

3.4 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric resources, historic-era resources, and tribal cultural resources.

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins), intact structures (e.g., dams, bridges, roads, districts), and landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources include site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a Native American tribe. Database information and Correspondence related to tribal consultation are provided in Appendix D.

No comments regarding archaeological, historical, or tribal cultural resources were received in response to the Notice of Preparation (NOP).

3.4.1 Regulatory Setting

FEDERAL

National Historic Preservation Act

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most significant law addressing historic preservation. The NHPA establishes the National Register of Historic Places (NRHP), the national inventory of historic resources, including districts, sites, buildings, structures, and objects, recognized as significant in American history, architecture, archaeology, engineering, and culture. The NRHP is administered by the National Park Service.

The formal criteria (36 CFR 60.4) for evaluating eligibility for NRHP listing state that a property must retain integrity of location, design, setting, materials, workmanship, feeling, and associations, and possess at least one of the following characteristics:

- A. Association with events that have made a significant contribution to the broad patterns of history (events).
- B. Association with the lives of persons significant in the past (persons).
- C. Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
- D. Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

A project is considered to have a significant impact when its effects on a historic property may diminish the property's integrity. The seven aspects of integrity are defined as follows (36 CFR 60.4):

- ▶ **Location.** Integrity of location refers to whether a property remains where it was originally constructed or was relocated.
- ▶ **Design.** Integrity of design refers to whether a property has maintained its original configuration of elements and style that characterize its plan, massing, and structure. Changes made after original construction can acquire significance in their own right.

- ▶ **Setting.** Integrity of setting refers to the physical environment surrounding a property that informs the characterization of the place.
- ▶ **Materials.** Integrity of materials refers to the physical components of a property, their arrangement or pattern, and their authentic expression of a particular time period.
- ▶ **Workmanship.** Integrity of workmanship refers to whether the physical elements of a structure express the original craftsmanship, technology and aesthetic principles of a particular people, place or culture at a particular time period.
- ▶ **Feeling.** Integrity of feeling refers to the property's ability to convey the historical sense of a particular time period.
- ▶ **Association.** Integrity of association refers to the property's significance defined by a connection to a particular important event, person or design.

A property should possess most of the above aspects of integrity; however, certain aspects of integrity may be more important than others for communicating a property's historic significance. Determining which aspects of integrity are essential for a given property requires an understanding of the formal eligibility criteria (associations, distinctive characteristics, potential to yield information) that apply to that property – that is, why a property is considered potentially significant in the first place. For example, if a property is being evaluated for its significance under Criterion C because it represents the distinctive characteristics of a specific architectural style, it must retain the majority of the physical features that illustrate that style (e.g., massing, spatial relationships, pattern of windows and doors, ornamentation) to be considered eligible (National Register Bulletin No. 16).

Criteria considerations set forth by the NRHP further state that properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP, although such properties may qualify if they are of integral importance to a district that do meet eligibility criteria, or if they are of exceptional importance as defined by the NRHP.

Listing in the NRHP does not entail specific protection or assistance for a property, although it does guarantee recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

Section 106 of the National Historic Preservation Act

Federal protection of cultural resources is legislated by (a) the NHPA of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. Section 106 of the NHPA and accompanying regulations (36 CFR Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible for listing in, the NRHP. These laws and bodies define the processes for determination of the effects on historical properties eligible for listing in the NRHP. For Cal Poly, listing on the NRHP and compliance with Section 106 is relevant to future projects if they require federal funds, permitting, licensing, or approval(s).

Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards), codified in 36 CFR 67, provides guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact to a historic resource. Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historic property.

In 1992, the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to four sets of treatments to guide work on historic properties: preservation, rehabilitation, restoration, and reconstruction. The four distinct treatments are defined as follows:

- ▶ **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- ▶ **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- ▶ **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- ▶ **Reconstruction** recreates vanished or nonsurviving portions of a property for interpretive purposes.

Guidelines for the Treatment of Historic Properties

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Guidelines) illustrate how to apply the four treatments detailed above to historic properties in a way that meets the Secretary's Standards and are advisory, not regulatory. The purpose of the Guidelines is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers before beginning work. They address both exterior and interior work on historic buildings. There are four sections, each focusing on one of the four treatment standards: preservation, rehabilitation, restoration, and reconstruction. Each section includes one set of standards with accompanying Guidelines that are to be used throughout the course of a project.

STATE

California Register of Historical Resources

All properties listed in or formally determined eligible for listing in the NRHP are eligible for listing in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant within the context of California's history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in CCR Title 15, Chapter 11.5, Section 4850. The CRHR criteria are similar to the NRHP criteria and are tied to CEQA because any resource that meets the criteria below is considered a historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria for determining the eligibility of a resource for listing in the CRHR. These criteria ask whether a resource:

1. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Like the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP (location, design, setting, materials, workmanship, feeling, and association). The State Office of Historic Preservation (OHP), an office within the California Department of Parks and Recreation (DPR), implements the policies of the NHPA at the statewide level. The OHP also maintains the CRHR. The State Historic Preservation Officer (SHPO), an appointed official, implements the state's historic preservation programs under state jurisdiction.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC 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 projects would have effects on unique archaeological resources. Pursuant to Section 21084.2, a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC, Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if it meets the following criteria for listing in the CRHR (PRC Section 5024.1):
 - 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 construction, 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.
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Section 5020.1(j) or 5024.1.

California Historical Landmarks

California 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. The specific standards now in use were first applied in the designation of Landmark # 770. California Historical Landmarks #770 and above are automatically listed in the California Register of Historical Resources.

To be designated as a California Historical Landmark, a resource must meet at least one of the criteria listed below; have the approval of the property owner(s); be recommended by the State Historical Resources Commission; and be officially designated by the Director of California State Parks.

To be eligible for designation as a Landmark, a resource must meet at least one of the following criteria:

- ▶ The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- ▶ Associated with an individual or group having a profound influence on the history of California.
- ▶ A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

Unique Archaeological Resources

CEQA requires lead agencies to consider whether projects would affect unique archaeological resources. PRC Section 21083.2(g), states that a unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, beyond 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.

