

## 4.4 CULTURAL RESOURCES

This section summarizes the results of the cultural resources studies conducted for the project, including information and documents peer reviewed during the preparation of the EIR. The information in this section is based on and includes excerpts from the following documents, including associated records, which are confidential but available for review by qualified persons at the County Department of Planning and Building:

- *Phase I Archaeological & Paleontological Survey* (Cultural Resources Management Services [CRMS] 2011)
- *Extended Phase I Report* (SWCA 2012)
- *Assessment of Cultural Resource Data Compiled for the Environmental Impact Report (EIR) for the Dana Adobe Nipomo Amigos (DANA) Land Use Ordinance Amendment and Conditional Use Permit* (Albion Environmental, Inc. [Albion] 2013a)
- *Phase II Archaeological Evaluation of CA-SLO-97/142/H* (Albion 2013b)

### 4.4.1 Existing Conditions

The following summary of existing conditions has been incorporated by reference from the *Assessment of Cultural Resource Data* (Albion 2013a) and *Phase II Archaeological Evaluation of CA-SLO-97/142/H* (Albion 2013b). The additional sources included in the discussion below are incorporated by reference from the Albion (2013b) report.

#### 4.4.1.1 Pre-historic Resources

The project site is located in an area historically occupied by the Obispeño Chumash. Numerous surveys have been conducted within and in the vicinity of the Dana Adobe. Archaeologists working in central California have generally recognized six major prehistoric periods of cultural adaptation within the last 10,000 years. The initial period, Paleoindian, originated during the Late Pleistocene and continued until approximately 9950 Before Present (B.P.). This was followed by the Millingstone (9950-5450 B.P.), during which milling equipment (manos and metates) become increasingly abundant in the archaeological record and populations apparently followed a generalized subsistence pattern. The ensuing period, the Early Period (5450-2550 B.P.), was a time of new subsistence emphases, including a greater reliance on hunting and the exploitation of acorns. The Middle Period (2500-950 B.P.) was marked by the intensification of subsistence practices, especially a greater reliance on marine and littoral foods.

During the Middle/Late Transition (950-700 B.P.), central Californian populations may have experienced deteriorating environmental conditions, and apparently underwent major adaptive shifts in both subsistence and settlement. Finally, the Late Period (700-181 B.P.) was a time marked by the appearance of numerous projectile points, including small side-notched (Desert side-notched), triangular (Cottonwood series), and leaf-shaped points.

At the time of Euroamerican contact, a substantial Native American population inhabited the South Coast Range and surrounding areas. The Obispeño Chumash occupied most of San Luis Obispo County. Prehistorically, the San Luis Obispo, Santa Barbara, and Ventura regions were home to the maritime Chumash, considered one of the most complex hunter-gatherer societies on earth (Fagan 2003:147; Kroeber 1925). Chumash territory encompassed the coastal

stretches and inland valleys of what are now Ventura, Santa Barbara, and San Luis Obispo Counties, as well as parts of Los Angeles County. They also occupied the northern Channel Islands (i.e., Anacapa, Santa Cruz, Santa Rosa, and San Miguel). Several prominent villages were distributed throughout this range, including Humaliwo (Malibu), Shisholop (Ventura), Syukhtun (Santa Barbara), Mishopshnow (Carpinteria), and Nipumu (Nipomo).

The Chumash occupying the northern San Luis Obispo region are known as the Obispeño, this designation being derived from the name of the nearest Spanish Mission, San Luis Obispo de Tolosa. The community now often refers to itself as the Northern Chumash.

Traditionally, the geographic territory of the Obispeño was thought to extend from the Santa Maria River in the south to Point Estero in the north (Kroeber 1925; Grant 1978). However, recent archaeological evidence and archival research of Spanish diaries and mission records suggest that the northern Obispeño territorial boundary may have extended north to San Carpoforo Creek, an area which has traditionally been regarded as Salinan territory (Gibson 1983; Breschini, Haversat, and Hampson 1983; Rivers and Farris in Jones et al. 1994:10). Gibson (1983) reports that there were 15 major Obispeño villages in San Luis Obispo County, each of which spoke their own sub-dialects.

The first European voyager to encounter the region's indigenous inhabitants was Sebastian Cermeño who arrived at Port San Luis in 1595 (Krieger 1988). Over 170 years passed before the next major European expedition reached the San Luis Obispo region. In 1769, Captain Don Gaspar de Portolá and Father Junípero Serra led the first overland journey through Alta California in order to locate suitable sites for settlements and missions. With a contingent of soldiers, priests, and Christianized Indians, they reached the San Luis Obispo area in September 1769.

In 1772, Father Serra established Mission San Luis Obispo de Tolosa, the first of five Franciscan missions built in Chumash territory. As the Spanish presence in California grew and the missions gradually established greater sway over native peoples, traditional Obispeño lifeways were drastically altered. At the missions, the Chumash were trained in European culture and traditions and their own political leadership was replaced with complete control by the mission padres. The native hunting, gathering, and fishing economy gave way to mission agriculture and animal husbandry. Rectangular adobe houses replaced dome-shaped tule houses. The near absence of clothing favored by the Chumash was superseded by woolen garments woven in mission workshops. Once indoctrinated into the Catholic faith, the Chumash attended daily Mass, where prayers were recited in both their native tongue and in Spanish. By the early 1800s, the entire Chumash population, except for those who actively resisted conversion, had been incorporated into the mission system.

In 1834, under the new Mexican government, secularization of the mission lands began in earnest. The indigenous population scattered away from the mission centers, and the few that were given rancherías from the mission lands were ill-equipped to maintain or work their land. Most of the former mission land was divided among loyal Mexican subjects, and the few Obispeño who chose to remain in their ancestral territory were obligated to become squatters. Some were given jobs as manual laborers or domestic servants on Mexican, or later American, cattle ranches. Others remained near the pueblo, where work was easier to find as foreign settlers began to pour into the region. By this time, the Chumash population had suffered a serious decline. Introduced European diseases such as smallpox and syphilis took a heavy toll and, by the early 20th Century, there were few Chumash left (Grant 1978:507).

Despite historical social and economic pressures, the Chumash peoples have maintained their identities, actively advocating for the preservation of all aspects of their traditional lifeway, as well as their position as native peoples in a modern, multi-cultural society. Two Chumash groups, of the many in San Luis Obispo County, have taken an active role in the proposed project, specifically addressing the prehistoric archaeological site that underlies the historic adobe complex. Both the Northern Chumash Tribal Council (NCTC) and yak tit<sup>y</sup>u tit<sup>y</sup>u have provided ongoing comments on the project plans, treatment of the archaeological resources, and interpretation of Chumash traditional life at the project site.

### CA-SLO-97/142/H

Site CA-SLO-97/142/H is a complex prehistoric resource that contains two loci representing prehistoric occupation. The first, identified as Locus A, contains intact cultural deposits representing the Early Period, a time span of roughly 3,000 years, from 5450 B.P. to 2550 B.P. The second, Locus B represents the Middle Period, a time span of 1,600 years, from 2550 B.P. to 950 B.P. Additional data from Locus A suggest this locale may also have an earlier Millingstone (9950-5450 B.P.) component. The upper portions of the site have been disturbed to varying degrees by historical development and land use, such that prehistoric materials in these upper strata are mixed with historic materials, indicating that the prehistoric deposit has lost its stratigraphic integrity. Cultural deposits below the level of disturbance, however, particularly in the two identified loci, appear to be intact thus providing important information about prehistoric occupation of the landscape. Because of the presence of important intact cultural deposits, Albion has found that the site is eligible for inclusion on the California Register of Historic Places (CRHP) under criterion D: “sites that have yielded, or may be likely to yield, information important in prehistory or history.”

