

# ARCHAEOLOGICAL RESOURCE PRESERVATION PROGRAM GUIDELINES



*Chumash Rock Art, San Luis Obispo County*

October 2009





# **ARCHAEOLOGICAL RESOURCE PRESERVATION PROGRAM GUIDELINES**

Adopted October 20, 2009 by the San Luis Obispo City Council,  
Resolution No. 10120 (2009 Series).

October 2009

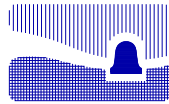
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*Downtown San Luis Obispo archaeological site uncovered during trenching for utilities, 2005*

## city of san luis obispo ARCHAEOLOGICAL RESOURCE PRESERVATION PROGRAM GUIDELINES

This update to the Archaeological Resource Preservation Guidelines revises terminology, updates procedures, improves the document's organization and clarity, and responds to changes and advances in professional practice that have occurred since adoption of the original Guidelines in October 1995. It also addresses the requirements of California State Senate Bill 18 (SB 18), signed into law by Governor Arnold Schwarzenegger in September 2004, and effective in March 1, 2005. SB 18 requires cities and counties to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to cultural places.

### ***1.0 INTRODUCTION***

This is a guide to the identification, evaluation, and preservation of archaeological and other cultural resources in the City of San Luis Obispo. Cultural resources refer to the artifacts, human remains, and sites containing evidence of past human activities, including:

- A. Prehistoric Native American archaeological sites;
- B. Historic archaeological sites; and
- C. Sites or natural landscapes associated with important human events;
- D. Native American sacred places and cultural landscapes

These guidelines were developed by the Cultural Heritage Committee (CHC), a group of seven citizens who advise the City Council on cultural resource preservation, including archaeological sites and historical buildings, structures, objects, and districts. They are based upon and implement policies in the General Plan Land Use Element and Conservation and Open Space Element, and are part of the City's environmental review process. Citizens, developers, design professionals, city staff, the CHC, and decision makers will use these guidelines to determine whether a project complies with the cultural resource provisions of California Environmental Quality Act (CEQA), and what information is needed to evaluate a project's effects on archaeological sites and artifacts. The preservation of historical sites and buildings is primarily addressed in another City publication, the *HISTORIC PRESERVATION PROGRAM GUIDELINES*.

Archaeological resources must be considered as part of the State-mandated environmental review process. The California Environmental Quality Act (CEQA) and implementing guidelines found in Section 15000 of the California Administrative Code, apply to all projects carried out by state and local government agencies, special districts, public institutions, and private individuals or groups. CEQA requires that the reviewing agency determine whether a project may have adverse effects on important archaeological resources, and if so, what measures are available to reduce or eliminate the adverse effects. These guidelines implement, and are consistent with CEQA and Senate Bill 18

requirements, and are legally enforceable. The California State Native American Heritage Commission (NAHC) helps cities and counties implement the law by maintaining a list of recognized "California Native American Tribes." These tribes, whether federally recognized or not, are distinct and independent governmental entities with cultural beliefs and traditions closely tied to those areas of California that are their ancestral homelands. As used in these guidelines, "tribe" refers to a state-recognized California Native American Tribe.

Specifically, this document addresses the following questions listed in the State CEQA Guidelines, *Appendix G, Section V - Cultural Resources*. Would the project:

A. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?

B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?

C. Disturb any human remains, including those interred outside of formal cemeteries?

To determine the "significance" of a potential impact to cultural resources, the importance of the resource in question must be first be assessed, and then the severity of potential impacts to that resource must be measured. Guidance for the assessment of resource's importance or "significance" is provided in Section 3.40, guidance on the evaluation of the severity of impacts is provided in Section 3.50, and guidance on mitigating cultural resource impacts is provided in Chapter 4.0.

### ***1.10 How to Use These Guidelines.***

Archaeological resource preservation starts during the early stages of project planning and design. Property owners, developers, builders, design professionals and others involved in public or private development can use these guidelines to anticipate City concerns, protect important cultural resources, and to design their projects so as to avoid delays during development review and construction.

A. Most development projects require archaeological or historical studies as part of environmental review. To determine if your project is exempt, check Section 1.20.

B. For an explanation of what information is required, how to determine what is "significant", and how to mitigate impacts to archaeological resources, refer to Sections 2.0 through 5.0.

C. For specific requirements for recording archaeological resources and for completing archaeological resource evaluations, see Section 10, Appendices.

D. For General Plans, Specific Plans, and Plan Amendments, refer to the SB 18 consultation requirements in Section 6.0.

**For questions about these guidelines or for help in determining whether your project is**

**exempt, contact the Community Development Department.**

### ***1.20 Exempt Projects.***

Not all development projects will require archaeological or historical assessment. For example, the following types of projects are either exempt from CEQA, or are of a size or type which does not normally raise archaeological resource preservation issues:

1.20.1. Projects which are either categorically exempt or statutorily exempt under CEQA are usually not subject to these procedures. However, projects that normally are considered categorically exempt but that are located within Sensitive Areas or on Sensitive Sites as described in Section 1.30 may require an Archaeological Resource Inventory pursuant to Section 2.0 of these Guidelines. Sensitive Area maps are on file in the Community Development Department.

1.20.2. Projects on parcels, including those in Sensitive Areas, which have undergone substantial subsurface disturbance, as determined by the Community Development Director ("Director") and as defined in Section 8.0.

1.20.3. Projects on parcels of less than 1 acre, not in a "sensitive area", which the Director determines would have little or no potential to adversely affect archaeological resources. **This determination must be based on specific findings, such as information from previous archaeological studies or a preliminary evaluation of the site by the Central Coastal Information Center of the California Historical Resource Information System (CCIC), located on the campus of the University of California, Santa Barbara.**

1.20.4. Activities that do not involve any physical changes to the environment are not considered to be a "project" under CEQA and are therefore deemed exempt.

Development projects that are not exempt under the above criteria will require archaeological evaluation and possible mitigation through a phased process which describes the order and type of activities required. The phases are Phase 1 - Archaeological Resource Inventory (ARI); Phase 2 - Subsurface Archaeological Resource Evaluation (SARE); and Phase 3 - Archaeological Data Recovery Excavation (ADRE). These are defined more fully in Sections 2 and 3.

### ***1.30 Sensitive Areas and Sites.***

Archaeologically "Sensitive Areas and Sites" shall include:

- A. Areas inside or within 200 feet (61 meters) of the boundaries of an archaeological site shown on U.S. Geological Survey topographic maps on file in the Community Development Department and/or recorded with the CCIC.
- B. Areas within 200 feet of top of banks of San Luis Obispo, Stenner, Brizzolara, Acacia, Old Garden, Prefumo, and Froom creeks.



