

4.4 CULTURAL RESOURCES

This section of the Program EIR summarizes the cultural resources present within the NCP. The EIR analysis evaluates potential impacts to cultural resources, and recommends mitigation measures where appropriate. The information presented below is a compilation of cultural resource information from a previous cultural resource investigation and survey conducted onsite site in 2002, *Cultural Resource Investigation of the Nipomo Community Park* (Parker 2002). This report is on file with the County; however, pursuant to federal, state, and local regulations, the report is confidential and not available for public review.

4.4.1 Existing Conditions

4.4.1.1 Historical Resources

In the mid-1800s, the town of Nipomo was subdivided for the sale and development of lots. By 1887, the town of Nipomo had two hotels, shops, a schoolhouse, stable, real estate offices, saloons, and a newspaper. The Southern Pacific Railroad was established west of Nipomo in the town of Guadalupe in 1895 and also had a depot in Nipomo. By 1942, the Southern Pacific Railroad was put out of commission, disassembled, and sold for scrap. A major economic slump occurred in the town of Nipomo, until US 101 was completed in the 1940s. Past background records searches have revealed the presence of one historic site located at the project site, as well as three prehistoric sites recorded within 1 mile of the project area. The location of the historic site was confirmed during the field surface survey (Parker 2002).

Documented findings at the site included scattered historic material presumed to represent a historic trash deposit or old Nipomo city dump, including glass, ceramics, and metal artifacts dating from 1880 to 1930. Artifacts documented at the project site include both machine-made and hand blown bottle fragments (including some made from magnesium/purple glass historically used in the glass manufacturing process between 1880 and 1914), a stopper for a club sauce bottle, a piece of rose colored pressed glass depression glass, the neck of a cork-sealed whiskey bottle, the neck of a milk bottle, a preserve jar, the base of a champagne bottle, a milk-glass insert for a canning jar lid, several pieces of Euro American stoneware (including one piece with a maker's mark indicating a Buffalo Pottery Company ceramic dating between 1915 and 1930), various colored stencil ware, and a crockery piece. All materials found suggested general household refuse, but it is unknown whether the area was an "official" city dump or a casual dumping area at a time when this location was fairly remote and distant from central Nipomo. Such out-of-town roadside dumping areas were popular places to get rid of household trash in the 1920s.

The age of the materials discovered would place them within the "depressed" period of Nipomo's past, after the demise of the Pacific Coast Railroad and before the US 101 growth period (Parker 2002). Information gathered from the dumpsite could provide valuable insight on how Nipomo coped with the economic downturn brought on by the lack of transportation ties with the surrounding areas. The fact that a casual dump exists at all may evidence a lack of community pride brought on by the poor economy of the time.

Portions of the historic site have been disturbed by previous development, including existing park facilities and surrounding development, paving, and structures.

4.4.1.2 Archaeological Resources

The project is located in an area historically occupied by the Obispeño Chumash. The Obispeño Chumash have occupied San Luis Obispo County for more than 9,000 years. The Obispeño Chumash have adapted to the changing environmental and social conditions and are now a large complex society. Aboriginal society began to disintegrate soon after Spanish contact in 1769 A.D., primarily due to the introduction of epidemic European diseases and the consequent high mortality rate.

The 2002 background records search revealed the presence of three archeological deposit sites located within 1 mile of the proposed project site. The entire parcel was surveyed on foot to identify the presence or absence of archaeological surface deposits. No archaeological surface deposits were observed during the surface survey (Parker 2002). Based on the negative results of the surface survey, it is unlikely that significant archaeological deposits are present onsite.

4.4.1.3 Paleontological Resources

The proposed project is located on sand dune deposits typical of the entire Nipomo Mesa, which are generally too young to contain significant paleontological resources.

