

4.2 CULTURAL RESOURCES

This section summarizes the results of the cultural resources study and background research conducted for the project. The information in this section is based on an Archaeological Resources Survey and Impact Assessment study conducted by Central Coast Archaeology (Lee 2006), background research conducted by the Central Coast Information Center (CCIC) at the University of California, Santa Barbara, and a Sacred Lands File search from the California Native American Heritage Commission (NAHC). Due to the sensitive nature of archaeological sites and the potential for damage or destruction of these resources through uncontrolled public disclosure of information, specific locations are not disclosed in the EIR. The Archaeological Resources Survey and Impact Assessment study is available for review by qualified persons at the County of Department of Planning and Building.

4.2.1 Existing Conditions

4.2.1.1 Pre-Historic (Archaeological) Resources

The project corridor is within the territory historically occupied by the Obispeño Chumash, the northernmost of the Chumash Hoken speaking peoples of California. Pre-historic marriage patterns and post mission settlement patterns have also identified Salinan people living in the northern portions of San Luis Obispo County. Archaeological evidence has revealed that the ancestors of the Obispeño settled in San Luis Obispo County over 9,500 years ago.

Background Research

The results of the records search from CCIC revealed that five previously recorded cultural resources are located within 0.5 mile of the project site. None of these, however, is located adjacent to or within the project site. In addition, the search revealed that 39 cultural resources studies have been conducted within 0.5 mile of the project site, none of which included the subject property.

On December 22, 2010, SWCA sent a letter via facsimile to the NAHC requesting a search of the Sacred Lands File and a contact list of local Native American representatives. The response letter, dated December 28, 2010, from Ms. Katy Sanchez, states that a known prehistoric archaeological site, CA-SLO-129, is located within the vicinity of the project. A review of the records search conducted for the project by the CCIC, and previous NAHC consultation for a study conducted by SWCA in the vicinity, indicates that CA-SLO-129 is *not* located within the current project site (Dietler and Laurie 2010; Lee 2006). While exact locations of archaeological sites are not to be disseminated to the public, the resource is located well outside the project site, at a distance of approximately 0.5 mile. As such, the current project will have no adverse impact to CA-SLO-129.

A letter was sent to each of the 23 representatives provided by the NAHC on December 29, 2010. No responses were received.

Results of 2006 Archaeological Resources Survey and Impact Assessment Study

The Archaeological Resources Survey did not identify the presence of any prehistoric cultural remains on the surface of the project site (Lee 2006). As a result, Mr. Lee concluded that no additional cultural resources study was warranted at the time and that the proposed project would have no impacts to cultural resources.

Subsequent geotechnical studies included boring and trenching excavations within the project site (Cleath and Associates 2006; GSI Soils, Inc. 2007). Cleath and Associates identified the presence of marine shell, which is commonly associated with archaeological sites in the area, in the HA-3 boring (Cleath and Associates 2006). GSI Soils, Inc. (2007) identified the presence of marine shell in Trench T-2, which was placed adjacent to boring location HA-3. Marine shell was observed within a sandy soil matrix in both, at depths of approximately 56 feet below the ground surface. Cleath and Associates (2006) described the layer of sandy soils, in which the shell was observed, as fill soil.

In a response to a review of the project by county staff, Lee (2007) concluded that the marine shell observed during the geotechnical investigations did not constitute an intact archaeological deposit. He states that “(m)aterials associated with those of prehistoric midden remains (bone, lithic tools, chipping waste) were not present within the sand cortex where marine shell was noted” (Lee 2007:3). Shell fragments within fill soils do not, by themselves, constitute a significant cultural resource as described in the regulatory section below. A field survey was conducted by the EIR archaeologist during peer review of the reports provided by the project applicant. No cultural materials were observed.

4.2.1.2 Historic Resources

No built environment or historic structures are present within the project site.

4.2.1.3 Paleontological Resources

The underlying geologic formation is the Franciscan formation (U.S. Geological Survey [USGS] Map of California, San Luis Obispo Edition 1958). This formation is Jurassic in age (approximately 150 to 144 million years ago). Most of the Franciscan formation occurs as metamorphic rocks that have been deformed to a point that any fossils that may have been present are no longer recognizable. No paleontological resources are known to exist within the project site and vicinity.

