

Appendix D

Cultural Resources Information

CULTURAL RESOURCES LITERATURE SEARCH METHODS AND RESULTS

North Central California Information Center

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

- National Register of Historic Places
- California Register of Historical Resources
- 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 (HPDF) and Archaeological Determinations of Eligibility (ADOE) for San Luis Obispo County (updated April 2012)
- 1867 and 1877 General Land Office (GLO) plats for Township 30 South, Range 12 East
- San Luis Obispo USGS 7.5-minute quadrangles

Prior Studies

The records search at the CCIC indicates twenty two (22) previous studies have been conducted within the APE (Table 2), and an additional fifty nine (59) prior cultural resources studies have been completed within a 0.5-mile radius of the APE. The studies were completed between 1977-2011.

Table 1. Prior Cultural Resources Studies within or in 0.5-mile Radius of APE			
CCIC Report No.	Study	Author and Year	In APE?
00748	An Archaeological Reconnaissance of Nine Proposed Diablo Canyon Early Warning Siren Locations, San Luis Obispo County, CA	Holson 1986	Yes
03083	Phase I Cultural Resources Survey of 33 Acres for the Cal Poly Sports Complex California Polytechnic State University, San Luis Obispo County, CA	Maki 1996	Yes
03373	Historical Significance Assessment of the Sheep Unit (P40-040-990) California Polytechnic State University, San Luis Obispo	Bertrando 1997	Yes
03778	Phase I Archaeological Survey and Impact Assessment of Approximately Six Acres for the Student Housing Complex Project California Polytechnic State University, San Luis Obispo County, California	Maki 1999	Yes
04051	Phase I Archaeological Survey Along Onshore Portions of the Global West Fiber Optic Cable Project	SAIC 2000	Yes
04169	Cultural Resource Assessment for Pacific Bell Wireless Facility LA 470-02, County of San Luis Obispo, California	Duke 2000	Yes
04286	Phase I Archaeological Survey of 30+ Acres for the Cal Poly Housing Project/Site H-9, San Luis Obispo County, CA	Maki 2001	Yes
04288	Phase I Archaeological Survey of Approximately Four Acres for the Cal Poly Housing Project/ Site H-8, San Luis Obispo	Maki 2001	Yes

Table 1. Prior Cultural Resources Studies within or in 0.5-mile Radius of APE			
CCIC Report No.	Study	Author and Year	In APE?
04686	Phase I Archaeological Survey of Approximately Six Acres, Cal Poly Student Housing Project, Site H-6, San Luis Obispo County, CA (USGS 7.5' San Luis Obispo Quadrangle)	Maki 2001	Yes
04708	Phase I Archaeological Survey of 17.3 Acres, Cal Poly--Cheda Ranch Project Site, San Luis Obispo County, CA (USGS 7.5' San Luis Obispo Quadrangle)	Maki 2002	Yes
04714	Archaeological Assessment of CA-SLO-2090 for Cal Poly Faculty/Staff Housing Project, Site H-9	Hannahs 2001	Yes
04902	Negative Phase I Archaeological Survey of 3.27 Acres Cal Poly Parking Structure No. 2 Project, San Luis Obispo County, CA	Maki 2003	Yes
05009	Phase I Archaeological Survey of Approximately 30 Acres for the Cal Poly Capstone Student Housing Project, San Luis Obispo County, CA	Maki 2003	Yes
05038	Cal Poly Capstone Student Housing Project Historic Structure Evaluation Abattoir - Shoeing Shop - Feed Mill P-40-041144	Bertrando 2003	Yes
05064	Negative Historic Property Survey Report for the Camp San Luis Median Barrier Project, San Luis Obispo County	Joslin 2002	Yes
05163	Negative Archaeological Survey Report of 5.77 Acres for the Cal Poly Old Poultry Unit Demolition Project San Luis Obispo County, CA	Maki 2004	Yes
05164	Boundary Definition of Archaeological Site CA-SLO-669 and Phase I Archaeological Survey of +/-9 Acres, Cal Poly Mustang Stadium Renovation Project, San Luis Obispo County, California	Stevens 2004	Yes
05712	Phase I Archaeological Survey Report for the Cal Poly Facilities Abattoir Project, San Luis Obispo County, California	Jones 2006	Yes
06055	Farm Shop Storage Building, California Polytechnic State University, FEMA-1505-DR-CA, PW #242, Task Order #45, Contract EMW-2003-CO-0001	Amaglio 2004	Yes
06164	Archaeological Survey, Construction Worker Training, and Monitoring for the Cal Poly Student Housing North Project, San Luis Obispo, County, CA	McFarlane 2007	Yes
06350	Collocation Submission AT&T Site Number: SNBBCAL080A Site Name: KVEC	Wlodarski 2008	Yes
07283	Cultural Resources Survey for the Football Practice Field Project, San Luis Obispo County, California	Laurie 2011	Yes