4.4.2 Regulatory Setting

4.4.2.1 Federal Policies and Regulations

Authorized under the National Historic Preservation Act of 1966 (NHPA), the National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, or culture. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

4.4.2.2 State Policies and Regulations

Office of Historic Preservation

The Office of Historic Preservation (OHP) is the governmental agency primarily responsible for the statewide administration of the historic preservation program in California. The mission of the OHP and the State Historical Resources Commission, in partnership with the people of California and governmental agencies, is to “preserve and enhance California’s irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.” The OHP’s responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Ensuring compliance with federal and state regulatory obligations;
- Cooperating with traditional preservation partners while building new alliances with other community organizations and public agencies;
- Encouraging the adoption of economic incentives programs designed to benefit property owners; and

- Encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

The Central Coast Information Center is under contract to the State Office of Historic Preservation and helps implement the California Historical Resources Information System (CHRIS). It integrates information on new resources and known resources into the CHRIS, supplies information on resources and surveys to the government and supplies lists of consultants qualified to do historic preservation fieldwork within the area. The California Archeological Site Inventory is the collection of Site Records, which has been acquired and managed by the Information Centers and the OHP since 1975.

California Environmental Quality Act

CEQA (Public Resources Code [PRC] §21000 et seq.) requires consideration of a project's impacts on significant historical and archaeological resources. Significant impacts on such resources are to be avoided or mitigated to less than significant levels. Other state laws govern actions affecting cemeteries and human remains. Similarly, County regulations require protection of archaeological and historical resources to the greatest extent feasible.

4.4.2.3 Local Policies and Regulations

Section 22.10.040 of the LUO states that if archaeological resources are unearthed or discovered during any construction activities, construction activities shall halt until the resource can be recorded by a qualified archaeologist, the appropriate authorities can be notified, and disposition of the discovery is completed. If the discovery consists of human remains, the County Coroner must also be notified. While the County is not subject to LUO standards, compliance is recommended as mitigation for future development where applicable to ensure that specific issues identified during preparation of the EIR are addressed during future development.

4.4.3 Thresholds of Significance

CEQA directs lead agencies to protect and preserve resources with cultural, historic, scientific, or educational value. In accordance with §15064.5 (Determining the Significance of Impacts to Archaeological and Historical Resources) and Appendix G of the CEQA Guidelines, the County identified the following questions to determine a project's impact on cultural resources. Would the project:

1. Disturb pre-historic resources;
2. Disturb historic resources;
3. Disturb paleontological resources.

The significance of an historical resource is materially impaired when a project:

- a. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources (CRHR); or,

- b. Demolishes or materially alters in an adverse manner those physical characteristic that account for its inclusion in a local register of historical resources pursuant to PRC §5020.1(k) or its identification in an historical resources survey meeting the requirements of PRC §5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- c. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA.

Generally, intact cultural and historic deposits are considered significant. Severely disturbed or mixed deposits often are not considered significant but may have educational value. Human remains and associated goods are accorded special consideration, even when fragmentary and are considered significant.

4.4.4 Impact Assessment and Methodology

Archaeological surveys are typically phased to maximize the potential for planning and management of archaeological resources. Phase One surveys include a records search and field surface survey. When significant cultural resources are identified and cannot be feasibly avoided, a Phase Two survey is conducted. Phase Two surveys include subsurface investigations to define the boundary, depth, and significance of identified resources. If the site is significant, a Phase Three data recovery program is implemented, which includes excavation and preservation of cultural resources.

A Phase One surface survey was conducted by John Parker, Ph.D, Registered Professional Archaeologist (RPA) in 2002. The survey was conducted on the 140-acre NCP area. The survey included a background records search and intensive on-site examination of the project site for evidence of historic and prehistoric cultural materials. A record search was performed at the Regional California Historical Resources Information Center (Department of Anthropology, University of California, Santa Barbara). The field inspection revisited a previously recorded historic site (CA-SLO-2188H) and further defined and analyzed this resource.

4.4.5 Project-specific Impacts and Mitigation Measures

4.4.5.1 Historical Resources

Actions within the known boundary of the historic site include the Juniper Street driveway alignment, pay station, and perimeter trail. Grading and construction activities would disturb both fill material and native soils containing historic materials and fragments. The site is not currently listed on the CRHR or a local register. Four criteria for inclusion are as follows:

1. 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.

As noted above, presence of the dump is an indicator of the “depressed” period of Nipomo’s past.