4.2.2 Regulatory Setting

4.2.2.1 Federal Policies and Regulations

Authorized under the National Historic Preservation Act (NHPA) of 1966, 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, and culture. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

4.2.2.2 State Policies and Regulations

California Environmental Quality Act

CEQA requires a lead agency to determine whether a project may have a significant effect on archaeological resources. Section 21083.2(g) describes a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets 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.

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 CCIC under contract to the OHP 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 government and supplies lists of consultants qualified to do historic preservation fieldwork within the area. The California Archaeological Site Inventory is the collection of Site Records, which has been acquired and managed by the Information Centers and the OHP since 1975.

Senate Bill 18 Consultation

Senate Bill 18 (SB 18) was signed into law in September 2004 (effective January 2005), and requires local governments (city and county) to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The State Tribal Consultation Guidelines (November 2005) states that the intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government.

Local governments are required to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. Applicable planning decisions include the adoption and amendment of general plans and specific plans. The proposed project is not a general plan or specific plan amendment; however, due to the presence of significant archaeological resources in the region, significant consultation with Native American tribes was conducted (refer to Appendix A).

4.2.2.3 Local Policies and Regulations

County of San Luis Obispo Coastal Zone Land Use Ordinance

The CZLUO includes ordinance requirements for the protection of known cultural resources, and implementation of mitigation measures to minimize potential impacts to known and unknown resources.

Section 23.05.140 of the CZLUO states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. *Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, 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 is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.*

In addition to General Plan and ordinance requirements, Coastal Plan Policies address the protection of cultural resources consistent with the requirements of the CCA (1976). The project site is not located within the Archaeologically Sensitive (AS) combining designation, as mapped by the County Estero LUE and LCP.

4.2.3 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 CRHR 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.

4.2.4 Impact Assessment and Methodology

The impact assessment below is based on the results of the previously prepared cultural resources study, subsequent correspondence, and the study's conclusions and recommendations, which was prepared by a qualified cultural resources consultant.

In addition to a search of the CCIC's archives, the following sources of information, along with official maps and records were consulted:

- NRHP – Listed Properties (2006)
- CRHR (2006)
- California Inventory of Historical Resources (1976)
- California State Historical Landmarks (1996 and updates)
- California Points of Historical Interest (1992 and updates)
- OHP Historic Property Directory and Determinations of Eligibility (2006)
- NAHC Sacred Lands File

4.2.5 Project-specific Impacts and Mitigation Measures

4.2.5.1 Pre-historic Resources

The project site is located within a culturally sensitive region; however, the field studies and background research conducted by the applicant's consultant and EIR archaeologist did not identify the presence of any significant cultural resources within the project site. As with any ground disturbing activities, the potential for encountering previously undocumented cultural resources exists. In the event of inadvertent discovery, compliance with Section 23.05.140 of the CZLUO will be required. Potential impacts to pre-historic resources would be *less than significant* (Class III).

4.2.5.2 Historic Resources

No historic resources are located within the project site or within 0.5-mile. No impacts to historic resources are anticipated, therefore, no mitigation measures are required.

4.2.5.3 Paleontological Resources

The proposed project would be located within formations that are not known to contain significant paleontological resources. Impacts to paleontological resources would be *less than significant* (Class III). No mitigation is required.

4.2.6 Cumulative Impacts

The destruction of cultural resources can have the potential for significant cumulative impacts as they are inherently important to the descendants of native peoples and make the study of pre-historic and historic life unavailable for study by scientists. Given the prevalence of cultural resource sites in San Luis Obispo, and the number of construction activities that involve disturbance of archaeologically sensitive areas that are not regulated, it is likely that significant

pre-historic and historic resources are often not identified and are permanently lost. For the proposed project, no prehistoric archaeological resources were identified with the project site, and implementation of the proposed project would not contribute to the cumulative degradation of significant cultural resources in the County. Based on lack of significant resources at the project site, and compliance with the CZLUO, potential cumulative impacts resulting from the proposed project are considered *less than significant* (Class III). No additional mitigation is required.