



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

Cultural Resources Analysis

County of Mendocino Planning Commission | May 7, 2026



- **Provide update to Archaeological Resources Section of Local Coastal Plan**
- **Analysis to evaluate current policy effectiveness**
- **Provide mapping of known cultural resource areas**
- **Recommend revisions to existing policies to better protect cultural resources**

Environmental, Cultural and Tribal Cultural Setting



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

- **County's coastline is characterized by its rugged, rural, and largely natural state, featuring dramatic ocean views, rocky promontories, sea stacks, sea caves, mountains, cliffs, marine terraces, sand dunes, and river estuaries.**
- **The area has been preserved in its natural condition compared to other, more developed parts of the California coast.**
- **Mendocino County has a long history of indigenous habitation, with native peoples living and thriving in the coastal area for millennia.**
- **Tribes historically associated with 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.**

- **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 a recommendation to update the terminology to “Cultural Resources” and “Tribal Cultural Resources”**
- **Cultural Resources covers both historical and Archaeological resources**
- **“Tribal cultural resources” are sites, features, places, cultural landscapes, sacred places, and objects found to have cultural value to a California Native American tribe.**

Mendocino County's Coastline

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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 entire coastal zone and coastline.



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.

Tribal Consultation Requirements

The following federal and state laws require Tribal Consultation for known Archaeological and cultural sites:

- 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.
- 2018: 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.

Existing Mendocino County Archaeological Resource Policies (LCP)



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

- **LCP Policy 3.5-10: CDP's and associated permits and development**
- **LCP Policy 3.5-10 also refers to Mendocino County's Archaeological Ordinance (MCMC Section 22.12.050)**
- **LCP Policy 3.5-10 and the MC Archaeological Ordinance are outdated and do not adhere to current federal and state requirements regarding confidentiality and tribal consultation.**

RECOMMENDATIONS



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

- **Revise the Land Use Plan 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.**
- **Revise LCP Policy 3.5-10: Remove reference to Mendocino County Code Section 22.12 from LCP Policy 3.5-10 and include a new process in the LCP.**
 - **Two (2) Procedure Options**
 - **County staff prefers Procedure Option #1 because it 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 and aligns more with the CCC guidance. (See Table 3-1)**

TABLE 3-1



Table 3-1 Procedure Options

Procedure Option	Procedure	Benefits	Drawbacks
1	<ol style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> -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	<ol style="list-style-type: none"> 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. 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. 	<ul style="list-style-type: none"> -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 Tribal Consultation guiding principle #8. -In alignment with Board of Supervisors direction. 	-More costly for Applicants. The entire Coastal Zone is considered archaeologically sensitive. This option would require all Applicants to pay for an archaeological survey.

ADDITIONAL POLICY RECOMMENDATIONS



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

There are currently no policies that address natural coastal erosion, which may be accelerated due to sea level rise and climate change. Additionally, the LCP does not contain any policies regarding Tribal Consultation. The following new policies are recommended to reflect and align with tribal consultation, CEQA guidelines, and Coastal Commission guidance:

- 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.