- C. Areas inside a Historical District or within an area designated as being archaeologically sensitive, or within a “burial sensitivity area” as shown on maps on file at the Community Development Department. Building ground floor and foundation areas in the Downtown Historic District are also considered sensitive.
- D. Sites designated on the Master List of Historic Resources, or determined to be eligible for listing on the National Register of Historic Places or California Register of Historical Resources (PRC Section 5024.1 (a)).
- E. Sites within a historically or archaeologically sensitive area designated by the CHC, City Council, or other governmental agency.
- F. Sites identified as being sacred places or Traditional Cultural Properties as defined in National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, 1998) by Northern Chumash community members who have been identified by the California Native American Heritage Commission (NAHC) as having ancestral ties to San Luis Obispo County, or by other local tribal representatives similarly recognized by the NAHC.

#### ***1.40 Cultural Heritage Committee Role.***

The CHC maintains and interprets these guidelines, and resolves questions regarding the Guidelines referred by the Director. The Committee's actions and recommendations are advisory to the Director, Architectural Review Commission, Planning Commission and the City Council. CHC members are appointed by the City Council and have special interest or expertise in the field of Cultural Resources.

#### ***1.50 Native American Perspective***

By necessity, cultural resource preservation guidelines deal with policies, procedures, and legal requirements – the mechanics of preserving cultural sites, features and landscapes. Cultural resource preservation, however, is broad in scope and is not merely an exercise in documenting cultures long since gone. Local Chumash and Salinan descendents continue these living cultural traditions through oral history, art, dance, agriculture, crafts and teachings, and cultural resources are an important part of these traditional ways. Consequently, the City acknowledges that other perspectives exist as to the purposes and value of these guidelines, beyond meeting local or state environmental requirements. The Native American perspective is that they have been here from the beginning, as described by their creation stories. Similarly, they do not necessarily agree with the distinction that is made between different archaeological cultures or periods. They instead believe that there is a continuum of ancestry, from the first people to the present Native American populations of San Luis Obispo County. To acknowledge this perspective, consultation with affected Native American communities can be an important tool to fully understand the impact of development on cultural resources. This consultation is typically administered pursuant to Senate Bill 18, as discussed in Section 6.0.

## **2.0 ARCHAEOLOGICAL RESOURCE INVENTORY**

### **2.10 Purpose.**

The Archaeological Resources Inventory (ARI), also known as a *Phase I archaeological investigation*, is used to determine if archaeological resources may be present on a parcel of land. The ARI involves a check of maps, records and other historical literature, and requires a surface field survey by a qualified archaeologist. A written report must be submitted to the City to determine if more extensive resource evaluation is necessary. Once accepted, copies of the report must be filed by the archaeologist with the CCIC, pursuant to Appendix 9.0.

### **2.20 When Required.**

An Archaeological Resource Inventory (ARI, or "inventory") shall be required when the Director determines a project has the potential to disturb archaeological remains, when the project site is vacant or essentially so and is one acre or larger in size, or when a site contains vacant area that is one acre or larger. A parcel less than 1 acre in size may also require an inventory if it is located within a "Sensitive Area" (see Sections 1.20 and 1.30). The project developer shall be responsible for paying the costs of the ARI.

### **2.30 Submittal and Review Process.**

2.30.1. When a project requires an ARI, the project applicant shall have prepared and shall submit an archaeological resource inventory for City review as part of a complete Planning Application. The inventory shall contain the information described in Appendix 10.0. NOTE: historic resources, such as buildings and historic sites, may require evaluation methods other than those addressed by these guidelines. Refer to the *Historic Preservation Program Guidelines*.

2.30.2. The ARI shall be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology, or is approved by the Cultural Heritage Committee based on experience and education. The City maintains a list of consultants qualified to prepare an ARI and related documents.

2.30.3. Upon receiving the ARI, the Director shall determine whether a subsurface archaeological resource evaluation is necessary, pursuant to Sections 3.0 and 5.0.

### **3.0 SUBSURFACE ARCHEOLOGICAL RESOURCE EVALUATION**

#### **3.10 Purpose.**

The Subsurface Archaeological Resource Evaluation (SARE), also known as a Phase 2 archaeological excavation, is the primary method used by the City to identify the locations of archaeological resources and to evaluate their significance. The outcome of the SARE determines which resources are protected or studied further. It also provides the basis for mitigating project impacts, where appropriate, through the Archaeological Data Recovery Excavation (ADRE) as described in Section 4.40 -- also called a Phase 3 excavation -- or by other mitigation measures. Phases 2 and 3 may be combined into one phase when a site has been previously evaluated or where the location or extent of the resource is obvious based on the ARI.

#### **3.20 When Required.**

When the ARI indicates the presence of, or the probable presence of archaeological resources, and development near those resources cannot be avoided, the Director may require a SARE. Its purposes are to verify the presence and location of archaeological resources, to determine the site's integrity and archaeological significance, and to determine the proposed project's potential effects on the resources. The project applicant shall be responsible for paying the costs of consultant services and for City administration of consultant contracts to identify and evaluate archaeological resources. The consultant's proposal shall contain the information described in Section 7.20.

#### **3.30 Submittal and Review Process.**

3.30.1. After completion of field work, the SARE report shall be prepared as required by the State of California, as described in Section 7.40, and shall be submitted to the Director, who will determine from the SARE report if a significant effect on significant or unique archaeological or historic resources may occur. Once the SARE is accepted, the archaeologist shall submit copies of the report to the CCIC.

3.30.2. The SARE report shall be prepared by a qualified professional who meets the Secretary of the Interior's Professional Qualification Standards for Archaeology, or is approved by the Cultural Heritage Committee based on experience and education. The City maintains a list of consultants qualified to prepare an ARI and related documents.

#### **3.40 Determination of Significance.**

3.40.1. In Section 21084.1 of the Public Resources Code, CEQA equates a substantial adverse change in the significance of a historical resource with a significant effect on the environment. Thus, determining the significance of an archaeological site is a key element of the archaeological evaluation. Eligibility criteria in the California Register of Historical Resources are typically used as the standard for defining significance. A resource may qualify for listing in the California Register if it retains integrity and:

- 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.*

3.40.2. In addition to the California Register criteria, the Director may find prehistoric or historic archaeological resources significant if they:

- A. Are designated and/or mapped as significant cultural/historical resources in the City's local inventory, are associated with a historic resource listed in the local inventory, are eligible for such local listing, or are eligible for listing on the National or California Register; or
- B. Are located within a designated historic district with a concentration of sites, buildings, structures, or objects which are historically designated and/or associated with an important historic individual, group, or event; or
- C. Exemplify or reflect noteworthy aspects of cultural, social, economic, political, aesthetic, engineering, or architectural development at the local, state or national level; or
- D. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions; or
- E. Have special or unique qualities, such as oldest, best preserved, last example of its type, or of particular rarity; or
- F. Are at least 50 years old and possess substantial stratigraphic integrity; or
- G. Are determined to be significant or unique by the Director based on CEQA standards or other adopted State or Federal standards.

3.40.3. If upon completion of the SARE the archaeological consultant's findings are inconclusive, the Director may require revisions or supplements to the SARE.

