
IV. ENVIRONMENTAL IMPACT ANALYSIS

L. CULTURAL RESOURCES

INTRODUCTION

This section evaluates the potential impacts the project would have on historic and cultural resources. Marin County has had a rich prehistory and history, and the Town of Ross is the location of Native American archaeological sites (Town of Ross General Plan 2007 – 2025.) For analysis purposes, cultural resources may be categorized into four groups: archaeological resources (prehistoric and historical); historic properties, buildings and districts; areas of importance to Native Americans; and paleontological resources (fossilized remains of plants and animals). Cultural resource impacts include those to existing historic resources (i.e., historic districts, landmarks, etc.) and to archaeological and paleontological resources.

Incorporated into this section is information and analysis contained in the following document (see Appendix F):

- *A Cultural Resources Study for the Ross Residential EIR (Berg) Project, Upper Road, Ross, Marin County, California*, prepared by Tom Origer & Associates, October 15, 2012.

METHODOLOGY

This SEIR section analyzes the effects of the proposed project on cultural resources. CEQA requires that cultural resources be considered during the environmental review process. For this project, an archival review of previous surveys and studies was completed, as well as a mixed-strategy field survey. The Native American Heritage Commission and identified Native American groups were also contacted for information regarding the potential for Native American archaeological sites to exist on the site.

CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

Cultural resources is the term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

Historic properties is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

Historical resources as described in the California Environmental Quality Act (CEQA) includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric,

architectural, archaeological, cultural, or scientific importance, and is eligible for listing or is listed in the California Register of Historical Resources (CRHR) or a local register of historical resources. The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Paleontological resources are defined as including fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil-bearing rock strata.

ENVIRONMENTAL SETTING

Local Setting

The study area comprises the approximately 36-acre project site. Soils within the study area consist of the Tocaloma-McMullin complex on 50-75% slopes. These are well-drained soils derived from sandstone, and found in upland areas. Native vegetation for this soil complex is mixed hardwoods and brush, which has historically been used for firewood. Ross Creek flows along the southeast edge of the study area.

The project site has well-drained soils that probably once supported plants that could have served as food and cover for animals. However, the steep slopes of the site make it an unlikely spot for Native American habitation. Freshwater and freshwater resources were available in Ross Creek. The presence of these attributes suggests that the larger project area would have been suitable to prehistoric occupants as a place to gather resources and hunt.

Cultural Setting

Prehistory

Archaeological evidence indicates that human occupation of California began at least 10,000 to 15,000 years ago. Early occupants appear to have had an economy based largely on hunting, with limited exchange, and social structures based on the extended family unit. Later, milling technology and an inferred acorn economy were introduced. This diversification of economy appears to have occurred at the same time as population growth, expansion, and locating in one place, such as a village, without much movement. Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tool stone), which are possible indicators of both status and increasingly complex exchange systems.

At the time of European settlement, the study area was included in the territory controlled by the Coast Miwok. The Miwok were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied continually throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons.

Sites often were situated near fresh water sources and in areas where plant life and animal life were diverse and abundant. As stated in the Town of Ross General Plan 2007 – 2025:

For thousands of years prior to 1800, the Coast Miwok Indians lived and were sustained by the land that is now called Ross Valley. The Coast Miwok revered the land, plants, and animals of the Ross Valley through tribal cultural beliefs and practices. European diseases eventually decimated the Indian population. The settlement in 1817 of Mission San Raphael, with its vast land holding, also resulted in further incursions in areas occupied by the Coast Miwok Indians.

History

The Town of Ross was incorporated in 1908 and, according to the 2010 Census, has a population of 2,415. The Ross General Plan indicates that the Town was originally part of an 8,877-acre Mexican land grant to Juan B.R. Cooper in 1840, known as Ranch Punta de Quentin Canada de San Anselmo. The Town was named in honor of James Ross, who purchased the land in 1857 and lived on Redwood Drive with his wife and three children.

Archaeological Resources

Archival research included examination of the library and project files at Tom Origer & Associates. A review (file No. NWIC File No. 12-0329) was completed of the archaeological site base maps and records, survey reports, and other materials on file at the Northwest Information Center (NWIC), Sonoma State University in Rohnert Park. Sources of information included but were not limited to the current listings of properties on the National Register of Historic Places, California Historical Landmarks, California Register of Historical Resources, and California Points of Historical Interest as listed in the Office of Historic Preservation's *Historic Property Directory* (OHP 2009 in Origer 2012). In addition, ethnographic literature that describes appropriate Native American groups, county histories, and other primary and secondary sources were reviewed.