Tribal Cultural Resources

CEQA requires lead agencies to consider whether projects would affect tribal cultural resources. PRC Section 21074 states the following:

- a) "Tribal cultural resources" are any of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code Sections 5024 and 5024.5

The California State Legislature enacted PRC Sections 5024 and 5024.5 as part of a larger effort to establish a state program to preserve historical resources. These sections of the code require state agencies to take a number of actions to ensure preservation of state-owned historical resources under their jurisdictions. These actions include evaluating resources for NRHP eligibility and California Historical Landmark eligibility, maintaining an inventory of eligible and listed resources, and managing these historical resources so that they will retain their historic characteristics.

PRC Section 5024(f) requires state agencies to submit to the State Historic Preservation Officer (SHPO) for comment documentation for any project having the potential to affect historical resources under its jurisdiction which are listed in or potentially eligible for inclusion in the NRHP, or are registered or eligible for registration as California Historical Landmarks. The SHPO has 30 days after receipt of the notice for review and comment.

Health and Safety Code, Sections 7052 and 7050.5

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered. The code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both state and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the Native American Heritage Commission (NAHC). The NAHC then notifies those persons most likely to be descended from the Native American's remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods. The descendants may, with the permission of private landowners, inspect the site and recommend to the owner or the person responsible for the excavation means for treating or disposing of the remains and associated grave goods. The descendants must complete their inspection and make recommendations within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis.

Public Resources Code Section 5097

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Assembly Bill 52 (2014)

Assembly Bill (AB) 52, which adds several sections to the PRC, was signed by the California governor in September 2014 and establishes a new class of resources under CEQA: "tribal cultural resources." It requires that lead agencies undertaking CEQA review must, upon the written request of a California Native American tribe, begin consultation once the lead agency determines that the project application is complete, before the issuance of a notice of preparation of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration. AB 52 also resulted in a revision to Appendix G, the environmental checklist, of the State CEQA Guidelines. This revision created a new standalone environmental topic and series of checklist questions for tribal cultural resources.

LOCAL

Cal Poly is an entity of the CSU, which is a constitutionally created state agency, and is therefore not subject to local government planning and land use plans, policies, or regulations. Cal Poly may consider, for informational purposes, aspects of local plans and policies for the communities surrounding the campus when it is appropriate. The proposed project would be subject to state and federal agency planning documents described herein, but would not be bound by local or regional planning regulations or documents such as the City's General Plan or municipal code.

San Luis Obispo County General Plan

The San Luis Obispo County General Plan Cultural Resources Element contains the following policies that are relevant to cultural resources (County of San Luis Obispo 2010):

- ▶ **Policy CR 3.3: Remodeling and Reconstruction.** Maintain and enhance the historic character of the county by establishing review procedures for the remodeling and reconstruction of buildings and other structures consistent with the Secretary of the Interior's Standards.
- ▶ **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.
- ▶ **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.
- ▶ **Policy CR 4.3: Cultural Resources and Open Space.** The County supports the concept of cultural landscapes and the protection and preservation of archaeological or historical resources as open space or parkland on public or private lands.
- ▶ **Policy CR 4.4: Development Activities and Archaeological Sites.** Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.
- ▶ **Policy CR 4.5: Paleontological Resources.** Protect paleontological resources from the effects of development by avoiding disturbance where feasible.
- ▶ **Policy CR 4.6: Resources-Based Sensitivity.** Protect archaeological resources near streams, springs and water sources, rock outcrops, and significant ridgetops, as these are often indicators of the presence of cultural resources.

City of San Luis Obispo General Plan

The City of San Luis Obispo General Plan Conservation and Open Space Element contains the following policies that are relevant to cultural resources (City of San Luis Obispo 2014a):

- ▶ **Policy 3.3.1: Historic Preservation.** Significant historic and architectural resources should be identified, preserved, and rehabilitated.
- ▶ **Policy 3.3.2: Demolitions.** Historically or architecturally significant buildings should not be demolished or substantially changed in outward appearance, unless doing so is necessary to remove a threat to health and safety and other means to eliminate or reduce the threat to acceptable levels are infeasible.
- ▶ **Policy 3.3.3: Historical Documentation.** Buildings and other cultural features that are not historically significant, but which have historical or architectural value should be preserved or relocated where feasible. Where preservation or relocation is not feasible, the resources shall be documented and the information retained in a secure but publicly accessible location. An acknowledgement of the resources should be incorporated within the site through historic signage and the reuse or display of historic material and artifacts.
- ▶ **Policy 3.5.1: Archaeological Resource Protection.** The City shall provide for the protection of both known and potential archaeological resources. To avoid significant damage to important archaeological sites, all available measures, including purchase of the property in fee or easement, shall be explored at the time of a development proposal. Where such measures are not feasible and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required pursuant to the Archaeological Resource Preservation Program Guidelines.

- ▶ **Policy 3.5.2: Native American Sites.** All Native American cultural and archaeological sites shall be protected as open space wherever possible.
- ▶ **Policy 3.5.3: Non-Development Activities.** Activities other than development which could damage or destroy archaeological sites, including off-road vehicle use on or adjacent to known sites, or unauthorized collection of artifacts, shall be prohibited.
- ▶ **Policy 3.5.4: Archaeological Sensitive Areas.** Development within an archaeologically sensitive area shall require a preliminary site survey by a qualified archaeologist knowledgeable in Native American cultures, prior to a determination of the potential environmental impacts of the project.
- ▶ **Policy 3.5.5: Archaeological Resources Present.** Where a preliminary site survey finds substantial archaeological resources, before permitting construction, the City shall require a mitigation plan to protect the resources. Possible mitigation measures include: presence of a qualified professional during initial grading or trenching; project redesign; covering with a layer of fill; excavation removal and curation in an appropriate facility under the direction of a qualified professional.
- ▶ **Policy 3.5.6: Qualified Archaeologist Present.** Where substantial archaeological resources are discovered during construction or grading activities, all such activities in the immediate area of the find shall cease until a qualified archaeologist knowledgeable in Native American cultures can determine the significance of the resource and recommend alternative mitigation measures.
- ▶ **Policy 3.5.7: Native American Participation.** Native American participation shall be included in the City's Guidelines for resource assessment and impact mitigation. Native American representatives should be present during archaeological excavation and during construction in an area likely to contain cultural resources. The Native American community shall be consulted as knowledge of cultural resources expands and as the City considered updates or significant changes to its General Plan.
- ▶ **Policy 3.6.3: Construction within Historic Districts.** The Cultural Heritage Committee and Architectural Review Commission will provide specific guidance on the construction of new buildings within historic districts.