3.40.4. If upon completion of the SARE the archaeological consultant finds that unique or significant archaeological resources are not present, and these findings are accepted by the Director, then development review or construction activities may proceed without further delay and no further evaluation or mitigation is required.

3.40.5. If the SARE concludes there is a possibility that cultural resources exist within the impact zone, the Director may require monitoring of construction activities to protect archaeological resources in accordance with Section 4.50. Monitoring is not mitigation. It is intended to identify

the presence of cultural resources and to ensure required mitigation measures are carried out.

3.40.6 If the SARE concludes that the archaeological site is significant and that the project may have a significant effect on important or unique archaeological resources, the project applicant shall either:

- A. modify the proposed development to avoid impacts; or
- B. mitigate the adverse impacts to the archaeological site to a level of insignificance, as described in Section 4.0. The project applicant shall provide site security to prevent looting and site disturbance until impact mitigation and/or data recovery is completed, to the approval of the Director.

### ***3.50 Determination of Impact***

Significant archaeological resources are non-renewable; they cannot be replaced. The disturbance or alteration of an archaeological resource may cause an irreversible loss of significant cultural information. In a broader sense, the loss of cultural resources, including both historic and pre-historic features, may result in the loss of community identity and our connection with the past. Specifically, these losses include the demolition, destruction, relocation, or the material alteration of a cultural resource or its immediate surroundings such that the significance of that resource would be materially impaired.

Direct and indirect adverse impacts may occur. Direct impacts are caused by and are immediately related to a project. Indirect impacts are not immediately related to the project, but they are caused indirectly by a project. An indirect impact is to be considered only if it is a reasonably foreseeable impact that may be caused by the project. An example of an indirect impact would be the placement of trails in an open space area which has the potential to impact cultural resources indirectly through the surface collection of artifacts by hikers.

3.50.1. Adverse impacts to cultural resources include, but are not limited to:

- A. The non-scientific surface collection or subsurface excavation of an archaeological site (e.g. pot hunting).
- B. The destruction of cultural resources through project development (e.g. grading, clearing, demolition, trenching, road and utility construction, staging areas).
- C. The destruction of cultural resources through off-site improvements (e.g. road construction, utilities expansion, staging areas) associated with project development.
- D. An increase in development intensity which adversely affects cultural sites or landscapes (e.g. placement of a subdivision within a vacant parcel adjacent to/or surrounding a cultural resource where behavior patterns occur beyond the boundaries of a site).
- E. The introduction of visual, audible, or atmospheric effects that are out of character with the cultural resource or alter its setting when the setting contributes to the resources' significance.
- F. Damage to cultural resources or landscapes by human encroachment resulting in vandalism or site destruction (e.g. graffiti).
- G. Development within a designated buffer zone of an archaeological site.

H. The relocation of a historic structure such that its significance is reduced to a level whereby the resource no longer is considered significant.

I. Development that changes the significance of a cultural resource site or structure, or an adjacent historic landscape.

J. Deterioration of a cultural resource by neglect.

3.50.2. Guidelines for Determining Project Impacts to Cultural Resources. A project which may cause a substantial adverse change in the significance of a cultural resource is deemed to have a significant adverse impact on the environment. A project will cause a substantial adverse change in the significance of a cultural resource if it: (from CEQA Section 15064.5(b)):

A. Causes the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired; or

B. Demolishes or materially alters in an adverse manner those physical characteristics of a cultural resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources, or as determined by a lead agency for purposes of CEQA; or

C. Demolishes or materially alters in an adverse manner those physical characteristics that account for a cultural resource's inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant.

3.50.3. Potentially Significant Impacts. Any of the following will be considered a potentially significant environmental impact to cultural resources:

A. The project causes a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines. This shall include the destruction, disturbance, or any alteration of characteristics or elements of a resource in a manner not consistent with the Secretary of Interior Standards.

B. The project causes a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains *or has the potential* to contain information important to history or prehistory.

C. The project disturbs any human remains, including those interred outside of formal cemeteries.

D. The project proposes activities or uses that the Director or the CHC determine could damage significant cultural resources and that fails to preserve those resources.

## **4.0 ARCHAEOLOGICAL RESOURCE IMPACT MITIGATION**

### **4.10 Purpose.**

Impact mitigation seeks to prevent adverse project-related effects on significant archaeological resources through avoidance, design modification, conservation easements, data recovery or other means.

### **4.20 When Required.**

4.20.1. When a significant archaeological resource may be adversely affected, the project shall be designed or modified to avoid damaging the resource and/or the project shall include other appropriate mitigation measures to protect the resource or excavate and recover the important archaeological or historical information contained within the resource. The project applicant shall be responsible for paying the costs of archaeological resource impact mitigation.

- A. If required by the Director, the project applicant shall retain a qualified archaeologist to prepare a mitigation plan as required by CEQA Guidelines Section 15126.4. The Director may refer the mitigation plan to the CHC for review.
- B. If the project applicant agrees to revise the project's design to avoid potentially significant project impacts or to incorporate mitigation measures that reduce the impacts to insignificant levels, a Mitigated Negative Declaration of Environmental Impact, including required mitigation measures, may be issued.
- C. If a resource has been determined to be significant and cultural resources impacts cannot be reduced to insignificant levels, the project applicant shall be responsible for the cost to prepare an Environmental Impact Report (EIR).

### **4.30 Mitigation Methods - Avoidance.**

For archaeological resources found to be significant, the preferred mitigation is protection through preservation in place, avoidance, archaeological data recovery, or capping. Preservation may be accomplished in several ways, including but not limited to:

4.30.1. Revising the project design or location of construction activities to avoid archaeological sites or significant archaeological resources.

4.30.2. Planning open space areas to include archaeological sites. Cultural sites and archaeological sites should be protected as open space wherever possible.

4.30.3. Deeding archaeological sites into permanent conservation easements, or dedicating historic easements or fee title land to preserve significant sites.

4.30.4. Incorporating significant sites, artifacts or prehistoric structures into a development through restoration, rehabilitation, or adaptive reuse where avoidance is not possible.

4.30.5. Archaeological data recovery excavation.

4.30.6 Capping or covering archaeological sites with a layer of culturally sterile soil before building. This is the least preferred method of protecting cultural resources from development because it alters the setting and typically limits access to the resource. In this method, the new soil layer shall be sufficiently thick to contain all foundation footings, utility trenches, grading, etc. without disturbing the native soil. Capping shall be used only when the Director or the CHC determines that other methods are not physically feasible, and where:

- A. The soils to be covered will not suffer serious compaction; and
- B. The covering materials are not chemically active; and
- C. The site is one in which the natural processes of deterioration have been effectively arrested; and
- D. The site has been recorded and characterized as a result of subsurface testing; and
- E. Future access to the resource has been provided for in the project design.

