

3.5 CULTURAL RESOURCES

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Cultural resources can reflect the history, diversity, and culture of the region and people who created them. They are unique in that they are often the only remaining evidence of the activity that occurred historically. San Luis County is rich in cultural resources that could be affected by development of renewable energy projects without adequate protections in place. This section of the EIR considers and evaluates the potential impacts of the Renewable Energy Streamlining Program (RESP or Program) on cultural resources. Cultural resources encompass archaeological, traditional, and built environment resources, including but not necessarily limited to buildings, structures, objects, and sites. Cultural resources include sites of important events, traditional cultural places and sacred sites, and places associated with an important person.

In this document, cultural resources are classified by their origins as follows: prehistoric resources, historic-era resources, and ethnographic resources. Prehistoric resources are associated with the initial human use and occupation of the San Luis Obispo County region prior to prolonged European contact. In the county, the prehistoric period began over 12,000 years ago and extended through the eighteenth century until about 1772 when the Spanish Mission at San Luis Obispo was established.

Historic period resources are associated with European and Euro-American exploration and settlement of the area and the beginning of a written historical record for the region, and can include any historic resource that is at least 50 years old, including built-environment resources such as structures or portions of structures. Built-environment resources are a type of historic period resource and are architectural in nature.

Ethnographic resources are those resources that are of importance to a specific group of people (e.g., Native Americans, Hispanic Americans, Mormons, or African Americans) and are sometimes also referred to as traditional cultural properties. The identification of ethnographic resources is best accomplished through archival research and consultation with those groups who derive cultural importance from the place and, ideally, ethnography of those groups of concern. These resources encompass a broad range of resource types, such as prehistoric and historic archaeological sites, ceremonial areas, traditional collection areas, or places of political, religious, or historical importance.

Paleontology is defined as a science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains as well as fossil localities and formations that have produced fossil material. Such locations and specimens are important nonrenewable resources. The California Environmental Quality Act (CEQA) offers protection for these sensitive resources and requires that they be addressed during the environmental impact report process.

3.5.1 PHYSICAL SETTING

The setting discussion for cultural resources in the Renewable Energy (RE) Combining Designation areas addresses the prehistory, ethnography, and history of San Luis Obispo County. In addition, current Native American concerns are discussed. While some EIR sections discuss the setting by planning area, cultural resources are best addressed for the county as a whole. The identification and evaluation of cultural resources can only be accomplished through pedestrian survey of a project area because each and every cultural resource site is unique in its location, preservation of artifacts and features, and extent of its boundaries.

Only a small portion of the county has been surveyed; therefore, only a small portion of the cultural resources present within the county have been identified. However, with recent

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technological developments, especially in geographic information systems (GIS), cultural resource data is becoming more useful for large-scale planning purposes.

Archaeological site records in California are housed at ten independently run, regional depositories, and these Information Centers are currently in the process of digitizing the site records and reports, and plotting the location of sites and surveys in GIS programs. GIS analysis of this data, once it is entirely digitized and operational (estimated to be accomplished in four to eight years, would provide myriad opportunities for querying the data, such that correlations between sites and environmental variables can provide a predictive power with a high degree of confidence in those predictions.

PREHISTORY

The prehistory of the Central Coast, including San Luis Obispo County, is divided into seven periods: Paleo-Indian (pre 8000 cal BC), Millingstone Horizon (8000 to 3500 cal BC), Early Period (3500 to 600 cal BC), Middle Period (600 cal BC to cal AD 1000), Middle/Late Transition (cal AD 1000 to 1250), and Late Period (cal AD 1250 to 1769). The Early, Middle, and Late Periods are largely defined by distinctive shell bead types as well as changes in the daily lives of the people who used them.

Sites representing all of these periods are present in the county. Prehistoric site types include but are not limited to rock art, lithic scatters, shell middens, bedrock milling features, burials, hearths, pits, quarries, and trails.

The Paleo-Indian Period consists of the earliest evidence of human occupation of the Central Coast. It began relatively soon after the subsidence of the glacial areas from the high elevation portions of Northern California and during a time of great climatic and environmental changes (Erlandson et al. 2007; Jones and Klar 2007; West et al. 2007). Three major cultural traditions appear in California during this time: the Paleocoastal tradition, a coastal tradition identified by microlith technology and barbed projectile points; the Western Stemmed Point tradition, an interior tradition identified by stemmed points; and the Clovis tradition, an interior tradition identified by fluted points (Erlandson and Braje 2012).

Sites from this time period are very rare. However, isolated fluted projectile points have been found near Nipomo and Santa Margarita. At least seven other sites from this time period have been identified in the county along the coast and in the interior. These include caves, campsites near springs, coastal shell middens, burials, and lithic scatters. Scholars consider these sites to be the earliest, most extensive, and best documented records of maritime activity in the Americas (Erlandson et al. 2007).

The Millingstone Horizon is characterized by subsistence strategies focused on shellfish, the adoption of stone tools used for grinding grain and seeds (milling stones, slabs, handstones, etc.), and reduced numbers of lithic artifacts such as projectile points. The adoption of milling stones indicates that the people relied more heavily on a seed- and grain-based diet (Jones et al. 2007).

Millingstone occupations along the Central Coast have been recognized at more than 42 sites in a range of settings including rocky coasts, estuaries, and near-shore interior valleys. Few Millingstone sites have been found farther than 25 kilometers (16 miles) inland from the shore, and most contained marine shells, indicating that the site inhabitants also exploited coastal environments (Jones et al. 2007).

Early Period sites along the Central Coast are characterized by thick, rectangular (Class L) *Olivella* shell beads, continued use of milling slabs, and the initial adoption of mortars and

pestles, indicating greater use of labor-intensive nut crops. Inter-regional trade, indicated by small amounts of obsidian, also began during this period.

People lived increasingly sedentary lifestyles and relied heavily on fish and land mammals rather than shellfish (Jones 2003). Early Period sites are present along the coast and in the interior of the county, but the total number is unknown since the entire county has not been surveyed. However, research suggests that all of California supported a relatively high population density beginning in this period. As such, Early Period sites are expected to be common throughout the county.

The Middle Period sites along the Central Coast are marked by normal saucer (G2) *Olivella* shell beads. Diet, subsistence technology, and settlement patterns shifted during this time. There was an increase in fishing, with the associated adoption of new fishing technology, particularly shell fishhooks and the plank canoe (*tomol*). In addition, there was an increased reliance on mortar and pestles, indicating the increasing importance of acorns in the diet (Jones et al. 2007).

Both the coastal and interior sites were occupied year-round; however, coastal groups migrated inland during the fall (Jones 2003). Inter-regional trade was at its peak during this period, with the Central Coast importing obsidian and other raw materials for stone tool and exporting otter and rabbit hides. The total number of Middle Period sites in San Luis Obispo County is unknown, but research suggests they are numerous.

The Middle/Late Transition Period is characterized by the first adoption of the bow and arrow as well as mortars fitted with a basketry hopper. In contrast to other parts of California, during this period the Central Coast shows a decrease in the quantity and diversity of obsidian artifacts and a decrease in otter bones. This pattern suggests that regional trade networks may have broken down (Jones 2003).

Late Period artifact assembles are characterized by lipped (Class E) and cupped (Class K) *Olivella* shell beads, as well as the appearance of Desert Side-Notched and Cottonwood arrow points, small bifacial bead drills, bedrock mortars, steatite disk beads, and small serrated arrow points. While some large settlements were present on the coast, Late Period sites are more commonly located in the interior, typically with small middens and associated bedrock mortars.

This period is also marked by increasing social and political complexity and the use of shell beads as currency. During this period, Native American groups first encountered Europeans (Jones et al. 2007). **Figure 3.5-1** is a map showing the location and names of Chumash towns in San Luis Obispo County when the Europeans first arrived.

ETHNOGRAPHY

San Luis Obispo County is located in the area historically occupied by the Obispeño Chumash, Yokuts, and Salinan. These people shared a greater number of cultural traits with their Salinan neighbors to the north than with their Chumash language-group relatives of the Santa Barbara Channel region to the south. Obispeño Chumash hunter-gatherers made a variety of stone, bone, and shell tools and used vegetal materials such as tule balsa for canoes, and various grasses and thatch for construction of houses and sweat lodges.

The center of Obispeño Chumash sociopolitical organization was the village headman. This powerful authority figure waged wars, redistributed food resources and wealth items, resolved internal conflicts, and was rewarded with multiple wives and tributes consisting of food and various goods. During the Mission Period (discussed in more detail below), Native Americans

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from 19 coastal villages within a 20-mile radius of Morro Bay were relocated to Mission San Luis Obispo farther inland.