Historic Preservation Ordinance

In 2010, the City of San Luis Obispo passed a Historic Preservation Ordinance to identify and protect important historic resources within the city (City of San Luis Obispo 2010). When determining if a property should be designated as a listed historic or cultural resource, the Cultural Heritage Commission and City Council are to consider this ordinance and SHPO standards. To be eligible for designation, the resource will exhibit a high level of historic integrity; be at least 50 years old (less than 50 if it can be demonstrated that enough time has passed to understand its historical importance); and satisfy a series of criteria related to style, design, and the people and history associated with the structure.

Municipal Code

In addition to the City of San Luis Obispo's requirements to designate a historic or cultural resource, the City Municipal Code contains specific requirements for the demolition and relocation of structures listed in the inventory of historic resources. These requirements are stated in Municipal Code Sections 14.01.100 and 14.01.110.

3.4.2 Environmental Setting

REGIONAL PREHISTORY

Archaeological evidence demonstrates that Native American groups (including the Chumash) have occupied the Central Coast for at least 10,000 years, and that Native American use of the central coast region may have begun during the late Pleistocene, as early as 9000 B.C., demonstrating that historical resources began their accumulation on the central coast during the prehistoric era. Chronology of the existence of cultural resources and human settlement of the area has been divided into seven periods: Paleoindian/Paleocoastal (13,000 to 8,500 BP), Millingstone Horizon

(8,500 BP to 5,500 BP), Early Period (5,500 BP to 2,600 BP), Middle Period (2,600 to 1,000 BP), Middle/Late Transition (1,000 to 750 BP), Late Period (750 to 450 BP), and Protohistoric Period (450 to 150 BP) (Jones and Waugh 1995).

The city and county of San Luis Obispo are located within the area historically occupied by the Obispeño Chumash, the northernmost of the Chumash people of California. The Obispeño Chumash occupied much of San Luis Obispo County, including the Arroyo Grande area, and from the Santa Maria River north to approximately Point Estero. The earliest evidence of human occupation in the region comes from archaeological sites along the coast (Breschini, Haversat, and Erlandson 1996; Moratto 1974). The period after A.D. 1000 was a time of emergent political and complexity, development of social ranking, and the rapid development of craft specialization along the Santa Barbara Channel. It was also marked by a decrease in climatic pressure. By the end of this period, the Chumash population had been decimated by foreign disease and declining birthrates (City of San Luis Obispo 2014b).

ETHNOGRAPHY

The Master Plan Area was historically occupied by the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), with the Salinan bordering to the north. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

HISTORIC SETTING

Native American villages occupied by Chumash were first recorded in the Cal Poly vicinity by Europeans during Gaspar de Portolá's land expedition in search of Monterey Bay. In 1772, Fray Junípero Serra founded Mission San Luis Obispo de Tolosa, the third Franciscan mission in Alta California, about 1 mile south of the future campus site. Mission livestock—cattle, horses, mules, and sheep—grazed freely on the slopes of the surrounding hills. This pastoral land use continued after the missions were secularized in the 1830s and former mission lands were parceled out as rancho grants.

The campus occupies grazing lands formerly associated with Rancho Potrero de San Luis Obispo (granted to Maria Concepcion Boronda in 1842, though purchased by Estevan Quintana in the 1820s), Rancho San Luisito (granted to Guadalupe Cantua in 1841), and Rancho El Chorro (granted to John Wilson and James Scott in 1845). No architectural resources date to the pre-American period, but some of the campus boundaries are coterminous with earlier rancho boundaries (Marx 2002:143–144).

Although "Yankees" and other non-Mexican citizens had taken up residence in Alta California in the 1820s and 1830s, the Mexican–American War of 1846–1848 marked the official intervention of U.S. interests in California. The discovery of gold in the foothills of the Sierra Nevada instigated a population boom, and California achieved statehood in 1850. Severe flooding in 1862, followed by the disastrous drought of 1863–1864, devastated the cattle industry that had supported the San Luis Obispo County economy. Local population did not increase noticeably until further immigration in the 1870s, when dairying, mining, and sheep raising began to form the basis of a newly organized economy. The advent of shipping ports and a narrow-gauge railway supported a burgeoning commercial core in the county seat, the City of San Luis Obispo, which began to grow and acquire the aspects of an Americanized city (Thompson & West 1883:320).

By the 1880s, local boosters were promoting sales of former rancho lands, which were being partitioned into smaller tracts suitable for orchards and diversified crops. Future Cal Poly lands were among the tracts that transferred from rancho heirs to new owners, including prosperous sheep rancher Joseph Hollister and, later, dairymen Charles Walters and Giuseppe Gilardi. The Rancho Potrero de San Luis Obispo, which had reverted to the Quintana family, was also subdivided. Cal Poly's Serrano, Peterson, and Cheda Ranches represent portions of the Rancho Potrero (Spanish for "pasture") that have retained their pastoral land use (Marx 2002:168–169).