2. Associated with the lives of persons important to local, California, or national history.

No materials were found to have a connection with the lives of persons important to local, California, or national history.

3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.

The site does not include any features meeting this criterion.

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

As noted above, the presence of the dump is an indicator of the “depressed” period of Nipomo’s past. This information has been documented in a report.

Implementation of the project would not materially alter the physical characteristics of the historic landfill that convey its historical significance to the extent that it would be ineligible for inclusion in the CRHR. Mitigation is recommended, including onsite monitoring and documentation of findings, to support the historic record and provide additional information about the resource. Implementation of recommended mitigation would mitigate potential impacts to this resource to less than significant.

CR Impact 1 Development within the historic site (CA-SLO-2188H), as defined in the Cultural Resources Investigation (Parker 2002), may result in direct disturbance or looting of a known significant historical site, resulting in a potentially significant impact.

CR/mm-1 Prior to construction, the General Services Agency shall submit a monitoring plan, prepared by a subsurface-qualified historical archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

- a. List of personnel involved in the monitoring activities;*
- b. Description of how the monitoring shall occur;*
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);*
- d. Description of what resources are expected to be encountered;*
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);*
- f. Description of procedures for halting work on the site and notification procedures; and,*
- g. Description of monitoring reporting procedures.*

CR/mm-2 During all ground disturbing construction activities, the General Services Agency shall retain a qualified historical archaeologist (approved by the Environmental Coordinator) to monitor earth disturbing activities within the documented historical site, per the approved monitoring plan. If any significant historical resources are found during monitoring, work shall stop

within the immediate vicinity (precise area to be determined by the historical archaeologist in the field) of the resource until such time as the resource can be evaluated by the historical archaeologist or any other appropriate individuals. The historical archaeologist shall be allowed the time and funds necessary to document and retrieve any significant cultural materials that are unearthed.

CR/mm-3 Upon completion of all monitoring/mitigation activities, and prior to final inspection (whichever occurs first), the consulting historical archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Residual Impact

Implementation of the measures listed above would ensure that any significant historical resources uncovered during grading and construction would be protected and documented. These measures would reduce impacts to a *less than significant level* (Class II).

4.4.5.2 Archaeological Resources

Based on the negative results of the archaeological surface survey, it is unlikely that significant archeological deposits are present at the site, and there is no evidence that human remains are located within NCP. If such resources are later discovered during future soil disturbance and/or construction activities, the County will issue a stop work order until the resource can be evaluated. Furthermore, California Health and Safety Code §7050.5 states the following:

- (b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with §27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of §27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in §5097.98 of the PRC. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

- (c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Based on compliance with State Standards, and implementation of identified mitigation, significant adverse impacts to archaeological resources would be avoided.

CR Impact 2 **In the unlikely event significant archaeological resources are present, implementation of the project may result the disturbance of unknown resources, resulting in a potentially significant impact.**

CR/mm-4 *In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:*

- a. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.*
- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.*

Residual Impact

Based on the results of field surveys conducted at NCP, significant archaeological discovery is unlikely; however, provisions are recommended in the event of subsurface discovery. Based on the analysis, compliance with State Code, and implementation of recommended mitigation, potential impacts to archaeological resources would be *less than significant* (Class III).

4.4.5.3 Paleontological Resources

Based on the presence of stabilized dune sands on the proposed project site, it is unlikely that significant paleontological resources are present.

4.4.6 Cumulative Impacts

Implementation of the proposed project would potentially contribute to the cumulative degradation of significant cultural resources in the County. The destruction of cultural resources has a significant cumulative impact as they make the study of historic life unavailable for study by scientists. Given the prevalence of cultural resource sites in the Nipomo area, several of the development projects identified in the area likely have an effect on archaeological and historical resources, and require implementation of standard mitigation measures. For the proposed project, impacts to known potential subsurface cultural resources would be avoided or mitigated by implementation of monitoring and documentation, and development would contribute to a significant loss of cultural resources in the area. Based on implementation of mitigation measures recommended in this EIR, potential cumulative impacts resulting from the proposed project are considered *less than significant* (Class III). No additional mitigation is required.

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