While difficult to calculate due to unknown impact of European disease on the Chumash, the population at the time of contact is estimated to have been between 18,000 and 20,000 people (King 1990). By 1900, their population had dropped to about 200, while current estimates of Chumash people today average around 5,000 (NPS 2014).

The Salinan occupied the mountainous area north of the Chumash in the northwest portion of the county. Semi-sedentary hunter-gatherers, they lived in small groups mainly along rivers and creeks and occasionally along the coast. Subsistence consisted of hunting and gathering, exploiting the environment around them, and using acorns as their staple food. They used a variety of tools, including bows and arrows, handstones and milling stones, mortars and pestles, basketry items, shell fish hooks, bone awls, and spears.

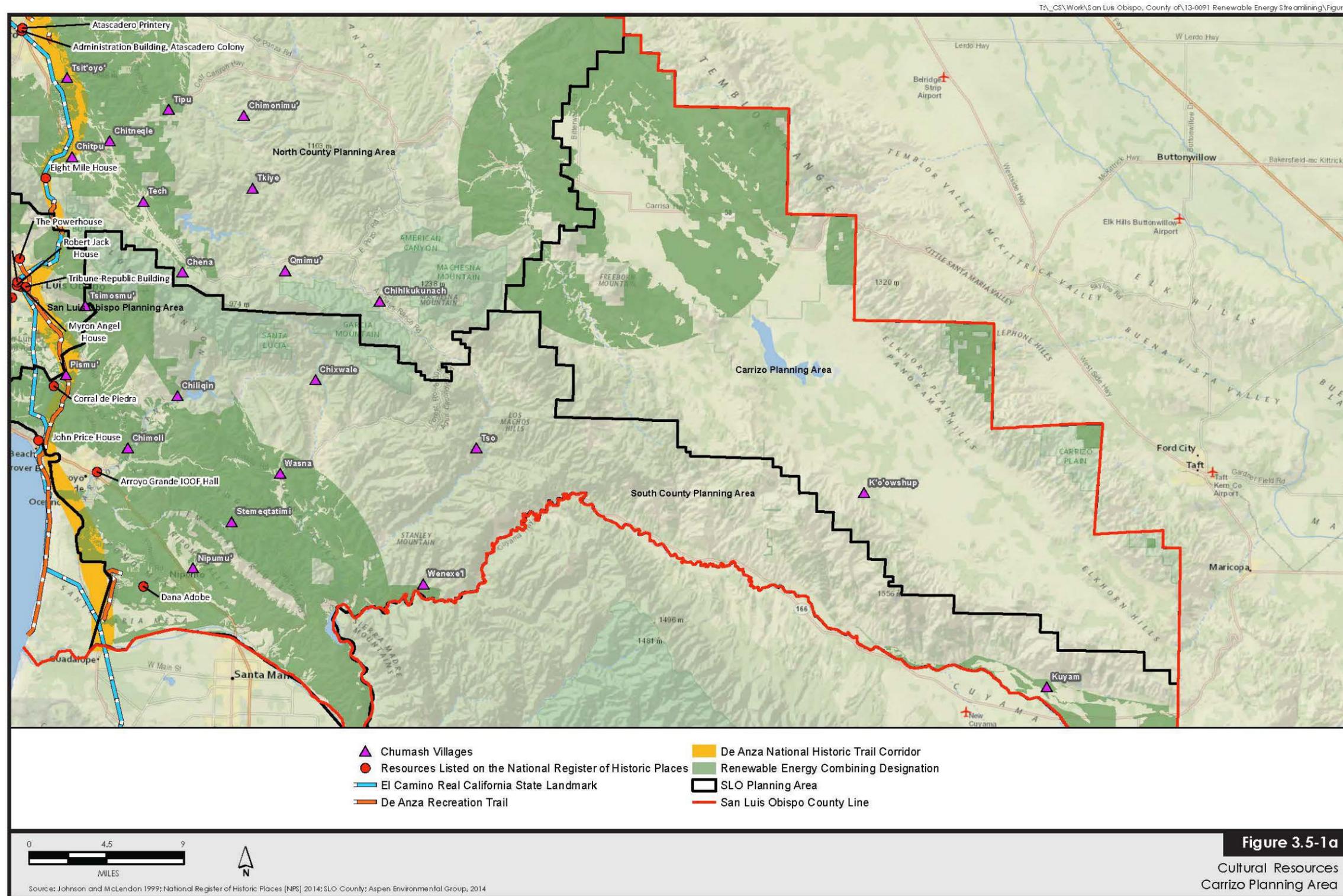
The Salinan traded with the Chumash in the south and the Yokuts to the northeast, often providing a trading stop between the two groups. The Salinan people were not contacted by Europeans until 1769 during the Portola Expedition, at which point the Spanish estimated their population to be around 2,000. During the Mission Period, the Salinans populated the areas near Mission San Antonio de Padua and Mission San Miguel. Like other Native groups, they were decimated by disease until, by 1831, only 700 individuals were recorded (Kroeber 1976). Today, the Salinan Tribe is recognized by the State of California with more than 400 members and has submitted an application for federal recognition.

HISTORY

The Historic Period in California can be divided into three parts: the Spanish Period (1769–850), the Mexican Period (1821–1848) and the American Period 1848–the present). Some of the resource types associated with the Historic Period include but are not limited to any standing structure or building, structure foundations, outhouse pits, trash scatters, wells, canals, ditches, dams, mines, walls, fences, and railroad tracks.

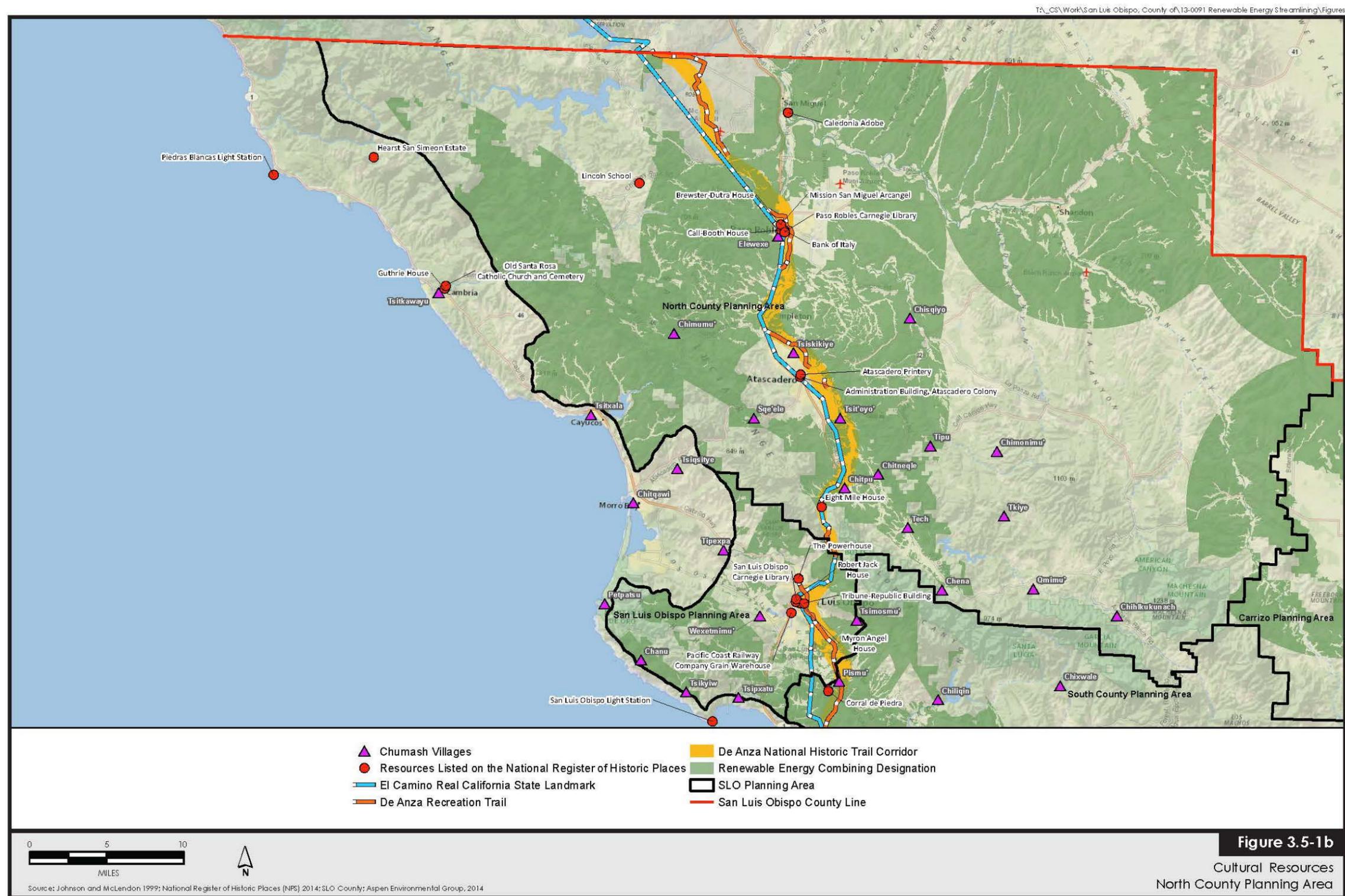
The Spanish began explorations of the California coast in 1542, but long-term exploration of the coast and inland regions did not occur until the Portolá overland expedition in 1769 that stopped in San Luis Obispo near Pismo Beach (Jones et al. 2007). The Chumash were occupying the coastal area, living in a large number of small autonomous groups (Kroeber 1976).