The foundation of the California Polytechnic School can be attributed, in large measure, to its promotion by Myron Angel, a local publisher who settled in San Luis Obispo in 1883. As the city gained stature—especially after the Southern Pacific Railroad reached the city from the north in 1894—a concerted effort was made to establish a local school. Legislation was enacted in 1897, and funding was finally allocated in 1902, spurred on by the 1901 completion of the

Southern Pacific Railroad line from San Francisco to San Diego, which opened the Central Coast to further settlement and investment. A 281-acre site at the north end of the city was offered to the fledgling school (Cal Poly 2001:13–16).

In March 1901, California Governor Henry T. Gage signed “An Act to Establish the California Polytechnic School,” The enabling act was effective January 1, 1902. Classes began in 1903, and the student body consisted of 20 men and women. The Cal Poly Catalogue offered instruction from three faculty members who taught: animal husbandry and other agricultural courses, domestic science (home nursing, farm accounting, dressmaking and millinery (hat making), laundering, nutrition, and the safe preparation and storage of food), and carpentry. The first class of four men and four women graduated on June 15, 1906. By 1908, the student body comprised 151 men and women (Cal Poly 2001: 15-24). Enrollment decreased through World War I and totaled 128 students by Fall 1922. Through the 1920s the campus grew to 1,200 acres, and included extensive dryland crops, vegetable fields, vineyards, and orchards (Cal Poly 2001: 29-33).

The Great Depression caused market prices for crops to collapse, resulting in decreased enrollment. In 1929, the State Legislature and Governor C.C. Young barred women from enrolling or studying at Cal Poly after 1930 to reduce the costs related to maintenance of the women’s dorm and the household arts curriculum (Cal Poly 2001: 35). Under Julian McPhee, who became president of the university in 1933, Cal Poly’s curriculum was expanded to include programs such as mechanical engineering, aeronautics, agricultural mechanics, and air conditioning. Along with these changes, the student body expanded from a low of 117 in 1933 to 711 students during the 1941-1942 academic year (Cal Poly 2001: 44-48).

In 1937, Cal Poly was granted three-year technical college status by the State Board of Education. In 1940, Cal Poly collegiate status was conferred upon Cal Poly, allowing for the first Bachelor of Science degrees to be awarded to 26 graduates on May 29, 1942 (Cal Poly 2001: 50-51). After World War II ended, interest in Cal Poly increased substantially due to funding of education to veterans through the GI bill. This increase in demand fed expansion of campus offerings, and by 1950 there were 206 instructors covering 24 departments (Cal Poly 2001: 64). Women were readmitted to Cal Poly in 1956 (Cal Poly 2001: 76). By 1960, the San Luis Obispo campus covered 2,850 acres and had 4,497 students enrolled (Cal Poly 2001: 79).

As the 1960s began, Cal Poly administrators were absorbed in planning efforts relating to new public policy for higher education in California. A watershed event in the history of California education, the original Statewide Education Master Plan combined policy and planning for the University of California, the state colleges, and the community colleges. Produced by a joint committee of educators and sponsored by the California Department of Education, the recommendations were submitted to the Legislature by Assemblywoman Dorothy M. Donahoe, a champion of the Master Plan. In 1960, the legislature passed the Donahoe Higher Education Act, which included Cal Poly in the new California State Colleges system (Cal Poly 2001: 79).

The 1960s saw continued expansion of the campus core and construction of numerous two-story classroom buildings, dormitories, and upgrades to campus services to accommodate growth brought about by increasing access to college education by veterans and baby boomers (individuals born between 1946 and 1964). A new administration building, designed by the Division of the State Architect, was constructed in 1964, and two more large-scale dormitory projects and facilities to support the then-new Environmental Horticulture Science program were constructed in 1967.

Pursuant to a 1970 Master Plan for the campus, a new student union was established downslope of the administration building, and several large-scale buildings were constructed around the campus core between 1972 and 1985, the end of the “historic period” for purposes of the 2035 Master Plan). Development since 1985 is characterized by continued growth to support the academic curriculum (reorganized in 1986 into seven distinct schools) and growing student population. The Agricultural Science and Foundation Administration buildings were completed in the late 1980s. The 1990s and 2000s saw construction of the University Center for Teacher Education, Faculty Offices East, Business Building, Children’s Center, Recreational Sports Complex, parking facilities, and expansion of agricultural technology and instructional facilities. The result is an architecturally eclectic, comparatively densely developed Academic Core, with the areas surrounding the Academic Core on three sides (West Campus, North Campus, and East Campus) providing the majority of facilities to support on-campus housing, student athletics and the agricultural programs offered at Cal Poly.

CULTURAL RESOURCES RECORDS SEARCH

A cultural resources records search was completed on July 25, 2019, at the Central Coast Information Center (CCIC) of the California Historical Resources Information System at the University of California, Santa Barbara. The search was conducted to determine if prehistoric or historic cultural resources were previously recorded within the Master Plan Area, the extent to which the Master Plan Area had been previously surveyed, and the number and type of cultural resources within a 0.5-mile radius of the Master Plan Area. The archival search of the archaeological and historical records, national and state databases, and historic maps included:

- ▶ NRHP;
- ▶ CRHR;
- ▶ California Inventory of Historic Resources (1976);
- ▶ California State Historical Landmarks (1996 and updates);
- ▶ California Points of Historical Interest (1992 and updates);
- ▶ Historic Property Data File and Archaeological Determinations of Eligibility for San Luis Obispo County (updated April 2012);
- ▶ 1867 and 1877 General Land Office plats for Township 30 South, Range 12 East; and
- ▶ San Luis Obispo U.S. Geological Survey 7.5-minute quadrangles.