The Office of Historic Preservation has determined that structures in excess of 45 years of age should be considered potentially important historical resources, and former building and structure locations could be potentially important historic archaeological sites. Archival research included an examination of historical maps to gain insight into the nature and extent of historical development in the general vicinity, and especially within the study area. Maps ranged from hand-drawn maps of the 1800s (e.g., General Land Office) to topographic maps issued by the United States Geological Survey and United States Army Corps of Engineers.

Archival research found that no previously recorded cultural resources are located within the project site. However, the current project site has not been subject to previous archaeological evaluation. One study has been conducted within a quarter-mile of the project area. Two cultural resources were recorded near the north shore of Phoenix Lake, approximately a quarter

of a mile south of the project area. As discussed in the project's Initial Study, there are eight known archaeological sites, either temporary campsites or permanent occupation sites, which have been identified in the Town of Ross. These sites are located primarily along Corte Madera Creek. There are no reported ethnographic sites in the vicinity of the project, however.

Based on the distribution of known cultural resources and their environment settings, prehistoric and archaeological sites could be found within the study area. However, as was previously mentioned, the steep slopes of this site may have precluded the existence of Native American sites in this location. Prehistoric archaeological site indicators expected to be found in the region include but are not limited to obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits, for example, wells, privy pits, and dumps.

Built Environment

Historical maps show no late 19th or early 20th century buildings within the project area. The property development consists of two non-habitable dilapidated small cabins, a greenhouse, deck, wooden water tanks, some wooden water tanks, a paved driveway and a footbridge. As discussed in the project's Initial Study, these structures are deteriorated cabins constructed in the later part of the twentieth century and would not be considered as "historic" per local, state, or federal standards. The use of modern and potentially historic (re-used) construction materials, combined with the generally poor condition of the structures and resultant low level of integrity, indicates that they do not meet the criteria for inclusion on the California Register of Historical Resources. The site is not 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" (Criterion 1); with "...the lives of persons important to local, California, or national history" (Criterion 2); they do not embody "...the distinctive characteristics of a type, period, region or method of construction, or represents the work of a master or possesses high artistic values" (Criterion 3); and are unlikely to yield "...information important to the prehistory or history of the local area, California, or the nation" (Criterion 4). The buildings and other structures on the site would not be considered "historic" under federal, state, or local standards.

Paleontological Resources

Paleontological resources are mineralized or fossilized remains of prehistoric plants and animals, as well as mineralized impressions or trace fossils that provide indirect evidence of the form and activity of ancient organisms. Such locations and specimens are important nonrenewable resources. CEQA offers protection for these sensitive resources and requires that they be addressed during the environmental impact report process.

The project site is situated on Franciscan Complex Mélange with Franciscan Complex Greenstone. Both formations are primarily sedimentary, but have light metamorphic influences. Though paleontological artifacts may have been preserved during the initial sedimentary deposition, those artifacts would have likely been eliminated while undergoing metamorphic processes.

A search of the University of California Museum of Paleontology paleontological database did not identify any previously identified paleontological resources on the project site, within Marin County the search revealed that 355 paleontological localities have been identified. Most of the sites identified are located near the ocean shoreline and Tomales Bay. However, there may be a potential for the inadvertent discovery of unique archaeological resources during ground disturbing project activities.

Native American Consultation

The Native American Heritage Commission (NAHC) was contacted on September 28, 2012, seeking information regarding possible sacred lands and other cultural sites within the area (Appendix F). Additionally, a list of Native American individuals whom would likely be interested in the project was requested from the NAHC. The Federated Indians of Graton Rancheria and Ya-Ka-Ama Indian Education Center were sent letters October 8, 2012 requesting that representatives provide any information or concerns about the project. Responses have not yet been received from the Native American organizations.

REGULATORY SETTING

Federal, state, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) are the basic federal and state laws governing preservation of historic and archaeological resources of national, regional, state and local significance.

Federal

Primarily Section 106 of the NHPA of 1966 governs federal regulations for cultural resources. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places (National Register, NRHP). The criteria for determining National Register eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process.

The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP. The criteria for listing in the NRHP include resources that:

- a) are associated with events that have made a significant contribution to the broad patterns of history;
- b) are associated with the lives of persons significant in our past;
- c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
or
- d) have yielded or may likely yield information important in prehistory or history.

While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal money.

State

State historic preservation regulations affecting this project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA; Public Resources Code Sections 20183.2 and 21084.1 and Section 15064.5 of the CEQA Guidelines). Under CEQA, public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

“Historical resource” is a term with a defined statutory meaning (PRC, Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Section 15064.5 [a], [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 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 (Public Resources Code, Section 5024.1).
- 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 a historical

resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will 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 a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.1), 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 a 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 Section 5020.1(j) or 5024.1.