The evaluation also indicates that the site is not uniform, with concentrations of cultural materials interspersed with areas of relatively low levels of material. The depth of historical disturbance also varies widely across the site. Similarly, impacts from the proposed project are widespread with project facilities such as a visitor’s center, outbuildings, restrooms, roads, trails, septic treatment systems, and trails dispersed across the landscape.

Aside from determining eligibility on the CRHP, the current effort had two other important evaluation goals: 1) to determine whether the site has the ability to address regionally important research questions, and 2) to assess the significance of the prehistoric component of CA-SLO-97/142H with regard to previous impacts, and to make recommendations concerning proposed impacts. Following a discussion of the site within its regional context, management considerations and recommendations are presented.

The evaluation provided information regarding prehistoric activities undertaken at the site and a rough assessment of site age. Two, or possibly three, components were tentatively identified at the site. The larger one, which primarily dates to the Early Period, Locus A, is located north of the main access road that is planned for the development (a possible Millingstone component is also proposed for this locale). A smaller, Middle Period component, Locus B is recognized at the southern end of the parcel.

Subsistence remains are present in several contexts across the site. Faunal bone remains were analyzed from a single unit located within the Early Period component. These consist primarily of medium-sized, non-diagnostic mammal remains, which could not be identified to more specific taxonomic categories. Nonetheless, these suggest that the procurement and processing of animals was an important prehistoric activity at the site. Shellfish remains were analyzed from a single, heavily-disturbed context. All identified shell was derived from marine contexts. The

shellfish is predominately Pismo clam, which is common in historic contexts but also found in prehistoric contexts. Other shellfish remains include abalone and mussel, two taxa that are common to highenergy rocky coasts. These taxa were routinely exploited by prehistoric hunter-gatherers, and are commonly found at numerous California archaeological sites.

There are three possible explanations for the presence of marine shell at CA-SLO-97/142/H. First, it is likely that the site's prehistoric inhabitants made forays to the coast (located approximately 15 kilometers to the west) during certain times of the year in order to exploit shellfish (and possibly other marine resources). In this scenario, shell was transported back to the site, processed, and consumed. The second explanation is that coastal groups made periodic forays into the interior (to exploit terrestrial plants and animals and acquire workable stone) bringing with them shellfish. Finally, it is also possible that interior groups acquired shellfish through trade or exchange networks.

A variety of tools was recovered from the project site, most of these related to hunting activities. The analyzed debitage indicates an emphasis on tool finishing. Heat treatment of chert stone material was apparently practiced at the site as represented by the abundant potlid fragments; however, no intact hearth features were identified that would provide direct evidence of this activity. Biface thinning debris is the next most prevalent flake category, and this supports an interpretation of the site being used by hunter-gatherers of the Early and Middle Periods when this flaked stone technology was common. Based on the types of tools and debitage encountered, it appears that the site was used mainly for reworking existing tools likely in preparation of hunting forays. The lack of features suggests that site occupations were relatively short term.

Several factors suggest that the site functioned primarily as a short-term camp, or "station," rather than a long-term habitation site. These include a limited and non-diverse tool assemblage geared mainly toward hunting, only moderate quantities of organic remains, poorly developed midden soils, and lack of cultural features and other items, such as milling equipment. The location of the site, intermediate between the coast and interior foothills, further suggests that the site may have been used by people travelling between the coast and interior, perhaps during the normal course of a seasonal round. The single handstone suggests some limited plant processing occurred at the site. This interpretation is in keeping with the proposed dates for the site (mainly the Early Period and potentially the Middle Period), which have been interpreted (especially the Early Period) as a time of relatively mobile hunter-gatherers focused on hunting.

The presence of obsidian at CA-SLO-97/142/H is an especially important element in establishing the research potential of the site (and hence its eligibility for inclusion on the CRHP). Obsidian specimens obtained from the site are derived primarily from two locales: the southern Coast Range and the eastern slope of the Sierra Nevada Mountains. The presence of Napa Valley obsidian, a North Coast Range source, conforms well to an Early or Millingstone age for the northern site area (Locus A), as this obsidian source is more common in older contexts along the central coast of California. Greatest source diversity is usually found in samples dating to the Early Period. A diversity of sources suggests that the prehistoric populations engaged in extensive mobility and social interaction during this time. Analysis of two pieces of obsidian from Locus B indicates that they are from the Coso Volcanic Field, and have hydration readings that conform well to a Middle Period occupation. This may indicate a more stable settlement pattern, whereby people had perhaps limited opportunities to trade and exchange with other groups.

The NCTC has identified three areas that they believe to be Chumash ceremonial sites, or a “Great Gathering Ceremonial site of the Chumash Nation” (Memorandum, Fred Collins, Tribal Administrator, NCTC, July 16, 2012). The claim is based on the tribe’s study of historical documents, in particular the *diseño*, filed by William Goodwin Dana in support of his claim to Rancho Nipomo. The *diseño* is a hand drawn oblique representation of the Rancho lands, indicating distant hills, creeks, and improvements such as the adobe structure. The *diseño* includes three large areas defined as a circular point with lines radiating out to a larger circle in the fashion of a wagon wheel. The NCTC has calculated these areas to be between 0.5 and 0.6 miles in diameter. The circular areas are shown to the east of Nipomo Creek, although the exact location is difficult to determine since the hand-drawn map was meant only as a schematic representation of the Rancho lands, is not drawn to any reliable scale, and is an oblique, not a plan view. The NCTC has proposed that several thousand ancestral Chumash converged periodically at these sites for ceremonial observances, thus the sites themselves were and remain sacred places to the Chumash peoples.

John Johnson, Curator of Anthropology at the Santa Barbara Museum of Natural History, and a specialist in Chumash prehistory and history, has reviewed the NCTC materials and unequivocally refutes the claim. The purported ceremonial circles are well to the east of the project currently under investigation; therefore, Albion has not collected any data on the area that would contribute to the discussion. Johnson makes a strong argument, however, based on the sum of ethnographic data for both the Chumash area and pre-contact California as a whole that “there is no evidence for pan-tribal gatherings of 10,000 individuals” anywhere in pre-contact California. Johnson also notes that, at the time of contact, the Chumash population totaled roughly 25,000 scattered in 150 or more largely autonomous, unaffiliated villages (Letter, Johnson to Steve McMasters, Senior Planner, County of San Luis Obispo, July 17, 2012). Multiple village gatherings or “big times” were common in California, but these were localized and at a vastly smaller scale. The claim also implies a pan-Chumash political or social identity, when in fact Chumash is a linguistic term, signifying similarity in languages and dialects, while political and social identity was limited to the local village or cluster of affiliated villages.

#### **4.4.1.2 Historic Resources**

The Dana Adobe is located on a 0.25-acre parcel (Assessor’s Parcel Number 090-171-011), and within the Historic (H) combining designation. The Dana Adobe (P-40-040847) is the most salient historic resource within the project area (CRMS 2011). It is on the National Register of Historic Places (NRHP) as well as the CRHP. It was also recorded as part of the Historic American Building Survey, number 265-6907 (1936). The Pacific Coast Railroad Right of Way (P-42-040711) marks the eastern edge of the project area. This resource is still visible as a cut bank or an elevated earthen berm in various locations. It has been cut through in at least two locations by erosion from substantial drainages that feed into Nipomo Creek. Two previously-documented sites (CA-SLO-2030H and CA-SLO-2031H) are located in the vicinity of the project area. These resources include a diffused scatter of historic artifacts, which were not relocated, and may have been destroyed by flooding. CA-SLO-2031H includes a low knoll where the first Dana house was built; this site is outside of the project area.