Previously Recorded Resources

The records search at the CCIC indicates twenty two (22) cultural resources have been previously recorded within the APE (Table 3), while twenty one are mapped within a 0.5-mile radius of but outside the APE.

Table 2. Cultural Resources Previously Recorded within 0.5-mile Radius of APE					
Primary No. P-40-	Trinomial	Period	Brief Description	Recorded by and year	In APE?
000044	CA-SLO-44	Prehistoric	Occupation site	Pilling 1948 Gibson 1986 Berg 2002	Yes

Table 2. Cultural Resources Previously Recorded within 0.5-mile Radius of APE

Primary No. P-40-	Trinomial	Period	Brief Description	Recorded by and year	In APE?
000490	CA-SLO-490	Prehistoric	Bedrock mortars (11)	Dills 1969	Yes
000523	CA-SLO-523	Prehistoric	Projectile point-trail connecting to Mustang Village	Werlhof 1970	Yes
000524	CA-SLO-524	Prehistoric	Granite bowl-fragment	Werlhof 1970	Yes
000669	CA-SLO-669	Prehistoric	Bedrock mortars (4)	Dills 1973 Stevens 2004	Yes
002053	CA-SLO-2053	Prehistoric	Shell and lithic scatter	Hatch 1999	Yes
002090	CA-SLO-2090	Prehistoric	Lithic scatter	Maki 2001	Yes
002280	CA-SLO-2280	Prehistoric	Shell and lithic scatter and biface	Maki 2003	Yes
002858	N/A	Historic	Linear feature-roadbed	Maki 2001	Yes
002870	CA-SLO-002870	Prehistoric	Lithic scatter	Jackson 2018	Yes
038190	CA-SLO-038190	Prehistoric	Lithic-chert flake	Darcangelo 1999	Yes
038191	CA-SLO-038191	Prehistoric	Lithic-chert flake	Nichols 1999	Yes
038350	CA-SLO-038350	Prehistoric	Lithic-chert flake	Jackson 2018	Yes
040633	N/A	Historic	Structure-Crandall Gymnasium	Phillips 1984	Yes
040653	N/A	Historic	Structure-Heron Hall	Phillips 1984	Yes
040654	N/A	Historic	Structure-President's Home	Phillips 1984	Yes
040655	N/A	Historic	Structures-Cottages 1, 2, & 3	Phillips 1984	Yes
040662	N/A	Historic	Structure-Chase Hall	Phillips 1984	Yes
040656	N/A	Historic	Structure-Old Power House	Phillips 1984	Yes
040765	N/A	Historic	Structure-Equipment garage	Thorton 1994	Yes
040865	N/A	Historic	Structure-Single family home	State 1983	Yes
040990	N/A	Historic	Structure-Sheep unit	Maki 1996	Yes

NATIVE AMERICAN HERITAGE COMMISSION

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October 10, 2016

Julie Hawkins
California State Polytechnic University, San Luis Obispo
1 Grand Avenue
San Luis Obispo, CA 93407

sent via e-mail:
jkhawkin@calpoly.edu

RE: SCH# 2016101003; Master Plan 2035 Project, Notice of Preparation for Draft Environmental Impact Report, San Luis Obispo County, California

Dear Ms. Hawkins:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that 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. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that 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. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of **portions** of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. **Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).