As noted above, CEQA also requires lead agencies to consider whether projects will impact "unique archaeological resources." Public Resources Code Section 21083.2, subdivision (g), states that " '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."

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associates and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Historic Register

The State Historic Preservation Office (SHPO) also maintains the California State Register of Historic Resources (CRHR). Properties that are listed on the National Register of Historic Properties (NRHP) are automatically listed on the CRHR, along with State Landmark and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Native American Consultation

SB-18 Tribal Consultation; Government Code Section 65352.3 (Senate Bill [SB] 18) requires local governments to consult with California Native American Tribes identified by the California NAHC regarding proposed local land use planning decisions and prior to the adoption or amendment of a general plan or specific plan. The purpose of this consultation is to preserve or mitigate impacts to cultural places.

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human grave. In the event that human graves are encountered, work should halt in the vicinity and the County Coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification.

According to Section 15064.5 of the CEQA Guidelines, all human remains are a significant resource. Section 15064.5 of the CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are spelled out under Public Resources Code Section 5097.

Local

Town of Ross General Plan

The General Plan contains the following goals and policies relating to cultural resources that would be applicable to the proposed project. The project is consistent with the General Plan's applicable goals and policies.

Goals and Policies:

Goal 1: An Abundance of Green and Healthy Natural Systems

Policy 1.1 - Protection of Environmental Resources. Protect environmental resources, such as hillsides, ridgelines, creeks, drainage ways, trees and tree groves, threatened and endangered species habit, riparian vegetation, cultural places,¹ and other resources. These resources are unique in the planning area because of their scarcity, scientific value, aesthetic quality and cultural significance.

Goal 3: Design With Nature, Neighborhood and Community

Policy 3.1 - Building and Site Design. Design all structures and improvements to respect existing natural topographic contours. Open areas and buildings shall be located to protect land forms and natural site features, including cultural places and resources, wherever possible. Where feasible, site development must avoid intact or previously disturbed cultural resources during excavation and grading.

Goal 4: Protecting Historic Places and Resources

Policy 4.1 - Historic Heritage. Maintain the historic feel of Ross by preserving and maintaining historic buildings, resources and areas with recognized historic or aesthetic value that serve as significant reminders of the past.

Policy 4.5 - Archaeological Resources. Implement measures to preserve and protect archaeological resources. Whenever possible, identify archaeological resources and potential impacts on such resources. Provide information and direction to property owners in order to make them aware of these resources. Require archaeological surveys, conducted by an archaeologist who appears on the Northwest Information Center's list of archaeologists qualified to do historic preservation fieldwork in Marin County, in areas of documented archaeological sensitivity. Develop design review standards for projects that may potentially impact cultural resources.

¹ "Cultural places" are defined in the California Public Resources Code and include, but are not limited to, archaeological sites, historic and prehistoric ruins, and Native American historic, cultural, and sacred sites, including a sanctified cemetery or burial round, a place of worship, a religious or ceremonial site, and a sacred shrine.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

Following Public Resource Code Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the State CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the project considered would result in any of the following:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code section 21084.1 and CEQA Guidelines section 15064.5, respectively;
- b) Cause a substantial adverse change in the significance of an archaeological resource as defined in Public Resources Code section 21083.2, 21084.1, and CEQA Guidelines section 15064.5, respectively;
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- d) Disturb any human remains, including those interred outside of formal cemeteries.

For purposes of CEQA, to determine whether cultural resources could be significantly affected, the significance of the resource itself must first be determined. Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of major periods of California history or prehistory.

Cultural Resources Issues not Further Analyzed

The following issues were addressed in the Initial Study (see Appendix A) and Section IV.A of the Draft EIR and were determined to result in no impact or a less-than-significant impact and not warrant further analysis:

- Historical Resources

Archaeological Resources

Pursuant to Section 15064.5 of the State CEQA Guidelines, a project would have a significant effect on the environment if it would “cause a substantial adverse change in the significance of an archaeological resource.” Additionally, pursuant to Section 15064.5, archaeological resources, not otherwise determined to be historical resources, may be significant if they are unique. Furthermore, under Public Resources Code Section 21083.2g, a unique archaeological resource is defined as 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 one of the following criteria:

- The resource contains information needed to answer important scientific questions and there is a demonstrable public interest in that information;

- The resource has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- The resource is directly associated with a scientifically recognized important prehistoric or historic event or person.
- A non-unique archaeological resource means an archaeological artifact, object, or site that does not meet the above criteria. Non-unique archaeological resources receive no further consideration under CEQA.