Mission San Luis Obispo de Tolosa was founded by Father Junipero Serra in 1772 and constructed by the local Native American population. In 1805 more than 900 Native Americans lived at the mission. The Santa Margarita de Cortona Asistencia was established in 1787 as an asistencia (“sub-mission”) to Mission San Luis Obispo de Tolosa to minister to the large number of Indians who inhabited the area. The facility also served as an outpost, chapel, and storehouse. Additionally, the Mission padres and Indians conducted extensive grain cultivation. Mission San Miguel Arcángel was established 1797 by the Franciscan order, on a site chosen specifically due to the large number of Indians that inhabited the area, whom the Spanish priests wanted to evangelize. The current building, built in 1804, is well known for the original wall paintings by artist Esteban Munras and other Native American artists.



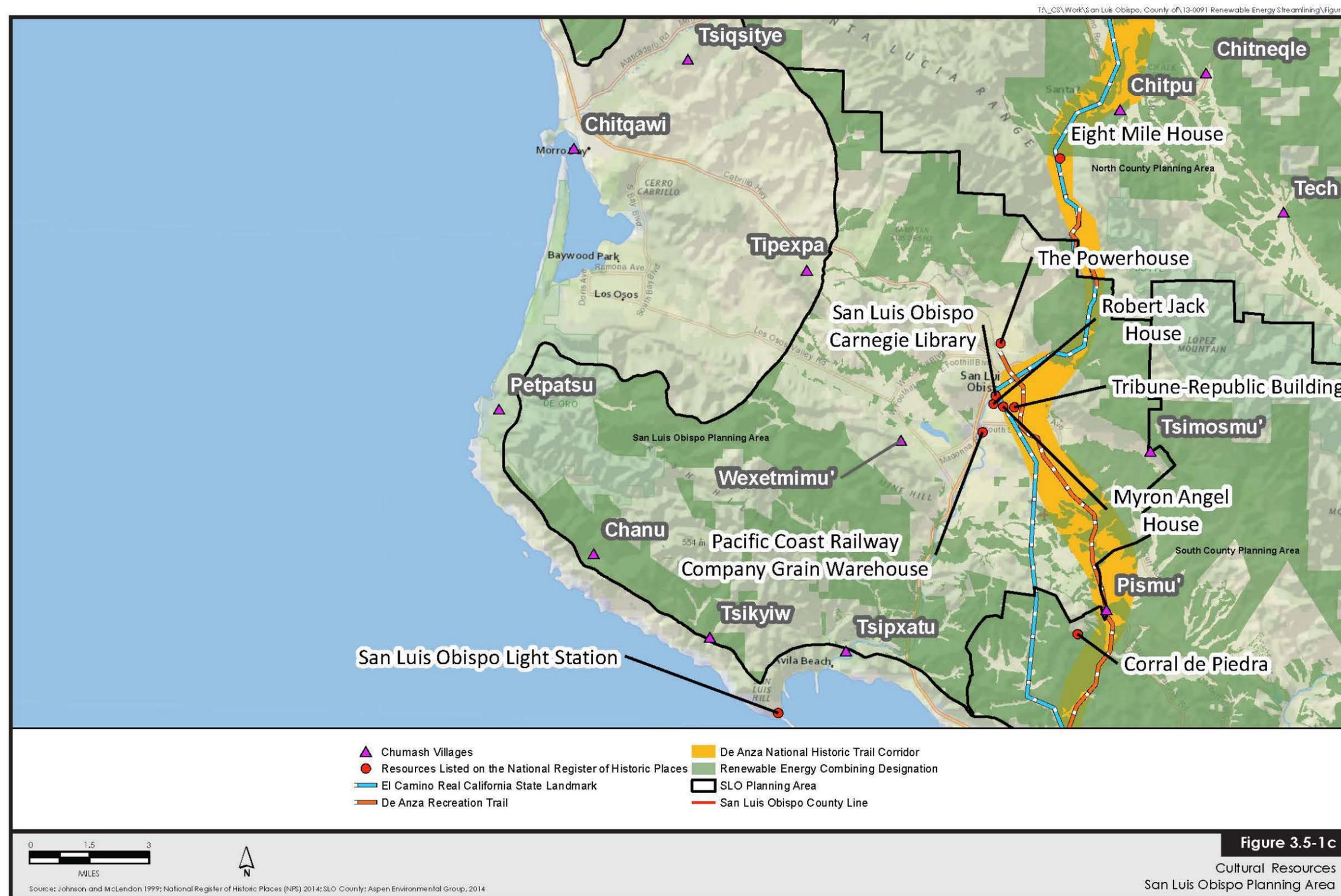
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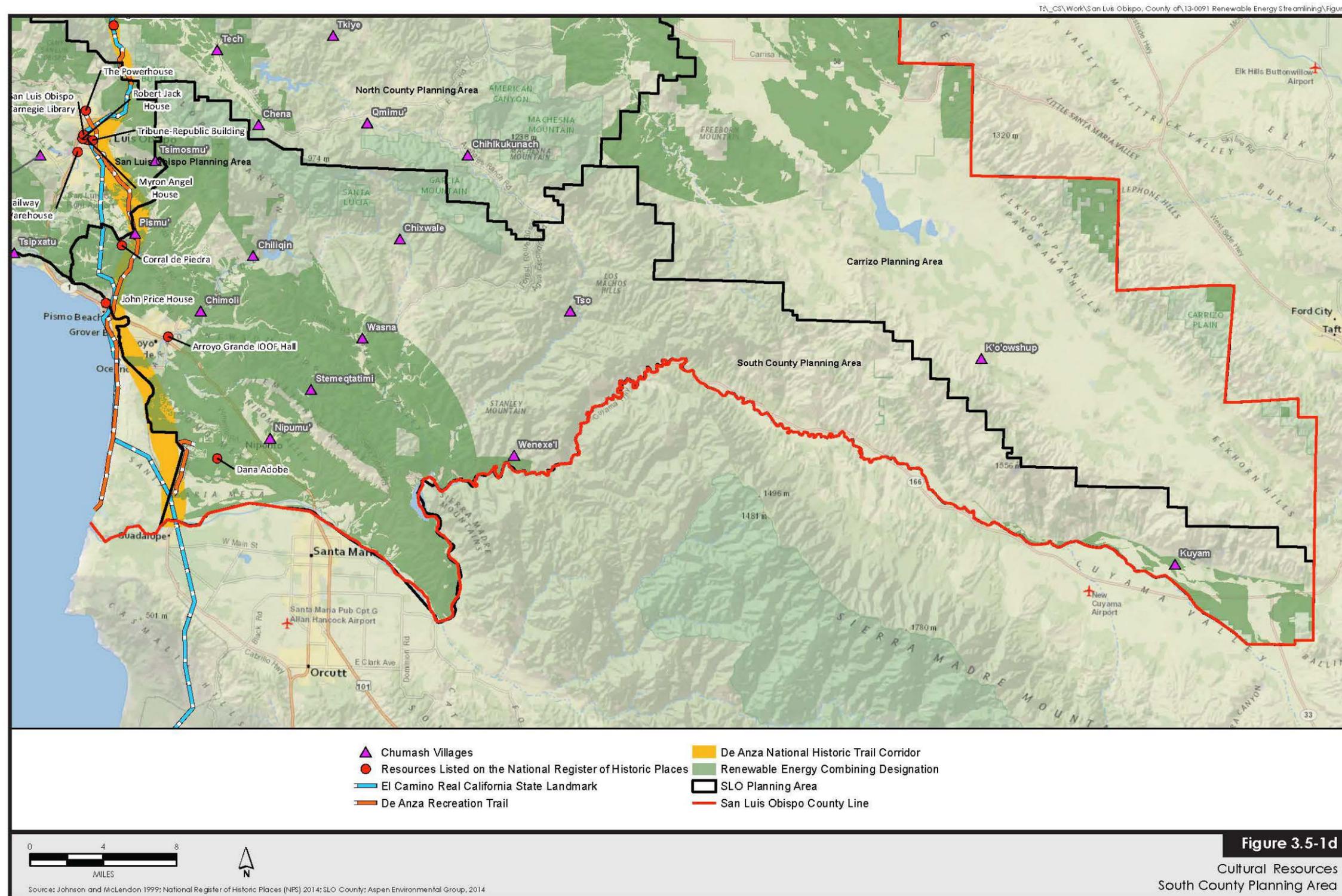
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In 1822, Mexico achieved independence from Spain, and California became an outpost of the Mexican Republic. The Secularization Act of 1833 caused the missions to be disbanded. This allowed Mexican governors to give large land grants to civilians and former military personnel, parceling out the former mission lands into ranchos (Mission San Luis Obispo 2014). Thirty-four land grants were awarded in San Luis Obispo County, mainly along the coast. By the 1840s, there was a steady migration of American settlers into California. Unable to stop the incursion, the Mexican government granted citizenship to all who would pledge to follow Mexican law. Many of these foreigners received land grants on which they established grazing and commercial operations. By this time, disease and the destruction of their native subsistence patterns had decimated the Chumash populations, forcing the remaining population to look for work at the local ranches.