A summarized history of California, San Luis Obispo County, Rancho Nipomo, and the Dana Adobe is provided below.

In 1821, Mexico achieved her independence from Spain, and word of this event reached Alta California the following year. Secularization was set in motion by the Mexican Governor Echeandia in 1826, but was not carried out in earnest until 1834 when Governor José Figueroa

issued an official proclamation ordering the secularization of the California missions. His proclamation turned the mission properties over to Mexican civil authorities, allowed for the disbursement of mission property, opened mission land for settlement by petitioners, and created a series of pueblos. Indian neophytes were freed from their role as personal servants to the padres; however, in reality, the purpose of secularization throughout California was to deprive a large percentage of the remaining mission Indians of their property. This resulted in the creation of a relatively large population of landless Indian tenants, many of whom sought work in the newly created rancherías. The new rancherías that sprang up as a result of secularization created a wholly new culture in California, one that was centered on the raising and maintaining of vast herds of cattle. These rancherías were usually owned by individual families who supervised a veritable army of Indian laborers and vaqueros. The ranch owners owed their livelihood to the sale and trade of the products, primarily hide and tallow, derived from their cattle. Between 1833 and 1846, Mexican governors awarded approximately 700 land grants in California, several of these to naturalized citizens (Cleland 1975).

One of the earliest grants in the San Luis Obispo region was made to William Goodwin Dana (Dana), a cousin of the famous American author and mariner William Henry Dana, who wrote *Two Years Before the Mast*. Dana was a sea captain who married a Mexican woman, Maria Carrillo, and had gained Mexican citizenship. In 1837, Dana petitioned Governor Juan Bautista Alvarado and was granted 37,887.91 acres of the then-called Rancho Nipomo (Dana and Harrington 1999). It was one of the first and largest of the Mexican land grants in San Luis Obispo County (Maki 1999:7).

Even before Dana and his family took up residence of the rancho in 1839, Dana began to develop the property, building several small adobes on the land. Originally, the main residence, now known as the Dana Adobe, was a three-room adobe structure with a flat roof. The Dana Adobe was significantly expanded in the late 1840s with a second story and the addition of two westward projecting wings on the north and south. A cupola for viewing the surrounding countryside was also added, and other outbuildings were constructed. For several years after its construction, the Dana Adobe became an especially important meeting place in the area and a main stopping place for travelers moving north or south on the El Camino Real (Maki 1999; Foster and Hale 2009). It was also the only residence between the missions at San Luis Obispo and Santa Ines. In 1849, the Dana Adobe was one of the voting places that helped decide the issue of California statehood (Foster and Hale 2009).

Herds of cattle and sheep roamed the rancho, supplying meat, hides, tallow, and wool. Other products supplied to the missions and neighboring ranchos included furniture, agricultural implements, fabrics, and soap. Ground penetrating radar has indicated that there may be subsurface remains of foundations of outbuildings to the west of the residence. A tallow processing area is still clearly visible on the surface. The processing of hides and tallow was a vital component of life on the ranch particularly during the early years. The slaughtering of the cattle was performed at a *matanza*, a lightly framed and covered structure northeast and below the residence. The processing of cattle for hides and tallow was heavily dependent upon the Chumash workers on the rancho. Other activities that the Chumash performed included the formation of adobe bricks, construction of the adobe buildings, gathering firewood, collecting refined salt from the head waters of the Salinas River, serving as vaqueros, weaving, leather and metal work, and providing escorts for the younger members of the Dana family. The Chumash employees did not build their dwellings in the immediate vicinity of the main residence but rather “around the outskirts of the rancho;” they are also described as living “in a ranchería about four miles north of the adobe”.

After Dana died, the Dana Adobe underwent several new incarnations, first as a post office and later as a stagecoach stop. An “adobe barn” and associated corrals were used by the stagecoach line and provided a place where six horse teams were kept in readiness to be swapped out with exhausted ones. The old stagecoach road passed in front of the east facade of the house and west of the tallow processing area.

On April 8, 1882, the rancho was divided among the surviving heirs. Fred Dana took possession of the main house and surrounding parcel. It was during this period that a windmill was put in on the floodplain below the house and a well in the west patio area was abandoned. Another structure associated with the ranch is a metal tower. A section of the rancho was also sold to the Pacific Coast Railway to provide for a 10-mile long rail-line (Maki 1999). A railway depot was subsequently built on the ranch. One of the plots of land near the newly constructed rail-line eventually became part of the town of Nipomo.

In 1900, the house passed to a family by the name of Fry about who little is known. In 1906, the house again changed hands. The Hourihans took possession and are believed to have lived there until 1915 after which time the ownership and history of the house is unclear. A 1954 aerial photograph shows the residence, tallow vat, water tower, and an outbuilding that has since been removed, and the cement foundation was taken out in 2006. In the 1960s and 1970s the Dana Adobe was the focus of a renewed interest in restoring and preserving the historic structure. These activities involved some studies and assessments as well as active interventions and construction. The applicant, DANA, obtained ownership of the Dana Adobe in 1999, and is conducting restoration of the structure under a California Cultural and Historical Endowment Grant, pursuant to the Secretary of the Interior standards.

There are remnants of outbuildings and structures associated with the historic activities of the Rancho, including the tallow vat (1840-1860s). A row of stones visible on the surface runs north to south between the tallow vat and the east facade of the Dana Adobe, which may have served as a foundation for a raised adobe wall. The wall is now covered with dark sandy soil but possesses a three-step stairway through the middle. These steps are aligned on the front entrance and rear entrance of the Dana Adobe. Approximately 150 feet south of the south facade of the Dana Adobe is what appears to be the foundation stones of an “adobe barn.” It appears that some of the foundation stones have been pulled up and piled in a circle inside the outline of the barn.

Modern developments at the Dana Adobe include an excavated septic system and leach field, drains and utility trenches, and relocation of a metal windmill onsite. There have been a number of excavations and earthmoving activities in and around the Dana Adobe as part of its operation and modernization over the years. Scattered around the Dana Adobe are a large number of badly fragmented historic artifacts, primarily ceramic or glass.

#### **4.4.1.3 Paleontological Resources**

The Dana Adobe and the associated prehistoric site are located along the eastern edge of the Nipomo Mesa, a land form of highly stabilized dunes overlying an elevated Pleistocene terrace. The Pleistocene stabilized dunes composing the Nipomo Mesa are overlain by relatively recent aeolian (windblown) sands. Neighboring bedrock is composed of shale, chert, and other melange components, typical of the Monterey and Franciscan formations.

Based on the Phase I Archaeological and Paleontological Survey (CRMS 2011), the 30-acre project site is underlain by up to 100 feet of Quaternary dune sand. On the eastern edge of the

30-acre project site, this formation abuts and in part overlies Quaternary alluvium in the form of terrace deposits derived primarily from the weathering of the Miocene volcanic rocks of the Obispo formation, and the more complex mélange of formations including a mixture of Miocene-aged Monterey Formation (sedimentary), Cretaceous-aged serpentine, ultra basic (metamorphic) rocks, and Jurassic-aged Franciscan (metamorphic) complex, which extends to Thompson Road. Of these, the Quaternary Sands, the Quaternary alluvium, and the Monterey formation have the potential to contain sensitive paleontological resources. Based on the records search conducted as part of the report, one record for a Columbian mammoth was documented offsite, but in the vicinity of the project site, in either the Quaternary Dune Sands or Quaternary alluvium. The report notes that fossil occurrences in wind-blown sand in the area are rare, due to the continual accumulation of older dune sand. A paleontological surface survey was conducted in tandem with the CRMS archaeological survey, and no paleontological resources were noted. The report concludes that “the likelihood of encountering sensitive paleontological resources in the older dune sand material is very small.”