The records search review revealed that 22 previous studies of cultural resources have been conducted within the Master Plan Area, and an additional 59 cultural resources studies have been completed for lands within a 0.5-mile radius of the Master Plan Area. All studies were completed between 1977 and 2011. The records search at the CCIC revealed that 12 prehistoric resources and 10 historic resources (including one roadbed and nine buildings) have been previously recorded within the Master Plan Area. Of the recorded historic resources, three have been demolished and following six remain on the Main Campus:

- ▶ **Crandall Gymnasium.** Named for Dr. Benjamin Crandall, Cal Poly President from 1924 to 1933, Crandall Gymnasium was completed in 1928 and designed by the Office of the State Architect. The building was constructed in the Mission Revival style. California was the birthplace of the Mission Revival style, popular from the 1890s to the 1920s. The style was employed extensively throughout the western United States due in large part to the Santa Fe and Southern Pacific Railroads adopting this style for their stations.
- ▶ **Jespersen Hall.** A two-story pseudo-Spanish-style building constructed in 1928. It originally consisted of concrete bearing walls, a plastered wood floor and roof structure, and tile roof. In 1983 it was remodeled to include an exterior porch entry. This building is one of the earliest dormitories on campus.
- ▶ **Heron Hall.** A companion building to Jespersen Hall, Heron Hall is also a pseudo-Spanish-style building constructed in 1928. Like Jespersen, it is a two-story building that originally consisted of concrete bearing walls, a plastered wood floor and roof structure, and tile roof. In 1982, a porch entry was added to the exterior. This building is one of the earliest dormitories on campus.
- ▶ **University House (President's Home).** University House (President's Home), was developed in 1928 in a pseudo-Spanish style as a home for then-President Crandall. Other university presidents who resided in the University House included: Julian McPhee, Robert Kennedy, and Warren Baker. It is a two-story wood frame building that originally consisted of concrete bearing walls, a plastered wood floor and roof structure, and a tile roof. Extensive interior and exterior remodeling occurring in 1968, 1980, and 2018.
- ▶ **Chase Hall.** A companion building to Jespersen and Heron Halls, Chase Hall is also a pseudo-Spanish style building constructed in 1930, Chase Hall originally consisted of concrete bearing walls, a plastered wood floor and roof structure, and tile roof. This building is one of the earliest dormitories on campus.

- ▶ **Old Power House.** The Old Power House is a large, one-story, Mission/Spanish Colonial-style building designed by William H. Weeks and constructed in 1908-1909. It is situated in the oldest part of campus and is one of its original buildings. Formerly referred to as the Power Plant, it originally contained one 100 horsepower (hp) boiler, one 50 hp steam engine, and one 30-kilowatt generator. Upgrades occurred over time to accommodate and facilitate campus growth. The Power House was in continuous operation as an electrical power and steam heating plant from 1910 to 1940. In 1955, it was abandoned after completion of the new power plant. Beginning in the 1960s, it was used by the Architecture Department as lab space but was abandoned in 1990 due to seismic instability.

Prehistoric and remaining historic resources within the Master Plan Area are listed in Table 3.4-1.

Table 1.4-1 Cultural Resources Previously Recorded within Master Plan Area

Trinomial/Building No.	Period	Brief Description
CA-SLO-44	Prehistoric	Occupation site
CA-SLO-490	Prehistoric	Bedrock mortars (11)
CA-SLO-523	Prehistoric	Projectile point-trail connecting to Mustang Village
CA-SLO-524	Prehistoric	Granite bowl-fragment
CA-SLO-669	Prehistoric	Bedrock mortars (4)
CA-SLO-2053	Prehistoric	Shell and lithic scatter
CA-SLO-2090	Prehistoric	Lithic scatter
CA-SLO-2280	Prehistoric	Shell and lithic scatter and biface
CA-SLO-002870	Prehistoric	Lithic scatter
CA-SLO-038190	Prehistoric	Lithic-chert flake
CA-SLO-038191	Prehistoric	Lithic-chert flake
CA-SLO-038350	Prehistoric	Lithic-chert flake
N/A	Historic	Linear feature-roadbed located north of Highland Drive and adjacent to Highway 1's western shoulder
60	Historic	Structure-Crandall Gymnasium - circa 1928. Remodeled in 1982.
116	Historic	Structure-Jespersen Hall – 1928. Remodeled in 1983.
117	Historic	Structure-Heron Hall – 1928. Remodeled in 1982.
51	Historic	Structure-University House (President's Home) – 1928. Remodeled in 1968, 1980, and 2018.
115	Historic	Structure-Chase Hall – 1930
76	Historic	Structure-Old Power House – 1908. Remodeled in 1970s.

In addition to this search, burial sensitivity areas for the campus have been identified along Brizzolara Creek by the City of San Luis Obispo (City of San Luis Obispo 2014a: 6-19).

NATIVE AMERICAN AND TRIBAL CULTURAL RESOURCES

In 2016, Cal Poly sent a letter to the NAHC requesting the list of tribes that expressed interest in formal consultation pursuant to AB 52. NAHC provided contact information for two tribes: *yak tityu* (a Northern Chumash tribe) and Torres Martinez Desert Cahuilla Indians. The NAHC also indicated that the search of the Sacred Lands File did not indicate the presence of Native American cultural resources within the Master Plan Area.

Letters providing formal notification of a campus master plan project and the opportunity for tribal consultation with Cal Poly pursuant to AB 52 were sent to Torres Martinez Desert Cahuilla Indians on July 28, 2016, and *yak tityu tityu* on December 12, 2018. AB 52 requires early consultation by a lead agency with Native American tribes when a written

request for such consultation is received by a tribe within 30 days of notification. No response was received by either tribe within the response period and no tribal cultural resources (as defined in Section 4 of AB 52) have been identified by any tribes within the Master Plan Area. While the formal AB 52 process was closed, the tribes have since contacted Cal Poly about potential effects on cultural resources and Cal Poly will engage in informal consultation with the tribes during the CEQA environmental review process.

3.4.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

To evaluate the potential impacts of the 2035 Master Plan on archaeological, historical, and tribal cultural resources, the proposed activities of the project were considered in relation to known resources or the potential for unknown resources. The analysis is informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. In determining the level of significance, the analysis assumes that the project would comply with relevant federal and state laws, regulations, and ordinances.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would normally result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

ISSUES NOT DISCUSSED FURTHER

All potential archaeological, historical, and tribal cultural resources issues identified in the significance criteria are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The 2035 Master Plan proposes new campus development and redevelopment to support projected campus population growth and to enable expanded and new program initiatives, including the renovation of some existing buildings, including potentially historically significant buildings. Some historically significant structures/buildings identified for renovation may need substantial investment and, while not anticipated at this time, could be replaced if renovation proves infeasible. This could result in damage to or destruction of historic buildings and structures, thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. This impact would be **potentially significant**.