- II. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - I. Protecting the cultural character and integrity of the resource.
 - II. Protecting the traditional use of the resource.
 - III. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)). *This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

July 28, 2016

Michael Mirelez
Cultural Resource Coordinator
Torres Martinez Desert Cahuilla Indians
66725 Martinez Road
Thermal, California 92274

Re: Notice of Opportunity to Consult for the California Polytechnic State University,
San Luis Obispo Master Plan 2035 Project

Dear Mr. Mirelez:

California Polytechnic State University, San Luis Obispo (Cal Poly) is undertaking an environmental review process pursuant to the California Environmental Quality Act (CEQA) for the Master Plan 2035 project. The main objective of the Master Plan is to guide the long-term campus development that accommodates future gradual student enrollment growth while preserving and enhancing the quality of campus life. To do so, the Master Plan provides a framework for implementation of the University's goals and programs by identifying needed facilities and improvements to accommodate student enrollment that is projected to reach 23,265 full-time equivalent (FTE) students by 2035. These facilities include additional student, staff, and faculty housing and residential neighborhoods; academic facilities; administrative and support facilities; sport and other facilities; and associated circulation and other improvements, as illustrated in the attached Master Plan conceptual land use map.

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1(b) of the California Public Resources Code (PRC), we are hereby notifying you of an opportunity to consult with the University regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3.1(b) of the PRC, you have 30 days from the receipt of this letter to request or decline consultation for this project in writing. Please send your written response before August 29, 2016 to Joel Neel, Director of Facilities Planning & Capital Projects. If we do not receive a response within 30 days, we will proceed. Thank you and we look forward to your response.