## **4.4.2 Regulatory Setting**

### **4.4.2.1 Federal Policies and Regulations**

#### National Historic Preservation Act of 1966

Significant archaeological and built environment resources are protected by the National Historic Preservation Act (NHPA) of 1966. Section 106 of the NHPA states that if a federal agency is involved in a proposed project through initiation, funding, and/or issuance of permits, the agency is required to consult with the State Historic Preservation Officer (SHPO).

When a cultural resource is reported to the SHPO, further study and/or preparation of a mitigation and monitoring plan may be required and the resource may be listed in the NRHP. The NRHP is an inventory of the historic resources of the United States and is maintained by the National Park Service. The inventory includes buildings, structures, objects, sites, districts, and archeological resources.

NHPA §106 (16 USC 470f) requires federal agencies to take into account the effects of their undertakings on any site, structure or object that is included in or eligible for inclusion in the NRHP and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Under §106, the significance of any adversely affected cultural resource is assessed and mitigation measures are proposed to reduce any impacts to an acceptable level. Significant cultural resources are those resources that are listed on, or are eligible for listing on, the NRHP per the criteria listed at 36 CFR 60.4 (ACHP 2000) below.

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association and that:

- Are associated with events that have made a significant contribution to the broad patterns of our history; or,
- Are associated with the lives of persons significant in our past; or,
- Embody the distinctive characteristics of a type, period, or method of installation, 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,

- Have yielded, or may be likely to yield, information important in prehistory or history.

Cultural resources are considered during federal undertakings chiefly under §106 of the NHPA through one of its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA) of 1969. Properties of traditional religious and cultural importance to Native Americans are considered under §101(d)(6)(A) of NHPA. Other relevant federal laws include the Archaeological Data Preservation Act of 1974, American Indian Religious Freedom Act (AIRFA) of 1978, Archaeological Resources Protection Act (ARPA) of 1979, and Native American Graves Protection and Repatriation Act (NAGPRA) of 1989, among others.

#### **4.4.2.2 State Policies and Regulations**

##### Office of Historic Preservation

The California 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 OHP 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 regional Information Centers and the OHP since 1975.

##### California Register of Historical Resources

California Public Resources Code (PRC) §5024.1 establishes the California Register of Historical Resources (CRHR) and charges the State Historical Resources Commission with

overseeing its implementation. It requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for CRHR eligibility. The purpose of the register is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change. The term "historical resources" includes a resource listed in, or determined to be eligible for listing in, the CRHR, a resource included in a local register of historical resources, and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (CEQA Guidelines §15064.5[a]). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the NRHP.

According to PRC §5024.1(c)(1–4), a resource may be considered historically significant if it retains integrity and meets at least one of the following criteria. A property may be listed in the CRHR if the resource:

- 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 installation, 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.

Under CEQA, if an archeological site is not a historical resource but meets the definition of a "unique archeological resource" as defined in PRC §21083.2, then it should be treated in accordance with the provisions of that section. A unique archaeological resource is defined as follows:

*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:*

- *Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.*
- *Has a special and particular quality such as being the oldest of its type or the best available example of its type.*
- *Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

Resources that neither meet any of these criteria for listing on the CRHR nor qualify as a "unique archaeological resource" under CEQA PRC §21083.2 are viewed as not significant. Under CEQA, "A non-unique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects" (PRC §21083.2[h]).

Impacts that adversely alter the significance of a resource listed on or eligible for listing on the CRHR are considered to have a significant effect on the environment. Impacts to historical resources are thus considered significant if the project physically destroys or damages all or part of a resource, changes the character of the use of the resource or a physical feature within the setting of the resource which contributes to its significance, or introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

#### California Environmental Quality Act

CEQA (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.

CEQA §15064.5 describes the process for determining the significance of impacts to archeological and historical resources. Any project effect that may cause a substantial adverse change in the significance of an historical resource is potentially significant. Achieving CEQA compliance with regard to treatment of impacts to significant cultural resources requires that a mitigation plan be developed for the resource(s). Preservation in place is the preferred manner of mitigating impacts to archaeological resources. California PRC §5097.9 stipulates that it is contrary to the free expression and exercise of Native American religion to interfere with or cause severe irreparable damage to any Native American cemetery, place of worship, religious or ceremonial site, or sacred shrine. California Coastal Act §30244 states: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."

#### **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:

- a. Disturb archaeological resources;
- b. Disturb historical resources; or,
- c. Disturb paleontological resources.

CEQA applies to historic and archaeological sites. When a project will impact an archaeological site, the lead agency must first determine whether the site is an historical resource. A substantial adverse change in the significance of a historical resource would occur if the project results in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resources would be materially impaired. The significance of an historical resource is materially impaired when a project:

1. 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 CRHR; or,
2. 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
3. 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 CRHR as determined by a lead agency for the purposes of CEQA.

#### **4.4.4 Impact Assessment and Methodology**

Potential impacts to historical resources (archaeological and historic) were evaluated pursuant to CEQA, and with input from the Native American consultation process. All available background information, project-specific survey reports (Phase I surface and limited Extended Phase I subsurface surveys), records search documents, collected artifact records, and verbal information from the applicant and Native American representatives was compiled and peer reviewed by Albion archaeologists. This information was reviewed to identify previous survey coverage, archaeological site boundaries (current and previous configurations), historic era features, and prior activities that may have affected site deposits (e.g., previous archaeological excavations, utility projects, maintenance activities). Provided documents indicated that the entire Master Plan area has been previously surveyed for cultural resources, and nine cultural resource sites are mapped within the Master Plan area. Albion also reviewed previous archaeological studies conducted within the project boundary in order to assess methods, findings, and appropriateness of recommendations. Resource and impact data was presented in an overlay on project plans.

Records indicate that boundaries for three sites near the adobe (CA-SLO-97, CA -SLO-141, and CA-SLO-142/H) have been revised several times. Field verification was conducted on February 18 and 19, 2013, to assess accuracy of existing site boundaries, identify additional features or artifact concentrations, and to assess variation in artifact density across the parcel. Albion Principal Investigator Jennifer Farquhar, M.A., directed work, assisted by Ryan Brady, M.A., and John Ellison. Mona Tucker and Johnny Odem from the Northern Chumash group yak tit'ū tit'ū and Donna Gillette from the DANA group accompanied the reconnaissance crew on both days.

Based on review of available information, Albion determined that significance evaluation (as defined by CEQA Guidelines §15064.5) had not yet been completed. A Work Plan was

developed to satisfy the analysis requirements identified in CEQA, and included the following steps:

**Conduct Native American Consultation.** In response to the project Notice of Preparation (NOP), the California Native American Heritage Commission (NAHC) provided a list of Native American contacts that may have additional information about the project area. SWCA mailed a letter requesting information concerning cultural resources in the area to each of these contacts, officially initiating the Native American consultation process. Two groups responded to the letter: Northern Chumash Tribal Council and yak tit<sup>y</sup>u tit<sup>y</sup>u Northern Chumash Tribe. Native American consultation was conducted with these two groups throughout preparation of the EIR, and will continue through the EIR process. Consultation included face-to-face meetings and telephone conversations. Notes were taken during the meeting, and are contained in a confidential file with the County Department of Planning and Building.