As discussed above in Section 3.4.2, "Environmental Setting," there are nine previously recorded historic resources located within the Master Plan Area, three of which have been previously demolished. Extant historic structures/buildings include the Crandall Gymnasium, Jespersen Hall, Heron Hall, the University House (President's Home), Chase Hall, and others (see Table 3.4-1 for complete list). There are additional on-campus buildings that have not been identified as historic resources, but may become historically significant resources during the planning period (i.e., through 2035). The demolition, alteration, or disturbance of existing features, buildings, and structures could result in changes to or destruction of historic resources if they meet the definition of historic resource under Section 15064.5(a) of the CEQA Guidelines.

The 2035 Master Plan proposes general types of campus development and land uses to support projected campus population growth and to enable new and expanded program initiatives. The 2035 Master Plan proposes various new built elements on campus, including housing, recreation and athletic facilities, and academic, administrative, and support facilities. A primary component of the 2035 Master Plan is the renovation and/or replacement of 455,000 gsf of existing campus facilities. These Master Plan elements could be sited in areas with known, recorded historical buildings or structures, or in areas with resources that have not yet been evaluated for historical significance and/or resources that may become historic during the planning period.

Historic structures are generally clustered in the southwest portion of campus, in the Academic Core and the site of the original university center. Jespersen Hall (Building 116) and Heron Hall (Building 117), both constructed in 1928, and Chase Hall, constructed in 1930 are located in this area, and the Old Powerhouse (Building 76) and Crandall Gymnasium (Building 60) are located to the north of the residence halls, just north of South Perimeter Road. The University House, home of the Cal Poly President, is located to the east of Chase Hall, across Cuesta Avenue, just off Campus Way. Except for the Old Powerhouse and University House, each of these buildings is slated for renovation and may be in need of substantial investment. While none of the identified historic structures are presently proposed for replacement, if in the course of detailed planning it is determined that renovation of any of the buildings is infeasible, replacement may become necessary. Therefore, there is the potential for new development to adversely affect buildings, structures, or other resources that are known to be or could potentially be historically significant.

Damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or a potential historic resource that has not yet been evaluated could result in a change in its historical significance. Therefore, impacts on historical resources would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-1: Conduct Project-Specific Surveys and Identify and Implement Measures to Protect Identified Historic Resources

Before altering or otherwise affecting a building or structure that is 50 years old or older, Cal Poly shall retain a qualified architectural historian to record the building or structure on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building has not previously been evaluated. Its significance shall be assessed and documented by a qualified architectural historian in accordance with the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5. The evaluation process shall include the development of appropriate

historical background research as context for the assessment of the significance of the structure in the history of the CSU system, Cal Poly, and the region. For buildings, structures, and other resources determined through this evaluation process not to meet the CEQA historical resource criteria, no further mitigation is required.

For any building, structure, and or other resource that qualifies as a historic resource, the architectural historian and Cal Poly shall consult to consider measures that would enable the Master Plan project to avoid direct or indirect impacts to the historic building or structure. These could include preserving the building on site, using it "as is," or other measures that would not materially alter the historically significant components of the building or structure. If the project cannot feasibly avoid modifications to the historically significant features of the historic building or structure, the following measures shall be undertaken as appropriate:

- 1) If the building or structure can be preserved on-site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (NPS 1983).
- 2) If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, Cal Poly shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping and setting. Documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the University archives, Shields Library Special Collections. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- 3) If preservation and reuse at the site are not feasible, the historical building shall be documented as described in item (2) and, when physically and financially feasible, be moved and preserved or reused.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-1 would reduce potentially significant impacts on historic resources because actions would be taken to record, evaluate, avoid, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. However, State CEQA Guidelines Section 15126.4(b)(2) notes that in some circumstances, documentation of a historical resource shall not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. Therefore, because the potential for permanent loss of a historic resource or its integrity cannot be precluded, the project's impacts on historic resources is concluded to be **significant and unavoidable**.

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource

Future development associated with the 2035 Master Plan could be located in areas that contain known or unknown archaeological resources and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This impact would be **potentially significant**

The 2035 Master Plan proposes campus development to support projected campus population growth and to enable expanded and new program initiatives. This development would be related to academic, residential, and infrastructure uses and would include various levels of ground disturbance.

The CCIC records search revealed 12 previously recorded prehistoric sites within the Master Plan Area, which indicates that archaeological sites may be encountered throughout the un-surveyed portions of the Master Plan Area. In addition, areas along Brizzolara Creek are considered to be sensitive for the presence of archeologically significant burials. Development or improvements in locations of sensitivity, where highly important sites are most likely to be located, could encounter previously undiscovered or unrecorded archaeological sites and materials. Ground disturbance could damage or destroy previously undiscovered archaeological resources, which would be a **potentially significant** impact.