War broke out between the United States and Mexico in May 1846, with some decisive battles occurring in California. The American victory over Mexico was formalized in February 1848 with the signing of the Treaty of Guadalupe Hidalgo, and Mexico ceded all its land holdings north of the Gila and Rio Grande rivers to the United States. In 1848 the discovery of gold at Sutter’s Mill in Northern California, near Sacramento, kick-started the California Gold Rush. In 1850 California was granted statehood and its first 27 counties, including San Luis Obispo, were established. The discovery of gold in the La Panza district in the eastern part of the county brought a rush of miners to San Luis Obispo County.

Completion of the transcontinental railroad in 1869 and later the reach of the Southern Pacific Railway and the Atchison, Topeka and Santa Fe Railway into Southern California in 1876–1877 spurred a development boom across the state. The Southern Pacific reached the county in 1901. Another key rail line in the county included the Pacific Coast Railway, constructed in 1876. Shipping and transportation via rail and ship allowed for related business development to take place along the shoreline and interior areas of Southern California. As a result, the ranchos gave way to townsite developments and resort destinations. Today the county is relatively rural with an emphasis on agriculture and tourism.

In the San Luis Obispo County General Plan, historic sites are designated as areas of unique historical significance for land use planning purposes. As discussed previously, all of the historic archaeological sites and buildings in San Luis Obispo County have not been identified. However, the County’s Historic Site (H) designations include the locations listed in **Table 3.5-1**.

**TABLE 3.5-1
CULTURAL RESOURCES WITH A SAN LUIS OBISPO COUNTY HISTORIC SITE (H) DESIGNATION**

| | |
|---|---|
| Adelaida Cemetery | Los Osos Schoolhouse |
| Adelaida School (1917) | The Lull House (Cambria) |
| Adobe Barn – Los Berros | Lyman House (Cuesta Grade) |
| Arthur Beale House Nitwit Ridge (Cambria) | Marre House (c. 1932) (Avila Beach) |
| Avila Valley Historic Site | Geneseo School |
| The Bank of Cambria | Mission San Miguel Archangel |
| Banning School (El Chorro Park) | Mission Santa Margarita de Cortona Asistencia |
| Bethel Lutheran Church (Templeton) | Octagon Barn (SLO) |
| Bianchini House (Cambria) | The Olallieberry Inn (Cambria) |
| The Bluebird Motel (Cambria) | The Old Santa Rosa Chapel (Cambria) |

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| | |
|---|--|
| The Brambles Restaurant (Cambria) | Old St. Joseph's Church (Nipomo) |
| The Bucket of Blood Saloon (Cambria) | Pacific Crest Railroad Depot Site (Nipomo) |
| C. H. Philips House (Templeton) | The Paul Squib House (Cambria) |
| Camozzi's (Cambria) | Port San Luis Lighthouse (1890) |
| Canet Adobe (Estero) | Porter Ranchhouse (1890) |
| Captain James Cass House Complex (Cayucos) | Pozo Saloon |
| Carroll's Blacksmith Shop (Cambria) | Price Adobe (Pismo Beach) |
| Cayucos Pier | Rancho Huasna (Isaac Sparks Adobe) (1850) |
| Chandler House-Webster (Creston) | The Red House (Cambria) |
| Coffee T. Rice House (Oceano) | Rigdon Hall Restaurant (Cambria) |
| Creston Cemetery | Rinconada School |
| Creston Community Church | Rios Caledonia Adobe – San Miguel |
| Dana Adobe (Nipomo) | Robin's Restaurant (Cambria) |
| Dana Home (Nipomo) | Rotta Winery (Adelaida) |
| Eight-Mile House & Stagecoach Road (Cuesta Grade) | Runels Home – Dana Street (Nipomo) |
| Estrella Adobe Church | San Marcos Cemetery (c. 1889) (Adelaida) |
| The First Presbyterian Church (Cambria) | The Sebastian Store (San Simeon) |
| Hansen Barn (Bishop Peak) | Soto's Market (Cambria) |
| Hearst Castle (San Simeon) | Southern Pacific Railroad Depot (Oceano) |
| Hearst Ranch Headquarters (San Simeon) | Spooner Residence (Montana de Oro) |
| Heart's Ease (Taylor House) (Cambria) | Tar Springs Ranch (Huasna) |
| Huasna School (1907) | Temple of the People (Halcyon) |
| Ian's Restaurant (Cambria) | The Thorndyke House (Cambria) |
| Independence School (SLO) | Tognazzini General Store (Edna) |
| J. F. MacGillivray Residence (c. 1879) (Adelaida) | Van Gordon Archaeological Site (Cambria) |
| The Leffingwell House (Cambria) | Vasquez-Hollister Adobe (Cuesta College) |
| Linne School | Willow Creek Cemetery (c. 1911) (Adelaida) |
| Louis Maggetti House (Cambria) | York Mountain Winery (1882–1890) |
| Los Berros Schoolhouse | |

Source: SLO County 2010

PALEONTOLOGY

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. In addition, fossils provide important chronological information used to interpret geological processes and regional history. They range from the well known and well publicized (such as dinosaur and mammoth bones) to the more obscure but scientifically important fossils (such as paleobotanical remains, trace fossils,

and microfossils). Paleontological resources are generally found in sedimentary rock units in which the boundaries of a sedimentary rock unit define the limits of paleontologic sensitivity in a given region. Most fossil material is found where bedrock is exposed on the surface, typically in mountainous terrain or in areas where erosion has removed the soil or regolith surface. As a result, paleontological sites are normally discovered in cliffs, ledges, or steep gullies, or along wave-cut terraces where vertical rock sections are exposed. Fossil material may be exposed by a trench, ditch, or channel caused by construction. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formation known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

3.5.2 REGULATORY SETTING

STATE

The Comprehensive Statewide Historic Preservation Plan provides guidance to the Office of Historic Preservation and the preservation community for the identification, registration, protection, and preservation of important historic resources. It encourages both the consideration of historic preservation during planning activities at the local level and public and professional support for historic preservation. The California Historical Building Code provides regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or structures designated as qualified historic buildings or properties. Its intent is to facilitate a cost-effective approach for the preservation and continued use of qualified historic buildings or properties while providing reasonable safety for building occupants and access for persons with disabilities.

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to Public Resources Code Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether proposed project would have effects on unique archaeological resources. As a lead agency, the County is committed identifying and protecting significant resources. “Historical resource” is a term with a defined statutory meaning (Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5[a], [b]). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (California Register). Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Generally, a structure must be of sufficient age to be able to understand its historical significance. While structures less than 50 years of age may be considered significant if “...it can be demonstrated that sufficient time has passed to understand its historical importance,” buildings less than 50 years old are not typically considered eligible for state listing as historic resources (California Code of Regulations Section 4852(d)(2)).

