cultural and tribal cultural sensitive areas while still protecting these resources and their confidentiality. Two procedural options have been identified, both of which remove reference to the County’s Archaeological Ordinance (MCMC section 12.12), which relies on review by the Archaeological Commission. The options below follow confidentiality laws, are in alignment with the Board of Supervisors direction, and generally reduce the number of public hearings required. The specific benefits and drawbacks for each option are outlined in [Table 3-1, Procedure Options](#), below.

Table 3-1 Procedure Options

Procedure Option	Procedure	Benefits	Drawbacks
1	1. Remove reference to Municipal Code Section 22.12 from LCP Policy 3.5-10 and include a new process in the LCP, as follows: 2. For all development, County staff continue to send the project area of impact to the NWIC for determination of archaeological sensitivity. 3. If the NWIC referral comes back with low probability, an archaeological survey is not required. 4. If the NWIC referral comes back with medium or high probability, an archaeological survey, prepared by a Registered Professional Archaeologist is required. 5. The County planner enforces the mitigation measures recommended in the Archaeological Report.	-Retains referrals to the NWIC and the associated referral time, but eliminates the Archaeological Commission hearing process. -Retains highest level of confidentiality of sites by 1) removing the Archaeological Commission public hearing process and 2) not including an archaeological sensitivity map in the LCP. -Ensures the County’s process protects the confidentiality of certain tribal cultural information per state and federal laws, as well as CCC Tribal Consultation guiding principle #8. -In alignment with Board of Supervisors direction.	-Additional time waiting for NWIC response.
2	1. Remove reference to Municipal Code Section 22.12 from LCP Policy 3.5-10 and include a new process in the LCP, as follows: 2. Include archaeological sensitivity map in Land Use Plan. 3. No action is required if development is outside mapped sensitive areas; however, the County’s standard discovery clause measures would still apply to permits.	-Reduces time by eliminating referrals to the NWIC and eliminating the Archaeological Commission hearings. -Retains confidentiality of the sites by removing the Archaeological Commission public hearing process. -Ensures the County’s process protects the confidentiality of certain tribal cultural information per state and federal laws, as well as CCC	-More costly for Applicants. The entire Coastal Zone is considered archaeologically sensitive. This option would require all Applicants to pay for an archaeological survey.

Procedure Option	Procedure	Benefits	Drawbacks
	4. An archaeological report, prepared by registered professional archaeologist, is required for projects within the mapped archeologically sensitive areas. 5. The County planner enforces the mitigation measures recommended in the Archaeological Report.	Tribal Consultation guiding principle #8. -In alignment with Board of Supervisors direction.	

SOURCE: EMC Planning Group, 2025

Preferred Procedure

County staff identified procedure option #1, listed in [Table 3-1, Procedure Options](#) above, as the preferred option. Procedure option #1 retains a conservative approach to protecting cultural and tribal cultural resources by continuing to refer all development applications to the NWIC and requiring an archaeological survey for all projects that are determined to have medium to high probability. By removing review by the Archaeological Commission, procedure option #1 aligns with Coastal Commission guidance and state and federal laws which require confidentiality of archaeological resources. This approach also aligns with the direction provided by the Board of Supervisors on August 29, 2023 to dissolve the Archaeological Commission, noting that the Archaeological Commission was created prior to modern statutes governing confidentiality of archaeological resources in California.

Additional Policy Recommendations

There are currently no policies that address natural coastal erosion, which may be accelerated due to sea level rise and climate change. Natural activities (storm-surge, high winds) and human-based activities (collection, trampling) along with large-scale development are the leading causes to degradation of cultural and tribal cultural sites and resources in the Coastal Zone. Additionally, the LCP does not contain any policies regarding Tribal Consultation. In 2018, after extensive coordination with California Native American Tribes, the California Coastal Commission adopted its Tribal Consultation Policy, which encourages that tribal concerns are considered before permit actions are taken. The following new policies are recommended to reflect and align with tribal consultation, CEQA guidelines, and Coastal Commission guidance:

- Replace the term “archaeological resources” with “cultural and tribal cultural resources”;
- Document and protect archaeological sites that are at risk from environmental hazards (natural coastal erosion and wildfires) or recognize that environmental hazards will impact resources;
- Include a policy which requires public access trails to be sited a safe distance away from archaeological sites, when possible;

- Include the most current Coastal Commission Tribal Consultation Policy in the LCP;
- Include a policy which encourages establishing a respectful and effective means of communicating with and consulting with Tribes;
- Require new discretionary development that may result in ground disturbance to avoid impacts to cultural resources through siting and design measures to the greatest extent feasible; and
- Require County staff to report all known and newly discovered resources to the appropriate tribe or tribal community, agency, or organization.

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4.0 Outreach

4.1 Public Outreach

- November 13, 2024, Archaeological Commission meeting
- November 5, 2025, Public Workshop via Zoom

4.2 Tribal Consultation

- September 29, 2025, Comments received by the Sherwood Valley Band of Pomo Indians

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5.0 Sources

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