Mitigation Measures

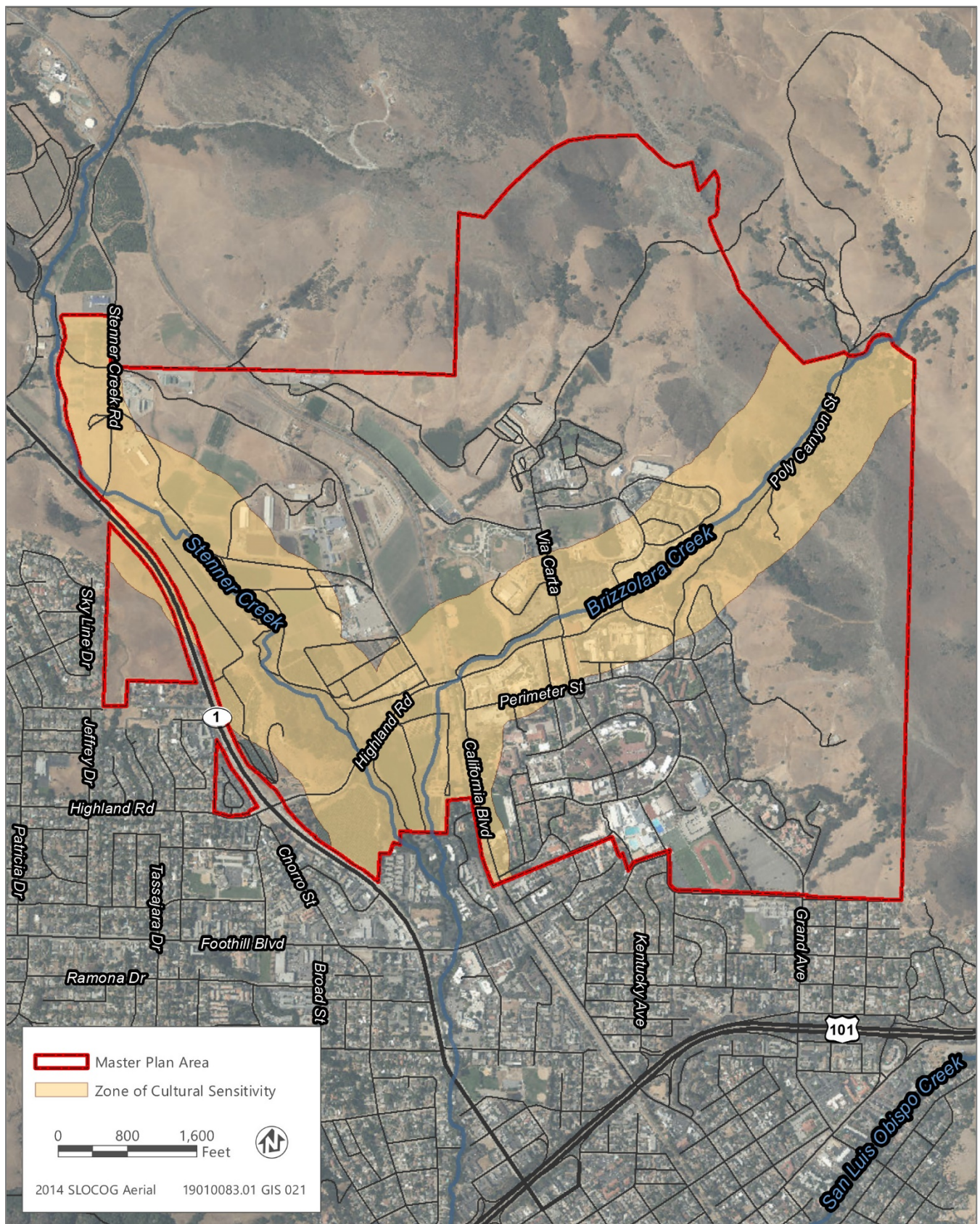
Mitigation Measure 3.4-2a: Identify and Protect Unknown Archaeological Resources

During project-specific environmental review of development under the 2035 Master Plan, Cal Poly shall define each project's area of effect for archaeological resources in consultation with a qualified archaeologist, as defined by the Secretary of Interior. The University shall determine the potential for the project to result in cultural resource impacts, based on the extent of ground disturbance and site modification anticipated for the project. Cal Poly shall determine the level of archaeological investigation that is appropriate for the project site and activity, as follows:

- ▶ Minimum: excavation less than 18 inches deep and less than 5,000 square feet of disturbance (e.g., a trench for lawn irrigation, tree planting). Implement Mitigation Measure 3.4-2a(1).
- ▶ Moderate: excavation below 18 inches deep and/or over a large area on any site that has not been characterized as sensitive and is not suspected to be a likely location for archaeological resources. Implement Mitigation Measure 3.4-2a(1) and (2).
- ▶ Intensive: excavation below 18 inches and/or over a large area on any site that is within the zone of archaeological sensitivity, i.e., within 750 feet, along Brizzolara Creek or Stenner/Old Garden Creek (as shown in Figure 3.4-1) or that is adjacent to a recorded archaeological site. Implement Mitigation Measure 3.4-2a(1), (2), and (3).

Cal Poly shall implement the following steps to identify and protect archaeological resources that may be present in the project's area of effects:

- 1) For project sites at all levels of investigation, contractor crews shall be required to attend a training session before the start of earth moving, regarding how to recognize archaeological sites and artifacts and what steps shall be taken to avoid impacts to those sites and artifacts. In addition, campus employees whose work routinely involves disturbing the soil shall be informed how to recognize evidence of potential archaeological sites and artifacts. Before disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify Cal Poly Facilities Management and Development if any are found. A qualified archeologist would be present onsite during earth-moving activities to provide oversight to contractor crew and campus employees. In the event of a find, Cal Poly shall implement item (5), below.
- 2) For project sites requiring a moderate or intensive level of investigation, a surface survey shall be conducted by a qualified archaeologist once the area of ground disturbance has been identified and before soil disturbing activities. For sites requiring moderate investigation, in the event of a surface find, intensive investigation shall be implemented, as per item (3), below. Irrespective of findings, the qualified archaeologist shall, in consultation with Cal Poly Facilities Management and Development, develop an archaeological monitoring plan to be implemented during the construction phase of the project. If the project site is located within a zone of archaeological sensitivity (i.e., within 750 feet of Brizzolara Creek, Stenner Creek, or Old Garden Creek) or it is recommended by the archaeologists, Cal Poly shall notify the appropriate Native American tribe and extend an invitation for monitoring. The frequency and duration of monitoring shall be adjusted in accordance with survey results, the nature of construction activities, and results during the monitoring period. A written report of the results of the monitoring shall be prepared and filed with the appropriate Information Center of the California Historical Resources Information System. In the event of a discovery, Cal Poly shall implement item (5), below.
- 3) For project sites requiring intensive investigation, irrespective of subsurface finds, Cal Poly shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System.