Paleontological Resources

Pursuant to Appendix G of the State CEQA Guidelines, a project would have a significant effect on the environment if it would “directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.”

A paleontological resource may be significant if the resource:

- Provides important information on the evolutionary trends among organisms, relating living organisms to extinct organisms;
- Provides important information regarding development of biological communities or interaction between botanical and zoological biota;
- Demonstrates unusual circumstances in biotic history; or
- Is in short supply and in danger of being depleted or destroyed by the elements, vandalism, or commercial exploitation, and is not found in other geographic localities.

Project Impacts and Mitigation Measures

Impact CULT-1: Archaeological Resources

No evidence of prehistoric or historic archaeological sites has been identified for the project site. The cultural resources study conducted at the site did not identify any archaeological resources through archival research or field survey. However, construction could result in encountering unanticipated archaeological resources, as prehistoric sites have been identified in the Town near the project site. Therefore, there is a possibility of unanticipated and accidental archaeological discoveries during ground-disturbing project-related activities. Unanticipated and accidental archaeological discoveries during project implementation have the potential to affect significant archaeological resources. Therefore, these impacts are considered to be **potentially significant**.

Implementation of Mitigation Measure CULT-1 below would ensure that potentially significant impacts to cultural resources are reduced to a less-than-significant level.

Mitigation Measure CULT-1: Archaeological Resources

The following measure shall be implemented throughout the grading phase of the project:

If, during the course of construction, cultural resources (i.e., prehistoric sites, historic sites, exotic rock (non-native), or shell or bone, isolated artifacts or other features) are discovered, work shall be halted immediately within 50 feet of the discovery, the Town of Ross Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. Determination of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups). Prior to the commencement of project excavations, all construction personnel shall be informed of the potential to inadvertently uncover cultural resources and human remains and the procedures to follow subsequent to an inadvertent discovery of cultural resources or human remains. In addition, should excavations for site testing or data recovery become necessary, the appropriate Native American representatives shall be informed in order to provide on-site tribal monitors.

Impact CULT-2: Paleontological Resources:

There are no known paleontological resources or unique geological features on the proposed project site. Metamorphic influences, in combination with an absence of paleontological discoveries within the Jurassic period near the project site make the likelihood that paleontological resource are present on the project site low. However, there is a potential for the inadvertent discovery of unique archaeological resources during ground disturbing project activities. This is considered a **potentially significant** impact.

Implementation of Mitigation Measure CULT-2 would reduce this potentially significant impact to a less-than-significant level.

Mitigation Measure CULT-2:

The following measure shall be implemented throughout the grading phase of the project:

A note shall be placed on the grading plans that if paleontological resources are discovered on-site, the applicant shall retain a qualified paleontologist to observe grading activities and salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered, which require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the project developer, and to the Town of Ross Planning Department. The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to a State-designated repository such as Museum of Paleontology, U.C. Berkeley, the California Academy of Sciences, or any other State-

designated repository. The paleontologist shall submit a follow-up report to the Department of Museums and Planning Department which shall include the period of inspection, an analysis of the fossils found and present repository of fossils.

Impact CULT-3: Human Remains

Archaeological investigations for the proposed project are adequate to identify known prehistoric and historic resources in the area. No evidence of prehistoric or historic archaeological sites or human remains has been identified for the project site. However, construction could result in encountering human remains, as a prehistoric site has been identified near the project site. Thus, impacts to human remains are considered **potentially significant**.

Implementation of Mitigation Measure CULT-3 would reduce this potentially significant impact to a less-than-significant level.

Mitigation Measure CULT-3:

The following measure shall be implemented throughout the grading phase of the project:

If human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the Town of Ross Planning Department shall be notified, and the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent would make recommendations regarding the treatment of the remains with appropriate dignity.

CUMULATIVE IMPACTS

Implementation of the proposed project in combination with the related projects (see Table III-1, Related Projects List) would result in the development of various land uses in the Town or Ross. Impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. The extent of the cultural resources (if any) that occur at the sites of the related projects is unknown, and thus, it is not known whether any of the related projects would result in significant impacts to cultural resources. However, similar to the proposed project, such determinations would be made on a case-by-case basis and, if necessary, the applicants of the related project would be required to implement the appropriate mitigation measures. Thus, given the project's cultural resources impacts can be completely mitigated, the proposed project's impacts to cultural resources would not be cumulatively considerable. Therefore, cumulative impacts to cultural resources would be ***less than significant***.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Project-specific impacts to cultural resources would be mitigated to a level of ***less than significant***.