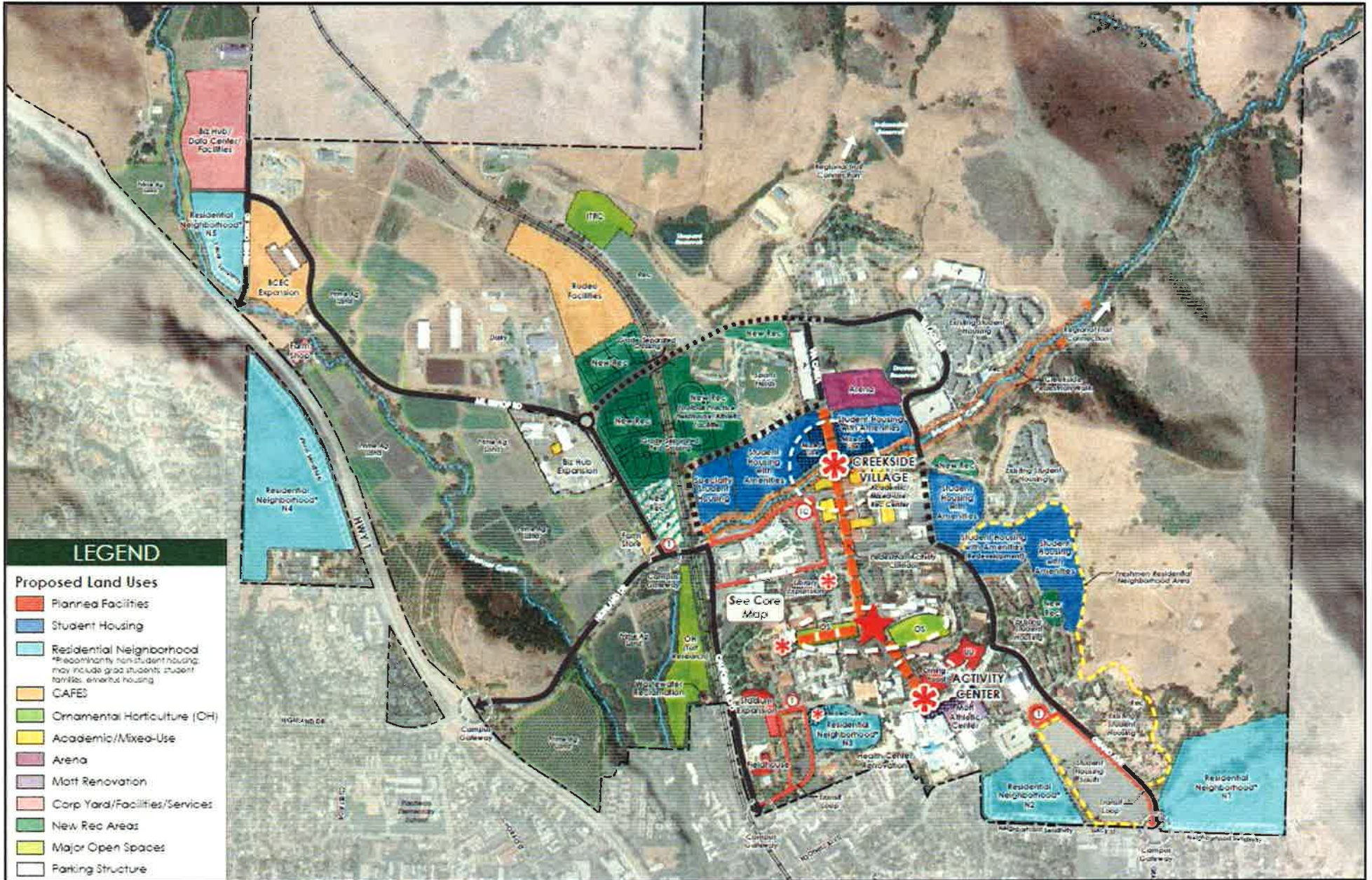
Respectfully,



Joel Neel

Director of Facilities Planning & Capital Projects

Sent Via Certified Mail: 7009-2250-0004-3576





December 12, 2018

Mona Olivas Tucker, Chairperson
yak tityu tityu - Northern Chumash Tribe
660 Camino Del Rey
Arroyo Grande, CA 93420

RE: Notice of Opportunity to Consult for the California Polytechnic State University, San Luis Obispo Master Plan 2035 Project

Dear Ms. Tucker:

The California Polytechnic State University, San Luis Obispo (Cal Poly or University) Campus Master Plan 2035 (Master Plan) is a long-range planning document that will guide the development and use of campus lands through the year 2035 as the planning horizon. The Master Plan provides for needed academic facilities, additional housing on campus, recreation and athletics facilities, and other support facilities on the Cal Poly campus to accommodate students seeking an education at Cal Poly and to meet the University's needs over the next two decades, as illustrated in the attached figures from the Master Plan (Figures A-1 and A-2).

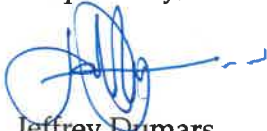
Fifteen years after the adoption of the 2001 Master Plan, the majority of the main campus facilities have been developed to accommodate the 20,944-headcount enrollment level at the University, as of the 2015/2016 academic year. As Cal Poly education continues to be in great demand, combined with the need to meet statewide goals and requirements, the proposed Master Plan provides a framework for implementation of the University's goals and programs by identifying needed facilities and improvements within the campus to accommodate a gradual growth in student enrollment, projected to reach 25,000 headcount (or 22,500 full-time equivalent students) by 2035. Enrollment growth at the campus is expected to vary from year to year depending upon funding for instructional facilities, student housing, and enrollment.

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1(b) of the California Public Resources Code (PRC), we are hereby notifying you of an opportunity to consult with the University regarding the potential for this project to impact Tribal Cultural Resources, as defined in PRC Section 21074. The purposes of tribal consultation under AB 52 are to determine, as part of the California Environmental Quality Act (CEQA) review process, whether or not Tribal Cultural Resources are present within the project area and, if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly

impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with PRC Section 21080.3.1(b), you have 30 days from the receipt of this letter to request or decline consultation for this project in writing. Please send your written response before January 13, 2019 to Jeffrey Dumars, Space and Facilities Utilization Manager, Facilities Planning & Capital Projects. If we do not receive a response within 30 days, we will proceed. Thank you and we look forward to your response.