Source: Data received from Cal Poly SLO in 2019; adapted by Ascent Environmental in 2019

Figure 3.4-1 Zone of Cultural Sensitivity

- 4) If it is determined that the resource extends into the project's area of effects, the resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of State CEQA Guidelines Section 15064.5. If the resource does not qualify, or if no resource is present within the project's area of effects, this shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery item (5), below shall be implemented.
- 5) If archaeological material within the project's area of effects is determined to qualify as an historical resource or a unique archaeological resource (as defined by CEQA), Cal Poly Facilities Management and Development shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that shall permit avoidance or substantial preservation in place of the resource. If avoidance or substantial preservation in place is not possible, Cal Poly shall implement Mitigation Measure 3.4-2b.
- 6) If archaeological material is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease. Cal Poly Facilities Management and Development shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. Mitigation Measure 3.4-2a (3) and (4) shall be implemented.

Mitigation Measure 3.4-2b: Protect Known Unique Archaeological Resources

For an archaeological site that has been determined by a qualified archaeologist to qualify as a unique archaeological resource through the process set forth under Mitigation Measure 3.4-2a, and where it has been determined under Mitigation Measure 3.4-2a that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with Cal Poly Facilities Management and Development, and Native American tribes as applicable, shall:

- 1) Prepare a research design and archaeological data recovery plan for the recovery that shall capture those categories of data for which the site is significant and implement the data recovery plan before or during development of the site.
- 2) Perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.
- 3) If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the CRHR, Cal Poly Facilities Management and Development shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, Cal Poly shall implement Mitigation Measure 3.4-2c.

Mitigation Measure 3.4-2c: Document Unique Archaeological Resources

If a significant unique archaeological resource cannot be preserved intact, before the property is damaged or destroyed, Cal Poly Facilities Management and Development shall ensure that the resource is appropriately documented. For an archaeological site, a program of research-directed data recovery shall be conducted and reported, consistent with Mitigation Measure 3.4-2a.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-2a through 3.4-2c would reduce potentially significant impacts on archaeological resources to less-than-significant levels because mitigation would be developed in coordination with the appropriate federal, state, and/or local agency(ies) and tribes to avoid, move, record, or otherwise treat the archaeological resource appropriately, in accordance with pertinent laws and regulations. Therefore, the project's impacts would be **less than significant**.

Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Cal Poly sent letters inviting tribal consultation to the tribes that expressed interest in formal consultation pursuant to AB 52. No response to these letters was received within the 30-day period required to initiate consultation. However, it is possible that tribal cultural resources could be identified during analysis of subsequent projects. Compliance with PRC Section 21080.3.2 and Section 21084.3(a) would render this impact **less than significant**.

As discussed above in Section 4.3.2, "Environmental Setting," Cal Poly sent letters providing formal notification of the opportunity for tribal consultation pursuant to AB 52 to Torres Martinez Desert Cahuilla Indians on July 28, 2016, and to *yak ttiyu tityu* on December 12, 2018. No response was received from either tribe during the 30-day period required to initiate formal consultation so the AB 32 process is closed. However, the tribes have since contacted Cal Poly about potential effects on cultural resources and Cal Poly will engage in informal consultation. Notwithstanding, no tribal cultural resources, as described under AB 52 and defined in PRC Section 21074, have been identified by either tribe.

Implementation of projects contemplated in the 2035 Master Plan may require subsequent discretionary approvals and site-specific project-level analyses to fulfill CEQA requirements, which may include additional AB 52 consultation and identification of tribal cultural resources. Although no resources within the Master Plan Area have been identified as meeting any of the PRC Section 5024.1(c) criteria, it is possible that tribal cultural resources could be identified during analysis of subsequent projects. California law recognizes the need to protect tribal cultural resources from inadvertent destruction, and the procedures for the treatment of tribal cultural resources are contained in PRC Section 21080.3.2 and Section 21084.3 (a).

Within 14 days of Cal Poly determining that it may undertake a project, Cal Poly must provide formal notification, in writing, to the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project and that have requested notification of projects in the lead agency's jurisdiction. If any affiliated tribe wishes to engage in consultation on the project, the tribe must respond to Cal Poly within 30 days of receipt of the formal notification. Cal Poly would be required to begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect is determined to exist, on a tribal cultural resource, or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

No tribal cultural resources were identified through the AB 52 process for the 2035 Master Plan. Notwithstanding, Cal Poly remains open to informal consultation requests, such as those recently received, and expects that over the time horizon of the 2035 Master Plan, formal consultation pursuant to AB 32 may take place. If Cal Poly determines that a subsequent project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe measures that, if determined by the lead agency to be feasible, could be implemented to reduce potential effects of campus-related development on tribal cultural resources. Such measures include avoidance and preservation of resources, establishment of permanent conservation easements in areas where resources are present, and protecting resources through other means. Compliance with PRC Section 21080.3.2 and Section 21084.3 (a) and Cal Poly's continuing notification of the Torres Martinez Desert Cahuilla Indians and *yak ttiyu tityu* of all projects will continue to provide an opportunity to avoid or minimize the disturbance of tribal cultural resources, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.4-4: Disturb Human Remains

Construction and excavation activities associated with project development could unearth previously undiscovered or unrecorded human remains, if they are present. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 would make this impact **less than significant**.

The location of grave sites and Native American remains can occur outside of dedicated cemeteries or burial sites. Ground-disturbing construction activities could uncover previously unknown human remains, which could be archaeologically or culturally significant. The 2035 Master Plan proposes new development and building improvements involving construction activities that would disturb native terrain, including excavation, grading, and soil removal; therefore, the potential exists for previously undiscovered human remains to be discovered.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097.

If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and Cal Poly shall notify the San Luis Obispo County coroner and the NAHC immediately, according to PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, and the NAHC-designated most likely descendant shall recommend the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.