Several issues and concerns were discussed during the consultation meetings, including, but not limited to, the following key points:

**Northern Chumash Tribal Council:**

- Request for the archaeological site to be avoided by the project.
- Further study of archaeological resources to be conducted with Native American input.
- Preference for a project at a smaller scale, such as the concept design submitted with the grant application, with a larger Chumash component.
- Concern that the archaeological site was not being considered within the larger regional context.
- Concerns about being disregarded or shut out of the planning process.
- Concern about the validity of documentation used to determine the presence or absence of ceremonial circles.
- Un-biased representation of the Chumash story.

**Yak tit<sup>y</sup>u tit<sup>y</sup>u Northern Chumash Tribe:**

- Request for the archaeological site to be avoided by the project.
- Further study of archaeological resources to be conducted with Native American input.
- Concerns regarding project components including the Visitor's Center, wastewater treatment systems, and capping plan, and how these elements would be designed and constructed.
- Request for further consideration and approval of an open space easement.
- Concerns regarding grading and construction activities, and how the monitoring and treatment plan would be implemented and enforced.

These concerns and issues were discussed and considered during preparation of the work plan for the Phase II evaluation, implementation of the Phase II evaluation fieldwork, and preparation

of the Phase II evaluation technical report (Albion 2013b), which is incorporated by reference into this EIR section.

**Confirm presence/absence of an archaeological deposit in cases where the nature of deposit is unclear.** The purpose of this effort was to: 1) determine if a subsurface deposit is associated with surface materials or features; and/or 2) to search for archaeological deposits in areas of high sensitivity where deposits may be buried or obscured by sediment deposition, vegetation, or modern development. Identified cultural deposits will need to be evaluated for significance under CEQA.

The field effort commenced with an intensive survey of seven selected transects across the project area to assess accuracy of existing archaeological site boundaries. Three survey transects were located in the northwestern portion of the parcel (Rancho Era Site Plan), and another three were placed near the proposed Visitor Center and Chumash Interpretive Area. These six transects measured 30 meters (m) in width, ranging in length from 65-170 m, and extending from the property fence along South Oakglen Avenue to the edge of the creek terraces along Nipomo Creek. Within each transect, survey crew were spaced no more than 5 m apart. A seventh transect was located parallel to South Oakglen Avenue, between the property fence line and the paved road; it measured about 10 m wide and 280 m long. The survey team flagged individual artifacts and flaked stone debitage. The crew then recorded individual items using the Global Position System (GPS). In areas of high flake density, Albion recorded concentration boundaries rather than individual flakes.

Upon completion of the survey, the field team placed six Surface Observation Units (SOUs) across the site to better assess artifact site density. Most of the SOUs measured 5 m<sup>2</sup> (one measured 2 m<sup>2</sup>); all cultural materials within the unit were flagged and counted. Six SOUs were placed within survey transects and one was placed outside a transect in the proposed location of the Visitors Center.

**Conduct Phase II Evaluations.** Between May 6 and May 15, 2013, crews from Albion conducted a Phase II archaeological evaluation at CA-SLO-97/142/H. All fieldwork was conducted according to guidelines contained in "Treatment of Archaeological Properties: A Handbook (ACHP 1980) and *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (Federal Register [FR], Vol. 64, No. 95, May 18, 1999). Supervisory personnel including the Principal Investigator and Project Archaeologist met or exceeded professional qualification standards for archaeology set forth in the Secretary of the Interior's Standards and Guidelines for Historic Preservation projects (48 FR 44738-44739).

The purpose of the evaluation was to identify whether CA-SLO-97/142/H is a significant historic resource as recognized under CEQA. Excavation techniques were used to: 1) assess the areal extent of cultural debris; 2) identify areas with rich or sparse cultural deposit; and 3) recognize the extent of subsurface disturbance across the parcel and the degree to which these disturbances have impacted significant prehistoric cultural deposits (i.e., of a Historic Resource).

The Phase II evaluation program involved excavation of 25 1-m×0.5-m Surface Transect Units (STUs), three Shovel Test Pits (STPs) (each 30 centimeters [cm] in diameter) and one 2-m×1-m backhoe trench. The distribution of excavation units was intended to cover most areas under investigation in order to fully characterize the subsurface deposit to aid in planning decisions. Specifically, the evaluation focused on areas expected to receive subsurface impacts from the proposed project, as well as other areas less likely to experience those impacts. STUs were

excavated in arbitrary 20 cm levels and all material was dry-screened through 3-millimeter (mm) (1/8-inch) mesh. Each STU was oriented to true north along the long axis. All cultural material identified in the screens was retained; however, fire affected rock was simply weighed and discarded at the end of each level. Artifacts and ecofacts from each level were placed in plastic bags and all material recovered from a level was kept within a single paper level bag. Upon completion of each level, a standard level record form was completed that detailed the sediment structure, presence of fire affected rock, artifacts recovered, and disturbances, along with other observations. Each unit was terminated when the recovery of cultural material became negligible, or the maximum safe depth of 140 cm was reached; the minimum depth excavated was 40 cm. Other units excavated were three STPs and a backhoe trench. Two STPs were dug at the location of proposed bridge footings on either bank of Nipomo Creek, southeast of the adobe structure. The third STP was placed in the northeastern portion of the parcel and was excavated to 60 cm. Due to the presence of subsurface cultural materials in an STP, a STU was placed adjacent to the test pit. Finally, the backhoe trench was excavated in the northwestern edge of the parcel, where the installation of a septic pit was planned (Farquhar 2013b). The trench extended to 3 m deep and eight 0.06 m<sup>3</sup> samples that were taken at 1-foot intervals were dry-screened through 3 mm mesh, similar to the STUs and STPs. A Trimble GeoExplorer XH unit provided provenience control for the evaluation effort. GPS points were recorded at the southwest corner of each STU and the backhoe trench, while STPs and surface artifacts were simply recorded at their midpoint.

Initial processing of archaeological specimens, including sorting and washing, was conducted at the Albion laboratory facility in Santa Cruz, California. After initial processing, individual artifacts were assigned a specimen number, while entire lots of flaked stone debitage and non-artifactual bone and shell from a specific provenience were assigned a single specimen number. The data were catalogued in a project-specific Microsoft® Access 2010 database. Following initial cataloging, basic metric analyses were accomplished for most artifacts. All analytical information was entered into Access 2010 tables for presentation in the report. Specimens were placed in 4-mm-thick, labeled, plastic bags and organized in cardboard bin-part boxes by artifact class. All collected artifacts were then stored in archive boxes in preparation for curation.

Excavations produced an array of lithic material types that were grouped into four broad categories. These categories include cryptocrystalline silicates (CCS) and a variety of other metamorphic varieties, plutonic igneous stone, obsidian, and even modified historic glass. Situated in the geologically complex South Coast Ranges, several geologic formations occur in the project vicinity, which allowed prehistoric populations access to several varieties of rock types.

For analysis purposes, a more specific stone material classification system than the general categories presented above was used. In addition to general CCS, more specific Monterey (MCT) and Franciscan (FCT) cherts were identified. MCT is common to the project area and originates from the Monterey Shale Formation, which is generally present east of the San Andreas Fault. FCT is associated with the Franciscan Formation, which is present west of the San Andreas Fault. MCT is generally translucent with alternating layers of brown, white, black, and or gray. FCTs, by contrast, are generally more dull and opaque and are found in a variety of colors that include green, red, orange, yellow, brown, and tan. The origin of the remaining CCS materials is less certain; however, it is likely that at least some of the stone materials were acquired from stream beds in the site vicinity.