#### ***4.40 Archaeological Data Recovery Excavation.***

##### **4.40.1. Purpose.**

The purpose of an Archaeological Data Recovery Excavation (ADRE), also known as a Phase 3 excavation, is to recover important archaeological information from a site to mitigate project-related adverse impacts. When required by the Director, the project applicant shall retain a qualified archaeologist to prepare and submit a written proposal to conduct an ADRE. The proposal shall contain the information described in Section 7.20. Once approved, the project applicant shall implement the ADRE proposal, to the satisfaction of the Director. Results of the ADRE shall be documented in writing and submitted to the Central Coast Information Center.

##### **4.40.2. When Required.**

An Archaeological Data Recovery Excavation (ADRE) shall be conducted when, in the opinion of the Director, the site cannot be avoided and contains significant archaeological information which can be recovered using commonly applied archaeological methods. An ADRE may be conducted in response to findings of an ARI or the SARE, or due to the discovery of archaeological resources during construction.

##### **4.40.3. Archaeological Data Recovery: Procedures.**

Data recovery may include a variety of methods, including controlled surface collection and mapping, subsurface excavation, photographs, special sampling, and technical drawings to provide a permanent record of features which may be affected by development. As provided under State law, special rules apply to archaeological resource excavations:



4.40.3.1. Areas to be excavated. Excavation as part of a mitigation plan shall be limited to those site areas that would be damaged, or that the Director determines are likely to be damaged by the proposed project, unless special circumstances require limited excavation of adjoining areas to develop important information about the part of the resource that would be damaged. Data recovery excavation shall be directed by a Qualified Professional Archaeologist, and shall include a Native American site monitor from the appropriate tribal group(s) if required by the approved Phase 3 research design. The archaeologist and monitor shall be onsite at all times during subsurface disturbance.

4.40.3.2. Site security. Site security shall be maintained by fencing and a resident caretaker or private professional security personnel, or other appropriate method to protect the resources from unauthorized collection, to the Director's approval. Site security measures shall be provided at the project applicant's expense.

4.40.3.3. Discovery of Human Remains. If human remains are exposed, there shall be no further excavation or site disturbance in the area likely to contain human remains until:

- A. The County Coroner has been informed and determined that no investigation of cause of death is required; and
- B. If remains are likely to be of Native American origin, the Coroner has contacted the NAHC, which will designate a Most Likely Descendant (MLD). The MLD may recommend the most appropriate disposition of the human remains and associated grave goods to the landowner or other responsible party, as provided in Health and Safety Code Section 7052 and 7050.5, and as provided in Public Resources Code Section 5097.98 and Section 15064.5(e) of the CEQA Guidelines.
- C. Remains and grave goods uncovered must be documented as required by state law, or to the approval of the Director.
- D. Where the following conditions occur, the landowner or authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject further subsurface disturbance:
  - i. The NAHC is unable to identify a MLD, or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC;
  - ii. The MLD identified fails to make a recommendation; or
  - iii. The landowner or authorized representative rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the landowner.

#### 4.40.4 Curation of Archaeological Artifacts.

4.40.4.1. All archaeological materials removed from a project site shall be curated at a qualified institution, to the approval of the Director. In determining the appropriate manner and location of curation, the Director may ask the advice of local Salinan and Chumash tribal representatives.

Qualified institutions are those that meet federal guidelines described in 36 CFR 79 and have facilities and staffing necessary for ensuring security, proper storage, environmental controls, and research access to collections. Collections to be curated shall be submitted with all pertinent site maps, field records, artifact catalogs, documentation, and photographs.

4.40.4.2. It is the project applicant's responsibility for making arrangements for curation and paying any necessary curation fees.

4.40.4.3. To maintain local accessibility, archaeological collections shall be curated within San Luis Obispo County. Archaeological collections may be curated at an out-of-county facility when the Director determines that adequate facilities are not available within the County, or that preservation objectives would be best served by an out-of-county facility.

#### **4.40.5 Access to Archaeological Records.**

4.40.5.1. Access to archaeological records on file in the Community Development Department may be granted to qualified professional archaeologists conducting research or contract work within the City, as well as the following individuals:

- A. Appropriately supervised students conducting academic or scientific research.
- B. Planners or other personnel employed by government agencies for purposes of preliminary project analysis.
- C. Professionally qualified cultural resource managers employed by government agencies or public utility companies.
- D. Owners of identified archaeological sites or their designated representatives.
- E. Designated representatives of local Native American tribes, or individuals listed with the Native American Heritage Commission.
- F. Cultural Heritage Committee members.
- G. Others approved by the Director or the CHC with a legitimate research need.

4.40.5.2. To protect archaeological resources, those receiving site record data must sign a document of confidentiality prohibiting the distribution of specific site location information in public documents without prior written consent of the Director.

#### **4.50 Monitoring of Construction Activities.**

Construction monitoring may be required by the Director if, after completion of an ARI, SARE, or ADRE, the Director determines there is still a possibility that significant or potentially significant archaeological resources are present in the impact zone and that it is not reasonable to conduct additional physical investigations prior to construction; and when it is necessary to ensure through monitoring that the mitigation measures enacted to avoid or otherwise protect significant archaeological resources located outside the immediate impact zone will be carried out. The proposal to monitor construction must be prepared by a qualified professional archaeologist and:

- A. Be submitted to the Director in writing as part of the ARI, SARE, or ADRE and be approved

- prior to the beginning of construction; and
- B. Identify the qualified professional archaeologist; and where Native American artifacts or human remains are likely, the Native American tribal representative or qualified site monitor, who will conduct the monitoring; and
  - C. Recommend specific procedures for responding to the discovery of archaeological resources during the construction of the project, per Section 4.60.

#### ***4.60 Archaeological Discoveries During Construction.***

4.60.1. **Notification.** If during the course of a project, archaeological materials are identified by the project archaeologist, archaeological monitor, tribal representative, City staff member, the project applicant or his/her representative or employee, all construction activities that may disrupt those materials shall cease. The Director shall be notified immediately of the discovery of archaeological materials. Refer to Section 4.40.3.2 on Discovery of Human Remains.

4.60.2. **Field Study.** Under most circumstances, the project applicant will be directed to retain a qualified professional archaeologist to immediately visit the site, evaluate the materials recovered, and provide a written report to the Director recommending the appropriate course of action.

4.60.3. **Mitigation.** If significant archaeological resources are present, the archaeologist shall propose specific mitigation measures in writing. The Director may approve, approve with changes, or reject the mitigation proposal. The project applicant shall implement the proposal, to the satisfaction of the Director. A copy of the archaeologist's recommendations and the Director's decision will be forwarded to the CHC.

#### ***4.70 Violations.***

Failure to comply with these guidelines may constitute a violation of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 - 21178.1), and constitute grounds for legal action by the City or other interested parties. By the authority granted under CEQA Section 21004, the City of San Luis Obispo may, as a charter city, exercise those express or implied powers granted to it under State law in reviewing and acting upon development permit requests, including the denial of projects which do not comply with CEQA.