For historic structures, CEQA Guidelines Section 15064.5(b)(3) indicates that a project which follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the

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Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall mitigate impacts to a level of less than significant.

Potential eligibility also rests on the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined by considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. Public Resources Code Section 21083.2(g) states:

"Unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- 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.

Archaeological resources may also qualify as historical resources, and Public Resources Code Section 5024 requires consultation with the Office of Historic Preservation when a project may impact historical resources located on State-owned land.

The Central Coastal Information Center (CCIC), Institute of Archaeology, University of California at Santa Barbara, operated under the State Office of Historic Preservation, is the official repository for all San Luis Obispo County data concerning surveys, site records, excavation reports, and relevant literature. The CCIC provides site location data and/or the exact contents of surveyed sites only to qualified professional cultural resources specialists, who are prohibited from disclosing this information to the public. California Government Code Section 6254.10 exempts archaeological site information from the California Public Records Act, which requires that public records be open to public inspection.

California Register of Historic Resources

The California Register of Historic Resources is defined as "an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change" in Public Resources Code Section 5024.1(a). The Office of Historic Preservation in the California State Parks oversees and administers the California Register. The criteria for listing resources on the California Register are based on those developed by the National Park Service for listing on the National Register of Historic Places with modifications in order to include a broader range of resources that reflect the history of California. The California Register includes resources listed in or formally determined eligible for listing in the National Register, as well as some California State Landmarks and Points of Historical Interest. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. A resource is considered historically significant if it:

- Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political ,or cultural annals of California; and

Meets any of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.

Regulations Concerning Native American Heritage

Under Public Resources Code Section 5097.9, no public agency or private party on public property may "interfere with the free expression or exercise of Native American Religion...." The code further states:

No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, except for parklands larger than 100 acres.

Senate Bill (SB) 18 (2004) requires that prior to the adoption or amendment of a general plan or specific plan, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. SB 18 provides California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning, for the purpose of protecting or mitigating impacts to cultural places. These consultation and notice requirements apply to the adoption and amendment of both general plans and specific plans.

Regulations Concerning Human Remains

Disturbance of human remains without the authority of law is a felony (California Health and Safety Code Section 7052). According to state law (California Health and Safety Code Section 7050.5; California Public Resources Code Section 5097.98), if human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The coroner of the county has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin:
 - The descendants from the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of with appropriate dignity the human remains and any associate grave goods as provided in Public Resources Code Section 5097.98; or

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- The Native American Heritage Commission was unable to identify a descendent or the descendent failed to make a recommendation within 24 hours after being notified by the commission.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the Native American Heritage Commission (California Health and Safety Code Section 7052.5c; Public Resources Code Section 5097.98).

LOCAL

San Luis Obispo County General Plan

The County General Plan has several goals and policies designed to support Land Use Ordinances that require protection of historic resources. Some historic resources are also addressed in the Parks and Recreation Element.

The Land Use Element and area plans guide and regulate the identification, registration, protection, and preservation of significant historic resources, specifically with the use of the Historic Site (H) designation for areas of unique historical significance.

Conservation and Open Space Element

As discussed in the Conservation and Open Space Element's (COSE) General Plan Implementation Strategy CR 3.1.1, the County is encouraged to develop a cultural resources preservation ordinance. The cultural resources implementation strategies emphasize measures that are consistent with state and federal law and best practices for the identification and evaluation of cultural resources:

- Most of the suggested measures in the COSE are currently being followed on a case-by-case basis as a part of the CEQA review of land use permits. The COSE also addresses the protection of paleontological resources and recommends the following be applied to land use projects: evaluate the site for resources, and if found monitor, catalog and/or protect this resource.

San Luis Obispo County Land Use Ordinance – Title 22

The Land Use Ordinance (LUO-Inland) provides standards for project design and siting to identify and reduce impacts to historic resources, as well as to limit archaeological impacts during grading.

LUO – General Property Development and Land Use Standards

Section 22.10.040, Archaeological Resources, identifies performance standards in the event unanticipated cultural resources or human remains are discovered during construction activities, as follows:

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

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

LUO – Historic Sites (H) Combining Land Use Designation

Within the LUO, the Historic Sites (H) Combining Designation is intended to protect archaeological resources and historic sites, structures, and areas. Approval of a Minor Use Permit is required for all new construction and uses with an H Combining Designation.

Section 22.14.080 states that a land use permit application with an H Combining Designation will be approved only if new uses and alterations to existing uses in this designation are designed in a way that avoids or preserves these resources. This LUO section further requires new development and significant structural remodels to comply with additional permitting and standards. These include protection or appropriate relocation of archaeological resources, and minimization of impacts to historic structures, landmarks, and districts.

LUO – Development Standards for Electricity-Generating Facilities

Section 22.32 requires electricity-generating facilities to submit an environmental quality assurance program addressing construction and operation with applications for Conditional Use Permits. The contents of this plan are determined during the Conditional Use Permit and CEQA process, which considers potential impacts to cultural resources.. Further, Section 22.14.080 requires that these facilities be sited in ways that avoid and/or preserve any cultural resources identified.

LUO – Land Use and Development Permit Procedures

Per Section 22.60.040, all applications for a Site Plan Review, Minor Use Permit, or Conditional Use Permit are subject to inclusion of a professionally prepared cultural resources technical report presenting the results of a pedestrian survey of the proposed project area where the cultural resources that may be impacted by the project are identified.

LUO – Planning and Community Area Standards

In the LUO, Article 9 of Title 22 and other community planning documents require that some types of land use applications or activities in designated areas meet standards to protect cultural resources, in addition to the general LUO standards discussed above. For example, projects in the El Pomar-Estrella Sub-Area located within 100 feet of the bank of a creek (or 300 feet if the slope of the site is less than 10 percent) must conduct an archaeological site survey. If the proposed development is found to have potential impacts on known or potential archaeological resources, a Minor Use Permit and a mitigation plan for the archaeological resources are required.

3.5 CULTURAL RESOURCES

Summary of Local Regulations and Policies

Table 3.5-2 summarizes regulations and policies from the documents described above, including the County Conservation and Open Space Element and Land Use Ordinance. Information is organized by planning area. The table also identifies where policies or standards only apply to planning areas or specific land use designations.

**TABLE 3.5-2
LOCAL POLICIES AND REGULATIONS FOR CULTURAL RESOURCES**

| Applicable Code Section | Summary |
|---|--|
| Countywide | |
| Conservation and Open Space Element, Implementation Strategy CR 1.1.1 Curation | Support existing museums or cultural centers and establish new ones to educate the public about the importance of cultural resources. |
| Conservation and Open Space Element, Implementation Strategy CR 1.1.2 Curation Facility | Work with stakeholders to locate, construct, and maintain a storage, curation, and research facility for cultural resources. |
| Conservation and Open Space Element, Implementation Strategy CR 1.1.3 Diversified Funding | Identify and pursue funding for existing and new curation facilities. |
| Conservation and Open Space Element, Implementation Strategy CR 2.1.1 Public Outreach | Establish a program to publicize the County's efforts to protect historical and cultural resources at risk from development and its commitment to preserve its cultural heritage. |
| Conservation and Open Space Element, Implementation Strategy CR 2.1.2 Outreach to Schools | Preserve cultural resources by supporting education programs through local historical societies, schools, and other groups. |
| Conservation and Open Space Element, Implementation Strategy CR 2.1.3 Unauthorized Collection | Protect sensitive sites from vandalism and unauthorized collection of artifacts through education. |
| Conservation and Open Space Element, Implementation Strategy CR 2.1.4 Interpretive Signage | Require development projects in areas connected with cultural resources to include monuments, plaques, or other signage in order to identify and interpret these resources. |
| Conservation and Open Space Element, Implementation Strategy CR 2.1.5 Cultural Resources Advisory Committee | Establish a Cultural Resources Advisory Committee to make recommendations to the Board of Supervisors and other decision-making bodies on ways to protect Native American, archaeological, historic, and other cultural resources. |
| Conservation and Open Space Element, Policy CR 2.2 Acquisition | Encourage and support acquisition by public agencies or historical or conservation organizations of the most important archaeological and cultural sites from willing sellers. |
| Conservation and Open Space Element, Implementation Strategy CR 2.3.1 Stakeholder Outreach | Support ongoing discussions about protecting and preserving cultural resources with Native American groups, historical and archaeological interest groups, cultural resource professionals, decision makers, and landowners. |
| Conservation and Open Space Element, Implementation Strategy CR 2.3.2 Government-to-Government Consultation | Establish a government-to-government consultation process with the Native American community and a consultation process with other stakeholders to identify and preserve potentially significant cultural resources. |