Other varieties of toolstone recovered include metamorphic materials such as quartzite, general metamorphic, and general metasedimentary. Plutonic igneous rocks include igneous and quartz

specimens. One final variety of toolstone identified is historic glass, which was encountered in nine of the STUs. Project chronometrics were determined through the use of temporally diagnostic projectile points and source specific obsidian hydration measurements. Neither of these measures provided absolute chronometric dates.

It appears that the prehistoric component of CA-SLO-94/142H dates largely to the Early Period, with some activity possibly occurring both before and after that time. The small leaf-shaped point suggests the site may have been occupied during the Middle-Late Transition as well. The variety of surface-collected projectile points that were inspected in the field overwhelmingly is attributed to variants of the Central Coast Stemmed series and variants of Large Side-notched forms. These support the interpretation of the site as inhabited primarily during the Early Period; however, due to the lack of provenience of these items their temporal assignments should be viewed with caution. Obsidian hydration data also point to a predominantly Early Period occupation at the site. Interestingly, the only two Middle Period hydration measurements were recovered from a STU at the southern end of the parcel. Albion interprets these as indicating a possible Middle Period component in this area.

The ceramic evidence points to occupation centering around the late 1800s and early 1900s. Similar to the obsidian estimates, other lines of evidence could provide better chronological resolution.

Archaeological treatment of CA-SLO-97/142/H followed protocols developed in consultation with project stakeholders including the applicant (DANA), County, and two Native American groups (the NCTC and yak tit<sup>y</sup>u tit<sup>y</sup>u). Archaeological evaluations involved a concurrent program of mapping and controlled hand excavation. The primary objective of the fieldwork was to determine the abundance, distribution, chronology, and temporal integrity of site constituents. This program employed a series of STUs, STPs, and a backhoe trench. The purpose of the work was to define site boundaries, probe the deposit depth, and sample subsurface assemblages. Altogether, a total of 12.7 m<sup>3</sup> was excavated. The site contains an array of flaked and ground stone tools along with ecofacts that include vertebrate and invertebrate faunal remains. A variety of historic and modern material was also recovered. A total of 29 prehistoric artifacts, 5,224 pieces of debitage, 697 pieces of bone, and 616.6 grams of shell were recovered. Historic artifacts recovered include one glass bead, 75 ceramic shards, three buttons, glass shards, metal fragments, and a handful of other historic and modern items.

The array of artifacts recovered from CA-SLO-97/142/H suggests that the site underwent several episodes of apparently short-term occupation. No intact cultural features or substantial dietary remains were encountered. Although the recovered artifact assemblage had a modest amount of formed flaked stone tools (1.2/m<sup>3</sup>), the overall artifact density (408 items/m<sup>3</sup>) is relatively high. The paucity of ground stone implements highlights an emphasis on activities associated with flaked stone tools, such as hunting. This interpretation corresponds with expectations derived from the chronometric data, which place much of the site use in the Early Period (Locus A), with a smaller Middle Period component located in Locus B. The skewed distribution by depth of obsidian hydration measurements and dateable historic ceramics suggests that much of the cultural deposit has been disturbed by historic and modern activities. Nevertheless, there do appear to be some areas of the site that have not been disturbed and retain a high degree of structural integrity. These can provide information to better understand a variety of research questions pertinent to the prehistoric Native American occupation of California's central coast.

**Determine Eligibility.** The data generated from the Phase II evaluation was used to evaluate the site for CRHR eligibility. These data are important for understanding the prehistoric occupation at the site, and contributing to research questions such as: who lived there and how long ago, what kinds of things did people do at the site, why did they choose to inhabit this area, and what was the site's role in the larger system of settlements and camps throughout the region. The eligibility assessment also accounts for the potential of the site to contribute additional data to understanding important research questions about the past, as well as to account for the cultural significance of the area. The effects of past and present impacts are also addressed in the management recommendations, which focus on distinct elements of the proposed development.

Albion carefully considered the potential effects of each project element, specifically the extent to which the project component might have an adverse effect on subsurface deposits that have both retained integrity (are not disturbed by historic period activities) and may yield valuable archaeological data. Albion also considered tentative mitigation measures that have been proposed for the project; specifically, a proposal to cap all or portions of the site with a layer of sterile soil.

Albion's evaluation resulted in a finding that the site is complex, has components representing two (Early and Middle) or possibly three (Millingstone) periods in prehistory, is not uniform over the extent of the site, and has been disturbed to varying depths by historical development and land use. Despite these findings, Albion believes that the site is eligible for inclusion on the CRHP under criterion D, "Sites that have yielded, or may be likely to yield, information important in prehistory or history."

#### **4.4.5 Project Specific Impacts and Mitigation Measures**

CEQA requires a lead agency to determine whether a project may have a significant effect on historical resources. CEQA Statutes §§21083.2 and 21084.1, PRC §5024.1, and §15064.5 of the CEQA Guidelines are used as guidelines to determine if: 1) a resource is historically significant, and 2) if the project would result in an adverse effect to the historic resource. PRC §5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for CRHR eligibility. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change. The term "historical resources" includes a resource listed in, or determined to be eligible for listing in, the CRHR; a resource included in a local register of historical resources; and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (CEQA Guidelines §15064.5[a]). The criteria for listing properties in the CRHR were expressly developed in accordance with previously established criteria developed for listing in the NRHP.

According to PRC §5024.1(c)(1–4), a resource may be considered historically significant if it retains integrity and meets at least one of the following criteria. A property may be listed in the CRHR if the resource:

- 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 installation, 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.

Under CEQA, if an archeological site is not a historical resource but meets the definition of a “unique archeological resource” as defined in PRC §21083.2, then it should be treated in accordance with the provisions of that section. A *unique archaeological resource* is defined as follows:

*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.*

Resources that neither meet any of these criteria for listing on the CRHR nor qualify as a “unique archaeological resource” under CEQA PRC §21083.2 are viewed as not significant. Under CEQA, “A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects” (PRC §21083.2[h]).

Impacts that adversely alter the significance of a resource listed on or eligible for listing on the CRHR are considered a significant effect on the environment. Impacts to historical resources from the proposed project are thus considered significant if the project physically destroys or damages all or part of a resource, changes the character of the use of the resource or physical feature within the setting of the resource which contribute to its significance or introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

Applying criteria identified above, the archaeological site is eligible for inclusion on the CRHP under criterion D, “Sites that have yielded, or may be likely to yield, information important in prehistory or history.” This is in addition to the Dana Adobe, which is currently listed on the National and State Registers. Potential impacts to these resources are discussed below.

#### **4.4.5.1 Land Use Ordinance Amendment**

The proposed amendment includes language addressing the Dana Adobe Historic designation (§22.122.030.B.). The language clarifies development standards specific to the historic site itself, and encourages consistency with historical context, including interpretive and educational components. Implementation of the proposed amendment would not have an adverse effect on

cultural resources, because it includes standards to maintain historical context and provides for the continued maintenance of the Dana Adobe in the event DANA is no longer able to continue ownership of the parcel. Project-specific impacts to cultural resources are discussed below.

In order to ensure that future projects, such as the proposed Master Plan and CUP, address project-specific cultural resource impacts, a planning area standard is recommended that requires the project applicant to avoid or minimize impacts to significant historic, archaeological, and paleontological resources by design, soil capping, detailed research design and data recovery, documentation, monitoring, an operational management program, and an educational interpretive program (refer to Chapter 4, Environmental Impacts Analysis, Exhibit A).