#### ***4.80 Appeals.***

Any person may appeal a decision by the Director under these guidelines, pursuant to Chapter 17.66 of the San Luis Obispo Municipal Code (SLOMC).

## **5.0 USE OF CONSOLIDATED APPROACH FOR ARCHAEOLOGICAL INVESTIGATIONS**

### **5.10.1 Purpose.**

Archaeological studies in downtown settings present several challenges to conventional archaeological field methods. Because archaeological deposits in densely developed urban settings are often covered by fill or obscured on the surface by paving, buildings, or subsequent historical or modern activities, the three-phased approach described in Chapter 4 may not be feasible or effective for identifying archaeological deposits, evaluating their significance, assessing potential project impacts, and mitigating impacts to less than significant levels. Under such cases, a consolidated approach may be warranted.

### **5.20.1 Consolidated Approach Described.**

The consolidated approach is most appropriate in the Downtown area (C-D zone), the most densely developed and historically significant area of the City; however this approach may be used in other zones where the Director finds that conventional methods are infeasible. A “consolidated approach” combines the standard Phase 1 Inventory (ARI), Phase 2 Testing and Evaluation (SARE), and Phase 3 Data Recovery (ADRE) into a single field operation that locates archaeological remains, evaluates their significance and integrity, and mitigates impacts through data recovery excavation.

### **5.30 Director Approval Required.**

In all cases, use of the consolidated approach requires written Director approval prior to construction activities. The project applicant shall submit a report to the Director, prepared by a qualified professional archaeologist, describing the research design and mitigation, including methods, testing, sorting and cataloging, public interpretation, and curation. The Director may require changes or additions to the research design and mitigation prior to approval to meet the Guidelines, or may deny the request if it is inconsistent with these Guidelines or inappropriate in the proposed location.

### **5.40 Required Components.**

To ensure compliance with CEQA and to meet City standards, the following steps shall be taken when the consolidated approach is used:

5.40.1. Intensive archival research and documentation shall be provided to examine local land use patterns and to identify site areas or interior building floor/foundation areas with the greatest likelihood to contain artifacts.

5.40.2. Where conditions allow and appropriate protective measures are in place, mechanized

equipment (typically a backhoe with a smooth bladed bucket) may be used to clear each target area of unconsolidated fill and overburden, define site stratigraphy, establish the sequence of historical and prehistoric strata in different portions of the project site, and expose intact features and strata. The research design shall specify that for excavations using the consolidated approach, the project archaeologist shall obtain Director approval before proceeding to the data recovery phase. Moving forward prematurely (before research, testing or safety precautions are in place) could pose safety hazards or irreparably harm or destroy archaeological data.

5.40.3. The most likely features to contain historically significant resources are hollow, refuse-filled backyard features such as privies, trash pits, wells, cisterns, and sealed deposits such as sheet middens, burned surfaces, and burned structural remains. The most likely features indicating prehistoric significance are middens and artifact-rich tool and debris scatters. Soil stripping methods shall be designed to identify such features without damaging their integrity.

5.40.4. Clearing shall be monitored and supervised by a qualified professional archaeologist familiar with urban feature types to ensure stratigraphic control and sensitive treatment of potentially significant deposits.

5.40.5. A local Native American tribal representative shall monitor soil stripping if the Director determines there is a potential for Native American deposits to be uncovered.

5.40.6. Where cultural features or strata are encountered, they should be exposed by manual excavation in plan view in the scraped trench floor, not cross-sectioned within trench walls.

5.40.7. All features and strata should be photographed and mapped in relation to a permanent datum.

5.40.8. Archival research shall continue as needed during the fieldwork to aid in feature and artifact identification, determination of historical associations, and significance evaluation.

5.40.9. Feature evaluation involves defining the content, structure, stratigraphic integrity, approximate date of deposition, and range and quantity of artifacts. Recent deposits (those less than 50 years old) and features or deposits clearly lacking integrity can be eliminated from further consideration.

5.40.10 If a feature's content, association, integrity, and/or significance is not evident from the plan view perspective, an appropriate portion must be hand excavated to assess its content and data potential. In the case of a refuse-filled pit, for example, the feature should be cross-sectioned and part of each layer excavated.

5.40.11. The project archaeologist may make judgments in the field regarding the integrity and significance of archaeological features and deposits, in consultation with the Director, according to specific criteria established in the approved research design describing testing, evaluation, and mitigations. If judged significant, hollow, artifact-rich historical features (such as privies) will be excavated in their entirety. Foundations and other structural remnants may be cleared,

mapped, photographed, and documented in other ways. A representative sample sufficient to address questions identified in the research design shall be recovered from midden deposits and other strata.

### ***5.50 Analysis.***

The consolidated approach requires prompt analysis and evaluation of discovered features and deposits so that timely decisions about significance can be made in the field. To facilitate that process, a field laboratory (and, if necessary, water-screening station) should be established at the project site. Preliminary artifact identification and analysis can occur in the field laboratory.

### ***5.60 Special Studies and Curation.***

Following completion of fieldwork, recovered artifacts shall be cleaned, preserved as necessary, sorted, catalogued, and analyzed. Special studies, such as faunal and botanical analysis may also be performed, if warranted, and the remains should be described and interpreted within the historical contexts identified in the research design. All work should be reported in a final technical report that meets current professional standards, and shall be submitted to the Director. Artifacts recovered from significant deposits, along with special samples, photographs, field notes, and other relevant site documentation, shall be curated pursuant to Section 4.40.4.