Respectfully,



Jeffrey Dumars
Space and Facilities Utilization Manager
Facilities Planning & Capital Projects
California Polytechnic State University, San Luis Obispo
San Luis Obispo, California 93407

ATTACHMENT A
Master Plan Figures

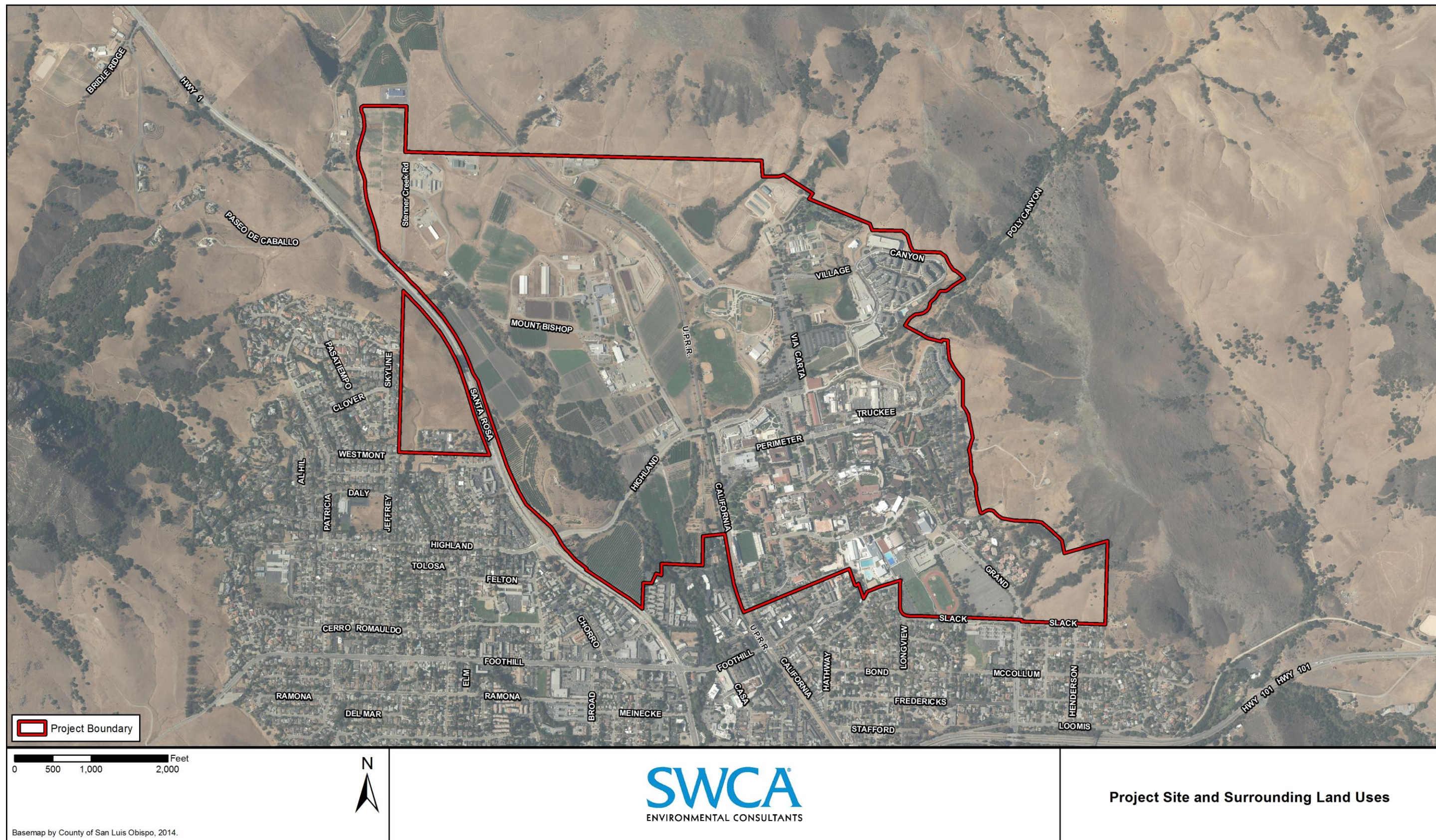


Figure A-1. Project site and surrounding land uses.