#### **4.4.5.2 Conditional Use Permit**

##### Disturb Archaeological Resources

Trail and emergency road development on the 100-acre portion of the site was designed and located to avoid direct impacts to known archaeological and historical sites; therefore, the analysis focuses on the Master Plan, which would be implemented on the 30-acre portion of the site. Site CA-SLO-97/142/H is a complex prehistoric resource that contains two loci representing prehistoric occupation. The first, identified as Locus A, contains intact cultural deposits representing the Early Period, a time span of roughly 3,000 years, from 5450-2550 B.P. The second, Locus B represents the Middle Period, a time span of 1,600 years, from 2550-950 B.P. Additional data from Locus A suggest this locale may also have an earlier Millingstone (9950-5450 B.P.) component. The upper portions of the site have been disturbed to varying degrees by historical development and land use, such that prehistoric materials in these upper strata are mixed with historic materials, indicating that the prehistoric deposit has lost its stratigraphic integrity. Cultural deposits below the level of disturbance, however, particularly in the two identified loci, appear to be intact thus providing important information about prehistoric occupation of the landscape. As noted above, because of the presence of important intact cultural deposits, the site is eligible for inclusion on the CRHP under criterion D: “sites that have yielded, or may be likely to yield, information important in prehistory or history.”

The evaluation also indicates that the site is not uniform, with concentrations of cultural materials interspersed with areas of relatively low levels of material. The depth of historical disturbance also varies widely across the site. Similarly, impacts from the proposed project are widespread with project facilities such as a visitor’s center, outbuildings, restrooms, roads, trails, septic treatment systems (vertical or horizontal), and trails dispersed across the landscape.

Within Locus A, the soil is disturbed at varying depths (40 to 90 cm). Near the Dana Adobe, the depth of disturbance varies from 20 to 40 cm. Ground disturbance occurring at depths of 40 cm or greater (or 20 cm near the Dana Adobe) would impact archaeological features that contribute to the eligibility of the site, and would result in a potentially significant impact. Project components within Locus A include the Rancho outbuildings, caretaker’s residence, shade ramada, arena, overflow parking area, restroom near overflow parking area, onsite septic system, portions of the trail system, landscaping and historical gardens, and portions of the emergency access road.

Within Locus B, the soil is disturbed down to depths of 40 cm. Ground disturbance occurring at depths of 40 cm or greater would impact archaeological features that contribute to the eligibility of the site, and would result in a potentially significant impact. Project components within Locus B include the Chumash Interpretive Area and portions of the trail system.

Grading and construction activities within areas outside of identified Locus A and Locus B would not result in a potentially significant impact to archaeological resources. Project components that are located outside the identified loci include the Visitor's Center and outdoor amphitheater, portions of the trail system, and the Nipomo Creek bridge.

In addition to an evaluation of project impacts, the study considered the applicant's proposed measures to minimize impacts to archaeological resources, including the proposed capping plan and vertical septic systems. Since all areas of the site show evidence of disturbance to between 20 cm to 40cm, and even deeper, the capping plan is unnecessary and provides little additional protection to the deeper, intact, and thus more important portions of the deposit. Elimination of the capping plan would not result in additional significant impacts to cultural resources. In addition, as discussed in Section 4.12 (Issues with Less than Significant Impacts, Wastewater), due to the depth to groundwater, the site may not meet the requirements for a vertical system. Compliance with the Plumbing Code and Central Coast Basin Plan requires a minimum of 10 feet of separation between groundwater and the leach pit or field. Therefore, a horizontal system may be constructed. Based on an assessment of the affected area and characteristics of the archaeological site, the installation of either system would result in similar impacts to archaeological resources within Locus A, and would require implementation of mitigation measures identified below.

Based on the evaluation, implementation of a data recovery program is recommended, which will retrieve important additional and corroborating data from the site that will address regional research questions (i.e., who lived there and how long ago, what kinds of things did people do at the site, why did they choose to inhabit this area, and what was the site's role in the larger system of settlements and camps throughout the region). Data recovery conducted under the recommended program would supplement information obtained during the Phase II Evaluation. The number of excavation units and percentage of recovery was determined based on the estimated volume of the archaeological site and the characteristics and integrity of resources that would be affected by development of the project. The identified percentage is applicable regardless of the final volume of disturbance that would occur during grading activities, because it represents a percentage of the site as a whole.

The data recovery program should include controlled excavations including three 1×1-m excavation units in Locus A and two 1×1-m units in Locus B. All units should terminate at the bottom of the cultural deposit. Material retrieved from these units should be subjected to the full range of analysis, including stratigraphic, chronometric, lithic, faunal, and paleobotanical studies. Methods and findings should be presented in a formal report, which summarizes the data recovery effort, and provides all project data. This effort will provide sufficient information to fully characterize the site, address pertinent regional research questions, and meet the requirements for mitigating impacts to less than significant.

In addition to data recovery within Locus A and Locus B, monitoring is recommended for all initial ground disturbance pursuant to a County-approved Monitoring Plan. Protocols for monitoring include:

- Archaeological monitors will collect formal artifacts and note provenience (source or origin) and context of isolated finds.
- Archaeological monitors will stop construction activities when they encounter potentially significant, intact features; monitors will then quickly evaluate the feature to determine if

it is significant and requires mitigation; monitors will then consult with the project team to determine if the feature can be avoided or if rapid data recovery is required.

- Archaeological monitors will maintain a daily log of activities and findings and will report frequently to the Project team and the Native American community.

In addition, because site CA-SLO-97/142/H contains important and intact cultural deposits, and is likely eligible for the CRHP, Albion recommends the preparation of a project-specific Cultural Resources Treatment Plan, which would apply to all aspects of the project, including on and off-site improvements, utility connections, and road improvements. The purpose of the Treatment Plan is to ensure proper and consistent management of cultural resources and to avoid or significantly reduce damage to the environment and cultural resources. The Treatment Plan would summarize information about known resources; provide an overview of the various prehistoric and historic contexts; and describe proposed collection, excavation, laboratory, curation, and reporting methodologies. Archaeological Treatment Plans are intended to emphasize research and discovery of resources prior to project activities. The Treatment Plan would establish a formal research design for data recovery, define a monitoring strategy, provide methods for the treatment of unanticipated resources discovered during construction, and specify protocols for interaction with the concerned Native American community. The Treatment Plan will serve as the basic background reference for the project, and will provide a programmatic and/or possible specific treatment options. Native American participation is encouraged and should continue as the project progresses.

**CR Impact 1      Proposed grading activities would impact portions of site CA-SLO-97/142/H determined to be eligible for inclusion on the California Register of Historic Places under criterion D: “sites that have yielded, or may be likely to yield, information important in prehistory or history.” This would result in a significant, long-term impact.**

*CR/mm-1      Prior to issuance of grading and construction permits, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Albion Environmental, July 2013). The Phase III program shall include at least the following:*

- a. three control units in Locus A and two control units in Locus B pursuant to the Phase II Archaeological Evaluation of CA-SLO-97/142/H (Albion Environmental, July 2013);*
- b. standard archaeological data recovery practices;*
- c. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be 0.01% of the total volume (disturbed and non-disturbed matrix) in Locus A and 0.05% of the total volume (disturbed and non-disturbed matrix) in Locus B. The sample size shall include 0.04% of the volume of undisturbed site*

deposit in Locus A and 0.05% of the volume of undisturbed site deposit in Locus B. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.

- d. identification of location of sample sites/test units;
- e. detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- f. disposition of collected materials;
- g. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results; and,
- h. list of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented during construction. **Prior to final inspection/occupancy**, the applicant shall provide to the County a final report on the investigation work conducted during construction.