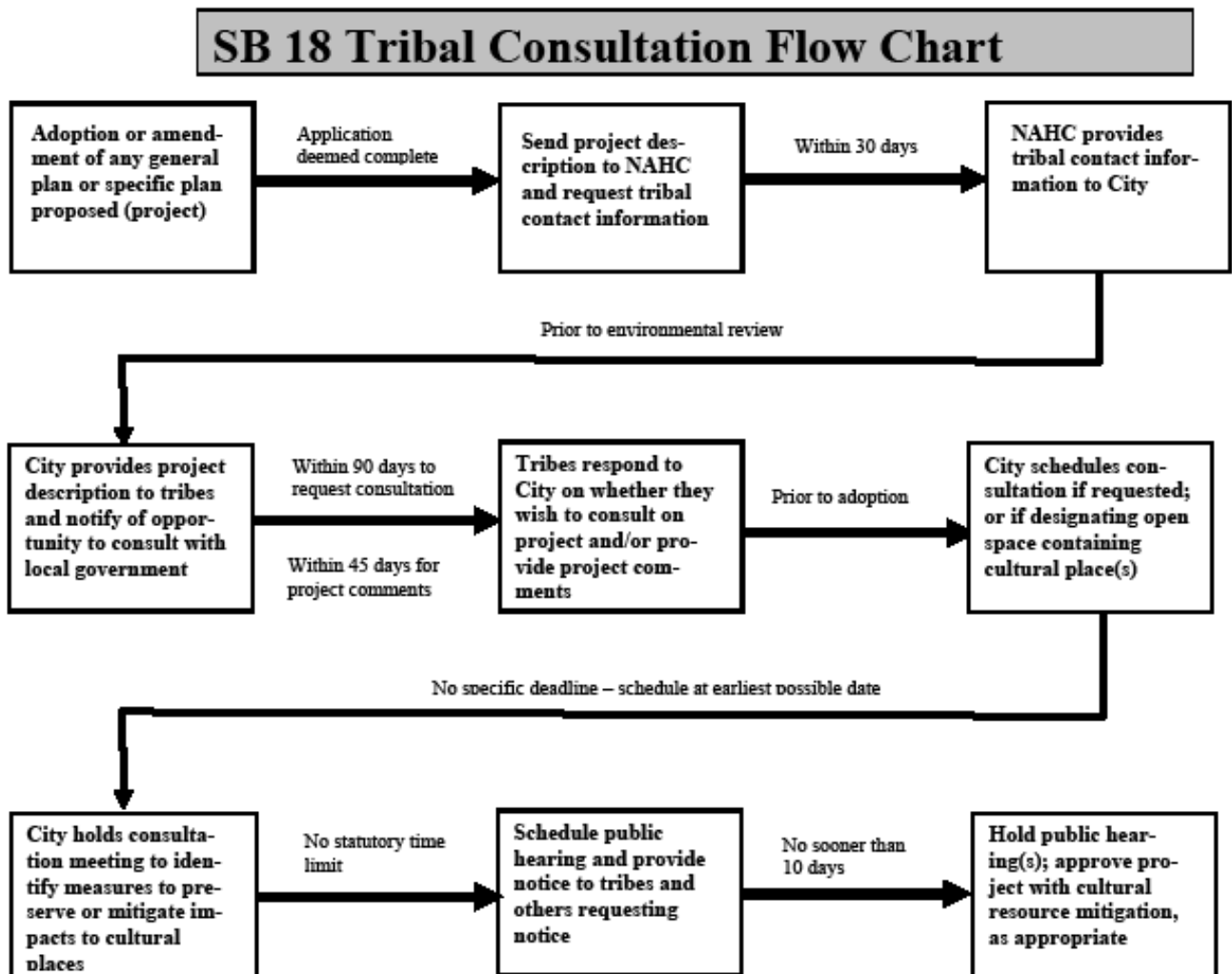
*Archaeological Excavation for future City parking structure and offices at 919 Palm Street*

*Photo Credit: Barry Price, Applied Earthworks, Inc.*

## 6.0 SENATE BILL 18 – TRIBAL CONSULTATION

Senate Bill 18 (Chapter 905, Statutes of 2004) created a process separate from CEQA that expands protection and preservation of Native American sacred sites and traditional tribal cultural places and increases Native American participation in the land use planning process. SB 18 mandates government-to-government consultation between the tribes and the local agency prior to the adoption or amendment of general plans and specific plans proposed on or after March 1, 2005. The law applies to private and public lands and sets a procedure for both federally and non-federally recognized tribes on the Native American Heritage contact list to participate in the land use planning process. The consultation process and required City actions and timeframes are shown in Figure 6.1.

Figure 6.1



Source: City of San Luis Obispo Community Development Department, 2009

### **6.10 General Plan Policy.**

The General Plan Conservation and Open Space Element (COSE) addresses SB 18 requirements with the following policies:

- A. General Plan COSE Policy 3.5.2: “All Native American cultural and archaeological sites shall be protected as open space wherever possible.”
- B. General Plan COSE Policy 3.5.7: The Native American community shall be consulted as knowledge of cultural resources expands and as the City considers updates or significant changes to the General Plan.
- C. General Plan COSE Policy 3.5.8: “The City will ensure the protection of archaeological sites that may be culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance”

### **6.20 SB 18 Implementation.**

SB 18 changes the way in which California local governments process certain types of planning applications. To implement General Plan policies and comply with SB 18, the City hereby incorporates the following SB 18 requirements into the development review process:

**A. Consultation.** Prior to the adoption or any amendment of a general plan or specific plan, or the dedication of open space (“project”) for the purpose of protecting cultural places, the City will notify the appropriate tribes (on the contact list maintained by the California State Native American Heritage Commission) of the opportunity to consult with the agency. The purpose of consultation is to discuss ways to preserve or mitigate impacts to cultural places located on land within the local government’s jurisdiction that is affected by the proposed plan adoption or amendment, or open space dedication. After notification, tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.

**B. Project referral.** In addition, the City will refer the proposed project to those tribes that are on the NAHC contact list and have traditional lands located within the City’s jurisdiction. The purpose is to solicit comments on the project and to identify potential impacts to affected tribal cultural places and mitigation measures. The referral will allow a 45-day comment period and may run concurrently with the 90-day notice (or shorter period as agreed by the tribe) of the opportunity for consultation. Notice must be sent regardless of whether prior consultation has taken place but does not initiate a new consultation process.

**C. Public hearing notice.** The City will provide notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092)

**6.30. Conservation easements.** SB 18 also added California Native American tribes to the list of entities that can acquire and hold conservation easements. Tribes listed by the NAHC have the



ability to acquire conservation easements for the purpose of protecting their cultural places. The NAHC recognizes the Chumash Native American Tribe and Salinan Native American Tribe within San Luis Obispo County.

Figure 6.2 – Native California Languages and Tribes



Source: California Native American Heritage Commission, 2009

## **7.0 SELECTION OF QUALIFIED CONSULTANTS**

### **7.10 Procedures.**

**7.10.1. List of Qualified Consultants.** The Community Development Department shall maintain a list of qualified archaeological and historical consultants. To ensure all types of cultural resources (e.g. prehistoric and historic archaeological sites, historic structures or traditional cultural properties) are properly evaluated, consultants must be qualified in the appropriate area of expertise. To be placed on the department's list for archaeological resources, a person or firm must:

- A. Submit a resume to the Community Development Department with evidence that they have been certified by the Register of Professional Archaeologists, or that they meet the Secretary of the Interior's Professional Qualification Standards; or
- B. Submit a resume and evidence of experience to the Director. The Director may refer the request to the Cultural Heritage Committee or the Central Coast Information Center (CCIC) for a final determination of qualifications.

**7.10.2. Consultant Selection:** Project applicants are responsible for selecting an archaeologist from the Community Development Department's list of Qualified Archaeological Consultants, entering into a contract for consultant services, and paying the full cost of consultant services up to the maximum allowed by law.

**7.10.3. Contract Administration by Director:** The Director may, at his or her option, decide to administer a contract for cultural resource investigation, evaluation or mitigation. In coordination with the CHC, the Director may select a qualified professional archaeologist and may enter into a contract for consultant services to conduct an ARI, SARE or ADRE. If the Director administers the contract, the project applicant will be responsible for paying the costs of consultant services and for the City's cost to administer the consultant contract, to the satisfaction of the Director.