3.5 CULTURAL RESOURCES

| Applicable Code Section | Summary |
|--|---|
| Conservation and Open Space Element, Implementation Strategy CR 3.1.1 Historic Preservation Ordinance | The County will develop a cultural resources preservation ordinance to: preserve and protect resources, prevent demolition, integrate historically accurate building designs, promote restoration consistent with the Secretary of the Interior's Standards, and create the Cultural Resources Advisory Committee. |
| Conservation and Open Space Element, Implementation Strategy CR 3.1.2 Historic Resources Inventory | Develop historic contexts for the county, develop and update a historic resources inventory, using the State of California using Department of Parks and Recreation forms and include location maps. |
| Conservation and Open Space Element, Implementation Strategy CR 3.1.3 National Register | Pursue formal listing of all eligible sites and properties in the National Register of Historic Places and California Register of Historical Resources, or as California Historic Landmarks. |
| Conservation and Open Space Element, Implementation Strategy CR 3.1.4 Historic Listing Process | Develop a process to protect newly identified historic sites, buildings, and structures in a timely manner as an alternative to including them in the Historic (H) Combining Designation such as (1) adopt a Historic Preservation Ordinance that includes or references a list, and (2) amend planning area/Land Use Ordinance standards to include such lists for each planning area. |
| Conservation and Open Space Element, Implementation Strategy CR 3.2.3 Tax Incentives | Share information on federal and state tax incentive programs and nonprofit conservation programs for historic preservation with landowners and preservation groups. |
| Conservation and Open Space Element, Implementation Strategy CR 3.2.4 Mills Act | Consider participating in the Mills Act Tax Abatement Program starting with research or studies of costs and benefits. |
| Conservation and Open Space Element, Implementation Strategy CR 3.3.1 Restoration Assistance | Provide property owners and developers with design assistance, including information on the restoration and adaptive reuse of historic buildings and structures. |
| Conservation and Open Space Element, Implementation Strategy CR 3.3.2 Salvaged Materials | Encourage the reuse of salvaged architecturally significant materials. |
| Conservation and Open Space Element, Policy CR 4.1 Non-development Activities | Discourage or avoid non-development activities that could damage or destroy Native American and archaeological sites, including off-road vehicle use on or adjacent to known sites. Prohibit unauthorized collection of artifacts. |
| Conservation and Open Space Element, Policy CR 4.2 Protection of Native American Cultural Sites | Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed. |
| Conservation and Open Space Element, Implementation Strategy CR 4.2.1 Archaeological Sensitivity Mapping | Identify significant archaeological and cultural sites and conduct sensitivity mapping. |
| Conservation and Open Space Element, Implementation Strategy CR 4.2.2 Archaeological Site Records | Establish and maintain, but do not publicize, archaeological site records. Site records may be released to limited individuals and groups with appropriate professional or tribal credentials. |
| Conservation and Open Space Element, Implementation Strategy CR 4.3.1 Cultural Landscapes | The identification and interpretation of cultural resources should consider the larger landscape in order to address the relationships between archaeological sites, landscape features and the environment. |

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| Applicable Code Section | Summary |
|---|--|
| Conservation and Open Space Element, Implementation Strategy CR 4.3.2 Cultural Landscapes: Open Space Easements | In proposed land divisions and discretionary land use permits: (1) locate parcels and easements to optimize protection of cultural resources, (2) as necessary, clearly define allowable uses, prohibited activities, and open space maintenance responsibilities as a condition of approval, and (3) use open space easements to protect designated archaeological sites. |
| Conservation and Open Space Element, Implementation Strategy CR 4.3.3 Cultural Landscapes: Management | Manage public open space and parkland so that public use does not disturb or degrade archaeological or historical resources. |
| Conservation and Open Space Element, Implementation Strategy CR 4.4.1 Native American participation in development review process | In areas likely to contain Native American and cultural resources, include Native Americans in tasks such as surveys, resource assessment, and impact mitigation. Consult with Native American representatives early in the development review process and in the design of appropriate mitigations. Enable their presence during archaeological excavation and construction in areas likely to contain cultural resources. |
| Conservation and Open Space Element, Implementation Strategy CR 4.4.2 Cultural Resource Studies | Require cultural resources studies (i.e., archaeological and historical) by a professional who meets the Secretary of the Interior's Professional Qualifications Standards when development is proposed within an archaeologically or historically sensitive area. These studies will conform to the County's approved guidelines. |
| Conservation and Open Space Element, Implementation Strategy CR 4.6.1 Resource-Based Surveys | Require a preliminary site survey with all development subject to a discretionary permit near water, near significant rock outcrops or ridge tops, or with a slope of less than 10 percent. Require that a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications for Archaeology conduct the preliminary survey. Recommendations made by the archaeologist may be applied as mitigation measures. |
| Title 22, Section 22.10.040. A | In the event archeological resources are unearthed or discovered during any construction activities, construction activities shall cease, and the department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. |
| Title 22, Section 22.10.040. B | In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the county coroner shall be notified in addition to the department so proper disposition may be accomplished. |
| Title 22, Section 22.14.080 | New parcels containing an existing structure under a Historic Site (H) Combining Designation must be determined by a Conditional Use Permit. Parcels smaller than the minimum required by the underlying land use category can only be transferred to a tax-exempt charity or public agency. |
| Title 22, Section 22.14.080.C.1 | Any new structure or use, or substantial restoration or alteration, for a parcel under a Historic Site (H) Combining Designation requires a Minor Use Permit. |
| Title 22, Section 22.14.080.C.4 | Land use permit applications for sites under a Historic Site (H) Combining Designation must protect the integrity of any cultural resources to the extent possible. |
| Title 22, Section 22.60.040.D.2 | Applications for a Site Plan Review, Minor Use Permit, or Conditional Use Permit must include an archaeological surface search prepared by a qualified individual, unless waived by the director. |

| Applicable Code Section | Summary |
|---|--|
| Carrizo Planning Area | |
| No additional policies or code specific to the Carrizo Planning Area. | |
| North County Planning Area | |
| Shandon Community Plan, 4.6 CRP-1 | Protect and preserve archaeological resources, paleontological resources, and significant historic resources to the maximum extent feasible. |
| Shandon Community Plan, 4.6 CRP-2 | Protect and preserve trees with historic significance and cultural heritage value. |
| Title 22, Section 22.104.060.A | Applications for a land use permit, grading, or construction in San Miguel must submit a cultural resource report. |
| Title 22, Section 22.94.020.A | Within the El Pomar-Estrella planning area, all discretionary land use permit applications within 100 or 300 feet of a creek shall conduct a preliminary site survey. Projects with potential impacts on a known or potential archaeological resource shall require a Minor Use Permit and a mitigation program. |
| Title 22, Section 22.96.020.B | Any projects in the San Luis Obispo North planning area involving a historic structure or located within 200 feet of a historic structure shall require a Minor Use Permit. |
| San Luis Obispo Planning Area | |
| No additional policies or code specific to the San Luis Obispo Planning Area. | |
| South County Planning Area | |
| Title 22, Section 22.98.072.C-4 | Specific parcels in the South County Planning Area must include a cultural resource evaluation with a land use permit application. |
| Title 22, Section 22.98.072.H.14.e | Projects on identified land near West El Campo Road in the South County Planning Area must conduct an archaeological and historic surface survey prior to application submittal. If resources are discovered, the plan must be redesigned to avoid disturbing the resources or mitigate impacts. |
| Title 22, Section 22.98.072.H.9 | Projects on specific parcels near Summit Station Road in the South County Planning Area must prepare an archaeological and historic resources surface survey if the project involves any ground disturbance. |
| Title 22, Section 22.98.072.I | Selected parcels near Hutton Road in the South County Planning Area must include an archaeological survey or evaluation prior to completing an application for any new development. |

3.5.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, a cultural resource impact is considered significant if implementation of the RESP would:

- 1) Cause a substantial adverse change in the significance of a historic resource [as defined in Public Resources Code Section 21084.1].
- 2) Cause a substantial adverse change in the significance of an archaeological resource [as defined in Public Resources Code Section 21083.2].