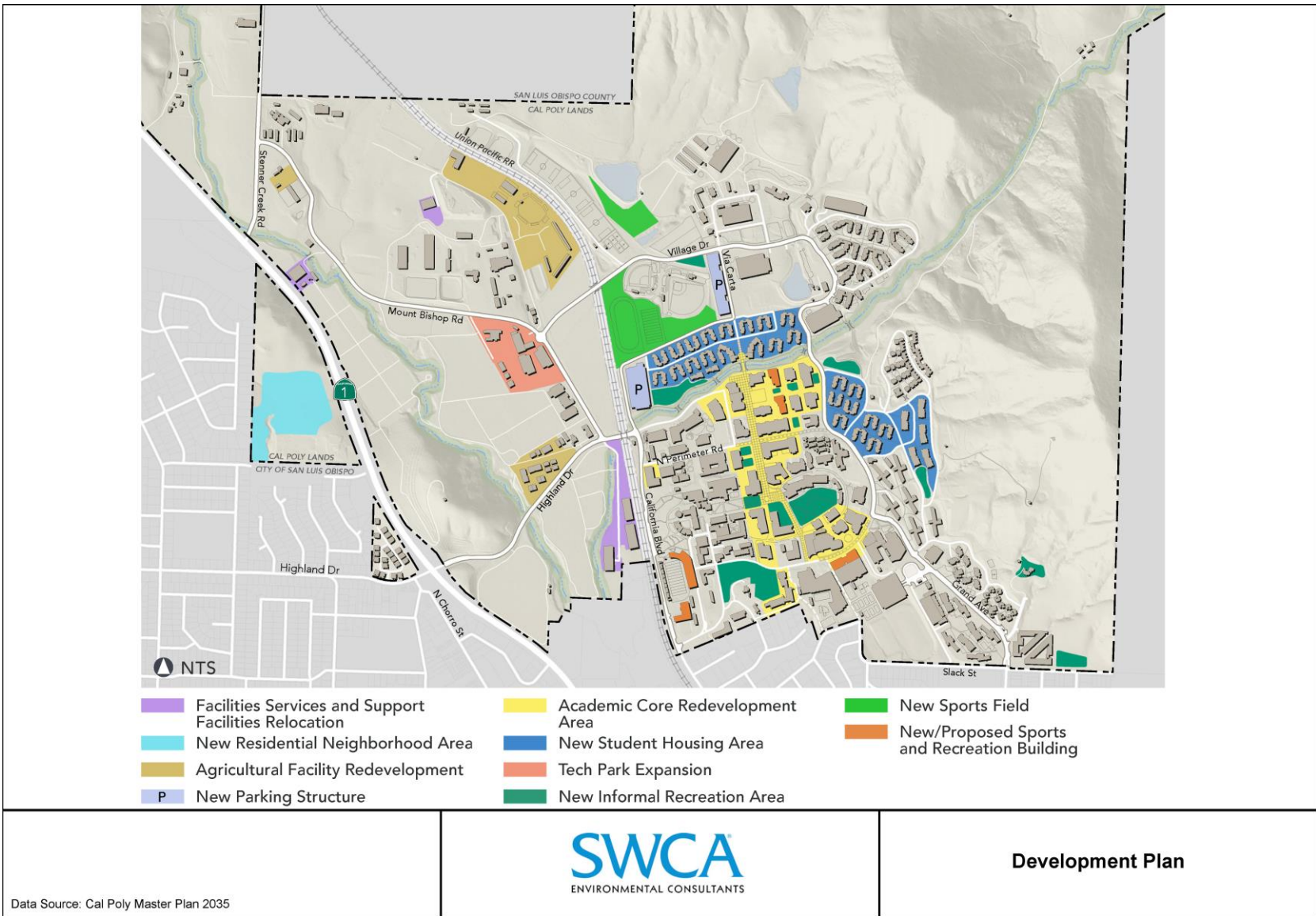


Figure A-2. Development plan.