### **7.20 Content of Consultant Proposals.**

As a minimum, consultant proposals shall include:

- A. Research goals and objectives of the proposed archaeological evaluation.
- B. Description of the research to be conducted, methods used, and reporting procedures.
- C. Qualifications of all personnel that will be involved in conducting the evaluation.
- D. Purposes and procedures for digging test pits, taking auger samples or other methods for taking subsurface samples and methods of recording all data.
- E. Arrangement for curation of important archaeological resources in a qualified curatorial facility.

- F. Procedures for collection and cataloging consistent with that of the curatorial facility where the collections will eventually be housed.
- G. Cost estimate for each major phase of the work to be conducted along with a total cost estimate for all services rendered.
- H. Schedule for completion of each phase of the research and for submittal of progress reports.
- I. Statement clarifying the disposition and ownership of curated materials, and estimated cost of curation, in the final survey report to the Community Development Department.

**7.30 Phase 1 - Archaeological Resource Inventory (ARI): Submittal Requirements.**

The qualified archaeologist shall:

- A. Review the City's resource files and maps and materials available at the CCIC;
- B. Conduct a surface survey of the site; and
- C. Contact the California Native American Heritage Commission and request a search of their Sacred Lands Inventory files. Contact all local Native American Tribal Representatives identified by the Commission for information regarding sacred sites or important cultural places.
- D. Prepare a report, in a format as presented in the ARMR Checklist, Appendix 10.2.

**7.40 Phase 2 - Subsurface Archaeological Resource Evaluations (SARE): Submittal Requirements.**

**7.40.1. General Requirements.**

- A. Archaeological evaluations shall be conducted, and all reports prepared by a qualified professional archaeologist, listed on the City's list of Qualified Archaeological Consultants for the San Luis Obispo Area.
- B. If the project involves the excavation of a potential aboriginal site, sacred area, or a site of importance to an identified cultural or ethnic group, a representative of that group must be offered the opportunity to monitor excavation activities.
- C. All archaeological evaluations shall include field investigation and a report of findings. After the completion of field work, the consultant shall prepare a written report for submittal to the Director, as required by State law.

**7.40.2. Mitigation and Monitoring.** The qualified archaeologist shall:

- A. Delineate areas recommended for protection.

- B. Describe specific measures to mitigate impacts to important archaeological resources.
- C. Recommend whether there is a need for additional archaeological evaluation or not, justify this conclusion, and describe a general strategy for conducting such an evaluation, if necessary (e.g. the types of subsurface tests recommended, etc., and the expertise required to complete such an evaluation).
- D. Recommend whether there is a need for monitoring the project during construction or not, justify this conclusion, and specify the type of monitoring required, if necessary.
- E. Recommend security measures to protect the cultural resources during field excavation and related archaeological activities. Such measures may include, but are not limited to: fencing, temporary capping, site lighting, and security staffing.

7.40.3. **Disposition of Archaeological Reports.** Three copies of all archaeological evaluation reports shall be delivered to the Community Development Department, 919 Palm Street, San Luis Obispo, CA 93401-3218; and the required number of copies shall be submitted to the CCIC. All maps and reports should be signed by the archaeologist who prepared or reviewed them.

**7.50 Phase 3 - Archaeological Data Recovery Excavations (ADRE): Submittal Requirements.**

As a minimum, the consultant shall provide the following:

**A. Project Information.**

- 1. Description of the project including maps identifying the potential impact area. Maps should be drawn to scale and should not be smaller in scale than 1" = 100 feet.
- 2. Description of the project's natural and cultural setting.

**B. Research Design.**

- 1. Research goals and objectives that are pursued by the expanded archaeological evaluation.
- 2. Maps and descriptions of the portions of the project site where subsurface investigations occurred.
- 3. Description of the types of subsurface investigations (e.g. test pits, auger samples, etc.) and a description of how they were accomplished.
- 4. Description of the data to be collected, data collection procedures and the cataloging system used. (These procedures and systems must be consistent those used by the selected curatorial facility.)
- 5. Method of recording evaluation progress (e.g. daily records, photographs).
- 6. Identification and qualifications of all project personnel and their role in completing the evaluation.

**C. Excavation Report.**

1. Historic, ethnographic and archaeological background.
2. Field and laboratory procedures, including total volume excavated, dimensions and depths of each unit, percentage of soils screened at particular mesh sizes, etc.
3. Results of field investigations including descriptions of each type of artifact and subsistence remains, a discussion of the depositional history of the site (including disturbances to the deposits), reconstruction of occupational chronology to the extent that available data allow, and a discussion of the likely place of the site in regional settlement patterns.
4. Tables and/or graphs presenting counts and weights of artifacts and other remains. The data in these tables should be interpreted with regard to patterns in their vertical and horizontal distribution and abundance.
5. Map showing unit locations tied to a site datum and a permanent landmark or permanent project feature.
6. Description and delineation of those portions of the site which contain important data or features, and the basis for their importance. If collected data are determined to be unimportant, an explicit argument must be presented that supports this conclusion.
7. Evaluation of the direct and indirect damage that will be caused by the proposed project.

**D. Mitigation Plan.**

1. Identification of alternative methods for mitigating damage to important archaeological resources.
2. An evaluation of the relative effectiveness of each alternative method --how well each will reduce the damage to important archaeological resources.
3. A recommended mitigation strategy including a description of the work to be done, including qualifications of personnel to do the work, the method of execution, and cost estimates.

**E. Bibliography.**

1. A listing of individuals or institutions consulted in the completion of the study.
2. A bibliography of references cited in the text, following the most recent American Antiquity style guide.
3. Maps and documents cited.

## **8.0 DEFINITIONS.**

**8.1 ADRE - Archaeological Data Recovery Excavation or Phase 3:** Activities directed at locating, recovering, and properly curating important archaeological materials and information from a site to mitigate project-related adverse impacts. The ADRE is conducted when an archaeological site cannot be avoided and when the site contains significant archaeological remains, as further described in Section 4.40.

**8.2 Archaeological resources:** Physical remains and their associated sites from all periods of human occupation, from prehistoric into historic times.

**8.3 Archaeological resource evaluation:** An analysis conducted by a qualified archaeologist to determine the significance or importance of an archaeological resource and to identify the potential project effects on the important aspects of the resource.

**8.4 ARI - Archaeological Resource Inventory or Phase 1:** A preliminary archaeological study to determine if a parcel contains or is likely to contain archaeological resources. The "ARI" requires a check of maps, records and other historical literature and a surface field study by a qualified archaeologist, as further described in Section 2.0.

**8.5 Archaeological site:** Those areas where archaeological resources are present and may be larger or smaller than the project site.

**8.6 Central Coast Information Center (CCIC):** One of several statewide repositories for cultural resource information and part of the California Historic Resource Information System, the Center provides archeological and historical resources information, on a fee-for-service basis, to local governments and individuals, collects and maintains information on historical and archeological resources and maintains a list of qualified cultural resource consultants.