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- 3) Disturb any human remains including those interred outside formal cemeteries.
- 4) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

PROJECT IMPACTS AND MITIGATION MEASURES

Impacts Associated with Structure-Mounted Facilities

Accessory renewable energy-generating facilities, some Tier 1 solar electric facilities (SEFs), and all Tier 1 wind energy conversion systems (WECS) may be mounted on existing buildings and structures. If a structure is more than 45 years of age and is considered a historical resource under CEQA, then significant impacts to this resource are possible. Some types of impacts associated with the installation of these facilities include damage to the structural integrity of a building as a result of vibration associated with construction, and impacts to the setting and character of a building with the addition of energy-generating equipment. Impacts associated with operation, maintenance, and decommissioning are likely to be minimal. These types of projects tend to have short-term temporary impacts to cultural resources and as such are good candidates for streamlining.

Impacts Associated with Ground-Mounted Facilities

Ground-mounted facilities may include Tier 1, 2, and 3 SEFs. Some of the activities associated with construction of these facilities that might impact cultural resources include construction of staging areas and access roads, grading and vegetation clearing, foundation excavations for solar PV structures and other structures, security fence installation, installation of both temporary and permanent drainage and erosion control measures, and decommissioning activities.

Each activity that results in surface and subsurface disturbance has the potential to damage cultural resources. Other impacts could include increased access to resources that might result in trampling artifacts, creating tracks and dust from recreational vehicles, illegally collecting artifacts, and inadvertently damaging unrecognized resources. Fugitive dust from construction vehicles and heavy equipment could degrade the research value and condition of rock art (if this type of resources is found on-site or immediately adjacent) and by adversely affecting the patina/petroglyph contrast or damaging the pictograph pigments. Erosion of soils, project runoff, and oil or other contaminant spills could cause damage to cultural resources located both within the project footprint and in areas either downslope or downstream. Additionally, long-term impacts could result from the long-term presence of renewable energy structures. These changes to the visual setting could affect the value of buildings and structures, cultural landscapes, and other cultural resources for which the visual setting is an important component of a resource's significance.

Fewer physical impacts to cultural resources would occur from the operation and maintenance of renewable energy projects, as the environment is expected to remain stable. Vegetation management and dust control will still be required; however, the frequency and duration of these activities will be much less than during the initial construction.

Decommissioning of a renewable energy project can be divided into two broad categories: removal of structures and restoration of the land. The removal of project structures would involve removal of all aboveground facilities (e.g., solar photovoltaic arrays) as well as graveled or paved work pads and roads. Cultural resources could be affected by the removal of subsurface facilities (e.g., footings and building foundations). Laydown areas would be established for

decommissioning. Impacts to cultural resources from the removal of structures would be similar to those described for project construction, as long as laydown areas and other decommissioning activities are not located within the original project footprint. If access roads are left in place and if there are cultural resources associated with the project, impacts to cultural resources from increased human access would be similar to those described for the creation of new access roads. The damage to these resources may increase during this phase because the area would no longer be periodically monitored.

Examples of activities related to restoration and revegetation include remediation of spills and contaminated soils, reseeding of the project site, and removal of all gravel work pads and paving. Impacts to cultural resources from the restoration and revegetation of a project site are unlikely because resources in the areas slated for restoration and revegetation would have been accounted for during the earlier phases of project development.

Cause a Substantial Adverse Change in the Significance of a Historical Resource (Threshold 1)

Roof-mounted Tier 1 SEF and WECS projects could affect buildings eligible for historic resources listing if the buildings are more than 50 years old. Construction and operation of ground-mounted Tier 1 and Tier 2 facilities within the combining designation could affect historic, cultural, and paleontological resources through grading of land, construction of roadways, and trenching necessary to support the facilities. Existing LUO regulation 22.10.040 regulates the inadvertent discovery of human remains during construction and ensures that the remains are handled appropriately.

For Tier 2 and above projects, the discretionary process associated with consideration of either a Minor or Conditional Use Permit will involve site-specific cultural analysis as part of the project-specific CEQA analysis. Should resources be discovered, the project-specific analysis will recommend a project-specific mitigation strategy.

Impact 3-5-1 – Solar

Implementation of the proposed Program could cause a substantial adverse change in the significance of a historical resource. This impact is considered **less than significant (Class III)**.

Tier 1 solar electric facilities (SEFs) will be mounted on existing buildings and structures or on previously disturbed land. As some of the structures eligible for roof-mounted systems will be 50 years of age or older, it is possible that the historic integrity of the building may be diminished. This could occur as the energy-generating equipment would be an obvious change on the roof. This change could affect the historic setting of the roof or otherwise affect the features that could contribute to eligibility for listing as a historic resource. Proposed performance standard 22.32.050.D.2 for roof-mounted Tier 1 SEF projects require that the equipment be designed to be removed at a later date and that the roof can be returned to its original pre-project condition. As the change to the roof to install the equipment is temporary and the equipment can be removed and the building's roof restored, this impact is considered **less than significant (Class III)**.

In the case of ground-mounted Tier 2 and 3 SEF projects within the RE Combining Designation, as required by proposed performance standard 22.14.100.F.7, a Cultural Resources Report would be required for projects on undisturbed areas with no previous grading, fill, development or site improvements. Where the Cultural Resources Report identifies any potential resources, the applicant would also submit the following (1) One hundred percent (100%) field survey of the proposed project area where all identified resources are recorded on forms required by the

3.5 CULTURAL RESOURCES

State Historic Preservation Officer (SHPO), (2) correspondence with Native American contacts provided by the Native American Heritage Commission (NAHC) and a search of the sacred lands database maintained by the NAHC to identify sensitive resources, and (3) a technical report presenting the results of these studies, the identification of any resources that might be historic resources, and management and treatment recommendations for these resources in a report format meeting SHPO guidelines to identify measures the project would employ to avoid direct or indirect impacts to any potential resources. Projects which cannot demonstrate that they meet the above requirements would require project-level CEQA review outside the scope of the RESP.

Proposed performance standard 22.14.100.F.7.c would reduce potential impacts to known historical resources. Impacts to any inadvertently discovered cultural resources or human remains would be addressed through 22.10.040.A and B. Therefore, this impact is considered **less than significant (Class III)**.

Impact 3-5-1 – Wind

Implementation of the proposed Program could cause a substantial adverse change in the significance of a historical resource. This impact is considered **less than significant (Class III)**.

Tier 1 WECS projects would be roof mounted and would be subject to proposed performance standard section 22.32.060.D.2 that requires equipment be designed to be removed. This performance standard is needed as the energy-generating equipment would be an obvious change on the roof. This change could affect the historic setting of the roof or otherwise affect the features that could contribute to eligibility for listing as a historic resource. Ground-mounted Tier 1 WECS projects would be located on previously disturbed soils and subject to LUO 22.10.040 regulating the discovery of human remains.

Tier 2 and above WECS projects are ground mounted and would be subject to either a Minor or Conditional Use Permit. These discretionary permits would require a cultural resources survey of the site with project-specific mitigation.

Implementation of existing LUO 22.10.040 regarding the discovery of human remains, and proposed performance standard 22.32.060.D.2 that ensures roof mounted equipment can be removed from older buildings, and the requirement to conduct a site-specific cultural resource study for projects on undisturbed soils will ensure that all cultural resource impacts will be addressed. This impact is considered **less than significant (Class III)**.

Impact 3-5-1 – Policy Changes

Implementation of the proposed Program could result in changes to countywide policies that could cause a substantial adverse change in the significance of a historical resource. This impact is considered **less than significant (Class III)**.

Policy changes would clarify existing policies and standards related to Tier 1 SEF and WECS renewable energy development projects throughout the proposed RE combining designation and the unincorporated, non-Coastal Zone areas of the county. Tier 2 projects within the combining designation would also be streamlined by providing a series of performance standards that if followed would lead to approval of the projects up to 160 acres in size. Tier 2 and above projects outside of the combining designation would be required to obtain either a Minor or Conditional Use Permit. Both permits are discretionary and would require independent site analysis and CEQA review. Through application of the existing LUO and the proposed

performance standards, potential impacts to cultural resources are considered **less than significant (Class III)**.

Cause a Substantial Adverse Change in the Significance of an Archaeological Resource (Threshold 2)

Construction and operation of solar and wind energy projects could cause a substantial adverse change in the significance of unique or other archaeological resources as defined by CEQA. Ground disturbance associated with construction of projects may result in the destruction of these resources. While some construction methods may involve minimal changes to the environment (e.g., driving individual posts to hold SEF or WECS equipment rather than grading of the land), all of the proposed SEF and WECS projects will involve some form of ground disturbance if for no other purpose than to gain site access.

