

Council Policy Statement

Category: TRIBAL CULTURAL RESOURCE PROTECTION
Specific Subject: Tribal Consultation and Treatment and Protection of Tribal Cultural Resources

PURPOSE: It is the intent of the City Council that the City of Carlsbad recognize its responsibility to protect with improved certainty the important historical and cultural values of current Tribal Cultural Resources within the City limits and to establish an improved framework for the City's consultations with Native American Tribes that are traditionally and culturally affiliated with the City of Carlsbad including the San Luis Rey Band of Mission Indians.

BACKGROUND: The City of Carlsbad is proudly home to California Native American Tribes that have been here for more than ten thousand years. The City is acknowledged by California Native American Tribes, archaeologists, ethnographers, and anthropologists to be rich in Tribal Cultural Resources. These Tribal Cultural Resources are significant for their traditional, cultural, spiritual and religious ties to the California Native American people living today and the cultural significance these resources have to the lives of California Native American Tribal people in the present.

Currently, in the design and construction of development projects on private property and projects on City-owned properties, the City of Carlsbad Cultural Resources Guidelines and General Plan Policies 7-P.7 through 7-P.11 are implemented. In addition, during the project review process City staff, as the City's representative managing both projects on private and City-owned properties, must implement their best professional judgment to attempt to avoid or substantially reduce impacts to Tribal Cultural Resources, historical, archaeological and paleontological resources by developing mitigation measures for appropriate treatment and protection of such resources. However, the City's Cultural Resource Guidelines (1990) require updating to ensure consistency with State law and the City's General Plan Policies, define a predictable and reliable means of approving projects, and ensure appropriate long term protection of Tribal Cultural Resources. To meet these goals the City, within the areas of its authority, will establish improved guidelines for Native American tribal consultation and the protection of Tribal Cultural Resources in a way that is respectful to California Native American Tribes.

POLICY: To the extent allowed under the authority of the City, the City shall guide all development projects on private property and projects on City-owned properties to be designed and constructed in a manner to avoid or substantially reduce impacts to Tribal Cultural Resources, as they are defined by State Law, and to establish and adopt preservation measures to maintain their permanence in protection. To facilitate this Policy, the City shall consult with California Native American tribes that are traditionally and culturally affiliated with the City, including San Luis Rey Band of Mission Indians, early in the design process of development projects on City-owned properties and early in the permit process of development projects on private property to avoid or substantially lessen potential adverse impacts to Tribal Cultural Resources that may occur as a result of a proposed project. The City shall

update its Cultural Resource Guidelines to incorporate State definitions of Tribal Cultural Resources, require consultation in the detection, treatment and protection of Tribal Cultural Resources for all Projects on City-owned lands and on private property to the full extent of the City's authority, ensure a complete understanding by project proponents, including the City and Tribal Representatives, of current and previous mitigation commitments for Tribal Cultural Resources, and provide improved protocols for ensuring the permanence of preservation mitigation measures.