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Th11a

Prepared June 11, 2024, for June 13, 2024 Hearing

To: Commissioners and Interested Persons
From: Stephanie Rexing, North Central Coast District Manager
Oceane Ringuette, North Central Coast District Supervisor
Subject: **STAFF REPORT ADDENDUM for Th11a**
CDP Application No. 2-23-0862 (Vista Grande Drainage Improvements)

In the time since the staff report for this item was published (on May 31, 2024), the Applicant has requested minor adjustments to Special Condition 9 to align with CEQA and the National Historic Preservation Act of 1966 (Section 106). Thus, the purpose of this addendum is to respond to these comments, and to incorporate minor changes into the special conditions that are reflective of them. Please note that this addendum does not modify the base staff recommendation, which continues to be approval of the CDP with conditions.

Specifically, the Applicant notes that tribal consultation was already completed for the project through CEQA and Section 106 requirements, where the City conducted extensive investigation, analysis, and outreach regarding archaeological and cultural resources, ultimately contacting eight tribes. The project's cultural resources analysis indicated that there are no pre-contact cultural resources in the project vicinity. In addition, project geotechnical borings also did not identify any potential pre-contact cultural resources, and the Applicant concluded that there was a relatively low probability that any such resources might be encountered during ground disturbance. The tribes that were contacted did not comment on the project. As such, the Applicant requests minor adjustments to the condition language for consistency with these previous evaluations and consultations.

Staff concurs on these recommendations. Thus, in order to respond to the Applicant's request, the following changes are made to Special Condition 9, subsections (a) and (b), on pages 21 and 22 of the staff report (where text in underline format denotes text that would be added, and text in ~~strikeout~~ format denotes text that would be deleted):

9. Protection of Archaeological and/or Tribal Cultural Resources. *The Permittee shall undertake the approved project in compliance with the following measures to protect archaeological and/or tribal cultural resources to the maximum extent feasible.*

a. Notification. *At least one month prior to commencement of any ground-*

disturbing construction activities, the Permittee shall (1) notify the representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list with cultural affiliation to the project area, including but not necessarily limited to the Ohlone, Costanoan, Bay Miwok, Plains Miwok, and Patwin Tribes; (2) invite all Tribal representatives on that list to be present and to monitor ground-disturbing activities according to a cultural resources monitoring plan; and (3) arrange for any invited Tribal representative that requests to monitor and/or a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources according to a cultural resources monitoring plan.

- b. Monitoring.** *A qualified, locally experienced archaeologist shall prepare a cultural resources monitoring plan for review and written approval by the Executive Director. The plan shall outline the locations and types of ground disturbing activities that require monitoring as well as protocol to follow in the event of a discovery. and a tribal monitor, if requested and approved by relevant tribe(s). The archaeologist and tribal monitor, if requested, shall be on site to monitor all activities with the potential to impact archaeological and/or tribal cultural resources as described in the cultural resources monitoring plan, including all ground disturbing activities. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended tribal procedures for the inadvertent discovery of tribal cultural and/or archaeological resources and/or human remains.*