Impact 3-5-2 – Solar Implementation of the proposed Program could cause a substantial adverse change in the significance of an archaeological resource. This impact is considered **less than significant (Class III)**.

Tier 1 SEF projects that will be located on rooftops will have no potential to impact archaeological resources, as there would be little to no ground disturbance. In most instances, Tier 1 SEF projects on existing buildings will use existing electrical services. LUO Section 22.10.040 provides standards for the discovery of human remains should that occur during any trenching.

For ground-mounted Tier 1 SEFs, performance standard 22.32.050.A.3 requires that the area be previously disturbed, which eliminates the potential for disturbing archaeological resources at the surface. LUO Section 22.10.040 provides standards for the discovery of human remains should that occur during any trenching or excavation.

For Tier 2 projects on undisturbed land or any project outside of the combining district, additional cultural resources analysis must accompany the application. As the proposed Program will either avoid any ground disturbance by design or will require site-specific analysis as a performance measure, this impact is considered **less than significant (Class III)**.

Impact 3-5-2 – Wind Implementation of the proposed Program could cause a substantial adverse change in the significance of an archaeological resource. This impact is considered **less than significant (Class III)**.

As with SEF projects, Tier 1 WECS projects will either be located on a rooftop or on previously disturbed soils. Tier 2 and above WECS projects located on undisturbed soils within the combining designation are required to obtain either a Minor or Conditional Use Permit. Consideration of these discretionary permits will require a CEQA analysis that will include a cultural resource study. This impact is considered **less than significant (Class III)**.

Impact 3-5-2 – Policy Changes Implementation of the proposed Program could result in changes to countywide policies that could cause a substantial adverse change in the significance of archaeological resources. This impact is considered **less than significant (Class III)**.

As described under Threshold 1, adherence to policy changes proposed under the RESP would minimize impacts to cultural resources. This impact is considered **less than significant (Class III)**.

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Disturb Any Human Remains Including Those Interred Outside Formal Cemeteries (Threshold 3)

Grading and trenching of land to allow the construction of SEF or WECS projects could disturb human remains. LUO Section 22.10.140 establishes requirements for the discovery of human remains during construction.

Impact 3-5-3 – Solar Implementation of the proposed Program could disturb human remains. This impact is considered **less than significant (Class III)**.

Tier 1 and Tier 2 SEF projects within the combining designation will either be roof mounted or directed to areas where the ground has been previously disturbed. Projects on undisturbed soils and Tier 2 and above projects outside of the combining designation will be required to conduct project-specific cultural analysis. While there is a potential for human remains to be discovered during grading or trenching activities, LUO Section 22.10.040 establishes a procedure to be followed if remains are discovered. The California Environmental Quality Act Section 15064.5(e) establishes a process to be followed if the coroner believes that the remains are Native American. Therefore, this impact is considered **less than significant (Class III)**.

Impact 3-5-3 – Wind Implementation of the proposed Program could disturb human remains. This impact is considered **less than significant (Class III)**.

Tier 1 WECS projects within the combining designation will be roof mounted. Projects on undisturbed soils and Tier 2 and above projects outside of the combining designation will be required to conduct project-specific cultural analysis. While there is a potential for human remains to be discovered during grading or trenching activities, LUO Section 22.10.040 establishes a procedure to be followed if remains are discovered. The California Environmental Quality Act Section 15064.5(e) also establishes a process to be followed if the coroner believes that the remains are Native American. Therefore, this impact is considered **less than significant (Class III)**.

Impact 3-5-3 – Policy Changes Implementation of the proposed Program could result in changes to countywide policies that could disturb human remains. This impact is considered **less than significant (Class III)**.

Policy changes proposed with the project would streamline renewable energy projects within the combining designation. Tier 1 projects could occur throughout the county, but would either be roof mounted and therefore unlikely to be disturbed buried remains, or directed to previously disturbed areas and subject to LUO Section 22.10.040 governing the discovery of human remains and also to Section xxx of the Public Resources Code for the discovery of Native American remains. None of the proposed policy changes would circumvent the existing regulations concerning human remains. This impact is considered **less than significant (Class III)**.

Cause a Substantial Adverse Change in the Significance of a Paleontological Resource (Threshold 4)

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are generally found in sedimentary rock units in which the boundaries of a sedimentary rock unit define the limits of

paleontologic sensitivity in a given region. Most fossil material is found where bedrock is exposed on the surface, typically in mountainous terrain or in areas where erosion has removed the soil or regolith surface. As a result, paleontological sites are normally discovered in cliffs, ledges, or steep gullies, or along wave-cut terraces where vertical rock sections are exposed. Fossil material may be exposed by a trench, ditch, or channel caused by construction. Construction that could result in drilling or trenching through bedrock could result in impacts to paleontological resources.

Impact 3-5-4 – Solar Implementation of the proposed Program could cause a substantial adverse change in the significance of a paleontological resource. This impact is considered **less than significant (Class III)**.

Tier 1 SEFs would consist of photovoltaic panels mounted on rooftops of other structures as well as small to medium-sized ground-mounted systems. Rooftop installations would have no impact on paleontological resources. Ground-mounted systems would either be directed to disturbed soils or require additional study with Site Plan Review. Unless the bedrock is exposed, the potential for impact may not be known until trenching or soils information associated with construction materials is provided. Because of the cost of constructing in bedrock and the abundance of areas where bedrock can be avoided, it is very unlikely that ground-mounted SEF projects would encounter paleontological resources. All ground-mounted renewable energy facilities would avoid exposed bedrock, rock outcrops, or significant ridgetops as directed by proposed standards 22.32.040.C.4. This impact is considered **less than significant (Class III)**.

Impact 3-5-4 – Wind Implementation of the proposed Program could cause a substantial adverse change in the significance of a paleontological resource. This impact is considered **less than significant (Class III)**.

The proposed Program would allow WECS facilities that are mounted to rooftops of existing structures. Small-scale wind projects generally comprise a rotor, generator, or alternator mounted on a frame, a tail, and a tower. Construction of these facilities would occur entirely on top of a pre-existing structure, based on the criteria for Tier 1 WECS proposed in 22.32.030.A.3. Construction activities would include drilling, hammering, installation, and other activities, but they would be confined to the built environment footprint or a nearby laydown area and aboveground. Therefore, these facilities would not negatively affect paleontological resources.

Construction of footings to support towers could affect resources, as excavation may encounter bedrock. As part of the engineering approval process, the County would require submission of a geotechnical study that will identify the soils types and the potential to encounter bedrock. As projects of this size will also require a Minor or Conditional Use Permit and accompanying CEQA that will include preparation of a cultural resources study, appropriate requirements can be made to either avoid the bedrock or provide monitoring during excavation. As these provisions are already in place or would be applied as part of either the Minor or Conditional Use Permit, there is no need for mitigation. This impact is considered **less than significant (Class III)**.

Impact 3-5-4 – Policy Changes Implementation of the proposed Program could result in changes to countywide policies that could cause a substantial adverse change in the significance of a paleontological resource. This impact is considered **less than significant (Class III)**.

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The proposed policy changes would streamline the construction of rooftop SEF and WECS projects that could not have any impact on paleontological resources. The proposed Program also allows for streamlining of ground-mounted equipment and includes a performance standard that either directs this equipment to previously disturbed areas or requires preparation of a cultural and paleontological resources analysis. This impact would be **less than significant (Class III)**.

CUMULATIVE IMPACTS

The geographic scope for cumulative analysis for cultural and paleontological resources encompasses the entire county, as even localized impacts to these resources are important at a regional scale. Renewable energy projects streamlined by the RESP would generally have minimal impacts to cultural/paleontological resources, as they would be roof mounted or on previously disturbed soils. Compliance with the proposed performance standards described above would ensure that renewable energy projects streamlined under the RESP avoid or minimize impacts to cultural and paleontological resources.

For larger projects, including those on undisturbed soils, both performance standards proposed with the RESP and the discretionary Minor and Conditional Use Permit process will evaluate project-specific impacts. This is essential because there is no way of knowing where these projects will be located; therefore, it is not possible to conduct studies and establish site-specific measures for addressing any potential impacts. Countywide conditions, programs, and projections, in combination with the proposed Program, would not result in a significant cumulative impact to cultural resources. The RESP's contribution to the impact would not be cumulatively considerable.

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