CR/mm-2

Prior to issuance of grading and construction permits, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a project-specific Cultural Resources Treatment Plan. The Treatment Plan shall incorporate by reference the County-approved Phase III data recovery plan and County-approved Monitoring Plan. The Treatment Plan will serve as the basic background reference for the project, and will provide a programmatic and/or possible specific treatment options. Specifically, and at minimum, the Treatment Plan shall contain the following:

- a. Compilation of background data;
- b. Regional research questions (e.g., who lived there and how long ago; what kinds of things did people do at the site; why did they choose to inhabit this area; what was the site's role in the larger system of settlements and camps throughout the region);
- c. Data recovery methodology, including field methods, analysis, reporting;
- d. Monitoring program;
- e. Strategies for the treatment of unanticipated discoveries;
- f. Protocols for continued consultation with interested Native American participants; and,
- g. Guidelines for long-term curation.

*CR/mm-3 Prior to issuance of grading and construction permits, the applicant shall submit a Monitoring Plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:*

- a. list of personnel involved in the monitoring activities;*
- b. inclusion of involvement of the Native American community, as appropriate;*
- c. description of how the monitoring shall occur;*
- d. description of frequency of monitoring (e.g., full-time, part time, spot checking);*
- e. description of what resources are expected to be encountered;*
- f. description of circumstances that would result in the halting of work at the project site (e.g., What is considered “significant” archaeological resources?);*
- g. description of procedures for halting work on the site and notification procedures;*
- h. provisions defining education of the construction crew;*
- i. protocol for treating unanticipated finds (refer to Treatment Plan); and,*
- j. description of monitoring reporting procedures.*

*CR/mm-4 Prior to ground disturbance and construction activities, in consultation with a County-approved archaeologist, the applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.*

*CR/mm-5 During all initial ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all initial earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources not previously identified in the Monitoring and Treatment Plan, or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an*

*archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.*

*CR/mm-6 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the qualified archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.*

### Residual Impacts

The recommended mitigation plan emphasizes additional data recovery in two locations at the site. A well-planned, focused data recovery program will mitigate any adverse project effects to less than significant. The Phase II evaluation program has provided a baseline from which to develop a fine-grained data recovery methodology; however, in and of itself, it is not sufficient to mitigate adverse impacts to the resource. Data recovery is an accepted mitigation measure, whereby the data potential of a resource is retrieved through controlled excavation, full analysis, and reporting. In addition, a project-wide monitoring program is recommended for all activities requiring ground disturbance. Many of the project components will require minimal ground disturbance, likely within the vertical zone of disturbed soils. Other components will require deeper impacts, potentially into intact site strata. The monitoring program will address any significant features discovered during project development with a rapid evaluation, and if necessary, expedited data recovery effort. Based on incorporation of mitigation measures identified above, residual impacts would be *less than significant with mitigation (Class II)*.

### Disturb Historical Resources

The County LUO includes the following required findings for approval for land use permit applications within a Historic (H) combining designation related to a historic structure:

- (1) The height, bulk, location, structural materials, landscaping and other aspects of the proposed use will not obstruct public views of the historic structure or of its immediate setting;
- (2) Any proposed alteration or removal of structural elements, or clearing of landscaping or natural vegetation features will not damage or destroy the character of significant historical features and settings;
- (3) Any proposed remodeling or demolition is unavoidable because it is not structurally or economically feasible to restore or retain existing structures or features.

Implementation of the project will include continued restoration of the Dana Adobe and associated historical features, consistent with Secretary of the Interior Standards. Interpretive and educational amenities will further educate the public about this significant historic resource, and encourage future restoration and preservation. Use of the Old Stagecoach Road will represent an impact and a thorough documentation and attempt to establish its alignment and construction is recommended. Continued preservation and restoration of historic structures and features (i.e., tallow vat, barn foundation) is included in the proposed project.

**CR Impact 2**      **Proposed grading and construction activities may result in in advertent adverse effects to historical features associated with the Dana Adobe, resulting in a significant, long-term impact.**

*CR/mm-7*      *Upon application for construction permits for development on the 30-acre site, the applicant shall submit plans verifying the preservation of documented historic resources onsite, including the tallow vat, retaining wall, barn foundation, and windmill (refer to CRMS 2011).*

*CR/mm-8*      *Upon application for construction permits for development on the 30-acre site, additional study including archival and field investigation shall verify the presence of the stagecoach roadbed. In the event the presence of the roadbed is determined, the applicant shall avoid the resource to the maximum extent feasible, and the site shall be addressed pursuant to the approved Phase III Data Recovery Plan and Monitoring Plan.*

Residual Impacts

Based on the proposed continuation of preservation and restoration of the Dana Adobe, preservation and incorporation of elements consistent with the historical context of the structure and surrounding views, educational facilities to encourage historic preservation, and separation of uses (i.e., Dana Adobe and Visitor’s Center), implementation of the project would not impair the integrity of the Dana Adobe or result in a significant adverse effect to the historic resource. In addition, the proposed project appears to meet the Historic finding requirements identified above. Based on incorporation of mitigation measures identified above, residual impacts would be *less than significant with mitigation (Class II)*.

Disturb Paleontological Resources

No paleontological resources were noted onsite; however, significant resources may be encountered at a depth of 6 feet within the Diablo clay, Diablo and Cibo clays, Marimel silty clay loam, Tierra loam, or Zaca clay soil units. Impacts may occur upon installation of septic systems.

**CR Impact 3**      **Proposed grading and construction activities may result in in advertent adverse effects to paleontological resources, resulting in a significant, long-term impact.**

*CR/mm-9*      *In the event ground disturbance exceeds 6 feet in depth within Diablo clay, Diablo and Cibo clays, Marimel silty clay loam, Tierra loam, or Zaca clay, the applicant shall retain a qualified paleontologist to monitor initial excavation activities. Upon completion of all monitoring/mitigation activities, and prior to final inspection, the consulting paleontologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met and include analysis of all discoveries.*

Residual Impacts

Based on implementation of monitoring during deep ground disturbance (if proposed within these identified soil units), potential impacts would be *less than significant with mitigation (Class II)*.

#### **4.4.6 Cumulative Impacts**

The Nipomo Mesa and Los Berros areas contain more square meters of light density cultural deposits than any other areas in southern San Luis Obispo County (Gibson 2006). Documented surveys indicate a seasonal pattern of occupational movement between interior regions near oak woodland and along good sources of water to the coastal dunes, and permanent habitation sites in key locations. Past and current developments in the immediate region have impacted archaeological sites and degraded the value of cultural materials by direct disturbance, removal of artifacts during testing, displacement, and looting. The individual effects to separate, known, significant archaeological sites in the South County area combined with the incremental effect of the proposed project's significant and unavoidable effect to archaeological resources collectively result in a significant and unavoidable cumulative impact to archaeological resources. Implementation of the proposed project would contribute to the cumulative degradation of significant archaeological resources in the South County area. The LUO requires protection of cultural resources, and the County typically requires implementation of mitigation measures including avoidance by design, intensive field investigations such as testing and data recovery programs, monitoring during construction, and long-term protection of known sensitive areas. As proposed and with incorporation of identified mitigation measures, implementation of the proposed project would not result in a significant, adverse impact to historic, archaeological, or cultural resources. Potential impacts would not be cumulatively considerable, and in the long-term, the proposed project provides an opportunity for further education facilitating the protection of cultural resources in the County. Therefore, potential cumulative impacts would be *less than significant (Class III)*.