**8.7 Consolidated approach:** A "consolidated approach" is an alternative to phased archaeological investigations for densely urbanized sites in the Downtown (C-D zone) which combines the standard Phase 1 Inventory (ARI), Phase 2 Testing and Evaluation (SARE), and Phase 3 Data Recovery (ADRE) into a single field operation that locates archaeological remains, evaluates their significance and integrity, and mitigates impacts through data recovery excavation.

**8.8 Cultural Landscape:** A cultural landscape is defined as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values." (Preservation Brief 36, U.S. Department of the Interior)

**8.9 Cultural Place:** A Native American sanctified cemetery, place of worship, religious or ceremonial site, or other features that are or may be eligible for listing in the California Register of Historic Resources pursuant to California Public Resources Code Section 5024.1 et. seq., including

any historic or prehistoric ruins, any burial ground, and any archaeological or historic site.

**8.10 Curation:** The secure storage, and where appropriate, public display of artifacts or other archaeological resources under appropriately controlled conditions at a institution, such as a Museum, College, or University, which has the necessary equipment, staff, and expertise to provide such services.

**8.11 Director:** The Community Development Director of the City of San Luis Obispo, or other designated responsible staff person.

**8.12 Historic resource:** “Historical resources” shall include the following:

A. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR. Section 4850 et seq.).

B. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall 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.

C. 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,

**8.13 Most Likely Descendent (MLD):** As determined by the California State Native American Heritage Commission, the person or persons identified to be the most likely descendent of a deceased Native American uncovered during construction or archaeological excavations. The MLD has responsibility to make recommendations to the property owner or his representative for the treatment or disposition, with proper dignity, of the human remains and/or grave goods.

**8.14 Monitoring:** The watchful presence of a qualified archaeologist, qualified, local, Native American representative or other appropriate monitor during construction on or near an archaeological site. The monitor is responsible for observing construction activities, notifying appropriate persons when construction activities threaten archaeological resources, and for recommending specific procedures for avoiding damage to archaeological resources.

**8.15 Native American monitor:** A documented descendant of local Chumash or Salinan people, as certified by the Native American Heritage Commission (NAHC). The monitor shall have documented experience and/or training in the recognition of prehistoric artifacts and an understanding of local, state, and federal laws concerning the protection of Native American human remains.

**8.16 Parcel or project site:** Those areas affected by project activities or the subdivided parcels that contain the project activities, whichever is larger.

**8.17 Project:** A development project or other activity which has the potential for causing a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, as further described in California Environmental Quality Act (CEQA) Guidelines Section 15378.

**8.18 Qualified archaeologist:** A person with a graduate degree in Archaeology, Anthropology, or History and additionally, whose credentials meet the U.S. Secretary of the Interior's Professional Qualification Standards for Historic or Prehistoric Archaeology; a person who is a member in good standing of the Register of Professional Archaeologists, or a person whose professional credentials have been referred to and accepted by the CHC.

**8.19 Sacred Places:** Places, features, and objects identified as a sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine by a Native American group recognized by the California State Native American Heritage Commission (NAHC). Physical evidence of archaeological or historical resources need not be present for a site to qualify for this category.

**8.20 SARE - Subsurface Archaeological Resource Evaluation or Phase 2:** A subsurface excavation and evaluation to verify the presence of archaeological resources, location of the resources, condition of the resources and their archaeological significance, and where appropriate, the potential project effects on the resources. The SARE becomes the basis of planning to mitigate project impacts, where appropriate, through data recovery excavation or other means.

**8.21 Sensitive Site:** A parcel or parcels which, due to their location and/or history, are likely to contain archaeological resources, as further described in Section 1.30. The Director may require that applicants for development projects located on "sensitive sites" submit archaeological studies and mitigate impacts pursuant to these guidelines. Ground floor areas within historic buildings or in buildings in historic districts are also considered "sensitive sites."

**8.22 Significant or Important Archaeological Site or Resources:** A significant or important archaeological site or resource is one that retains integrity and meets the criteria of eligibility for the California Register of Historical Resources, or that the Director finds:

- A. Is designated and/or mapped as a significant cultural/historical resources in the City's local inventory, is associated with a resource listed in the local inventory, is eligible for such local listing, or is eligible for listing on the National or California Register; or
- B. Is located within a defined historic district with a concentration of sites, buildings, structures, or objects which are historically linked and/or associated with an important historical event; or
- C. Exemplifies or reflects noteworthy aspects of cultural, social, economic, political, aesthetic, engineering, or architectural development at the local, state or national level; or
- D. Can provide information which is of demonstrable public or scientific interest; or



- E. Has special or unique qualities, such as oldest, best preserved, last example of its type, or of particular rarity; or
- F. Is at least 50 years old and possess substantial stratigraphic integrity; or
- G. Is determined to be significant by the Director based on CEQA standards or other adopted State or Federal standards.

**8.23 Substantial Subsurface Disturbance:** Describes a project area where 80 percent or more of the site surface area has been disturbed to average depth of six feet or deeper.

**8.24 Subsurface Disturbance:** Any physical change or disturbance which extends below the natural or established soil surface.

**8.25 Traditional Cultural Property:** A traditional cultural property can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. The traditional cultural significance of a historic property is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include:

- A. A location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- B. A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- C. An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- D. A location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- E. A location where a community has traditionally carried out economic, artistic or other cultural practices important in maintaining its historic identity.

(National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, U.S. Department of the Interior, 1998)

**8.26 Unexpected Archaeological Resources:** Archaeological resources that are discovered during the course of construction of a project.

**8.27 Unique Archaeological Resources:** Archaeological artifacts, objects, or sites about which

it can be clearly demonstrated that they have a high likelihood of: 1) providing information needed to answer important scientific research questions and there is a demonstrable public interest in that information; 2) having special or particular qualities such as being the oldest of their type or best available example of their type; and 3) being directly associated with a scientifically recognized important prehistoric or historic event or person.



*Historic Mission San Luis Obispo de Tolosa, Est. 1774*

## ***9.0 REFERENCES***

City of San Luis Obispo General Plan, Land Use (1994); Conservation and Open Space Elements (2006).

City of San Luis Obispo Archaeological Resource Preservation Guidelines, October 1995.

State of California Regulations:

California Supplement to General Plan Guidelines  
Governor's Office of Planning and Research. Tribal Consultation Guidelines, November 2005

California Civil Code  
Conservation Easements (CC §815-816).

California Health & Safety Code  
California Native American Graves Protection and Repatriation Act (HSC §8010-8030).  
Hazardous Buildings (HSC §17922.2).  
Human Remains (HSC §7050.5).

California Penal Code  
Destruction of Historical Properties (Title 14, Part 1; PC §622 ½).

California Public Resources Code  
Archaeological, Paleontological, and Historic Sites (PRC §5097-5097.6).

California Environmental Quality Act (PRC Sec. 21000 et seq.), State CEQA Guidelines, (Calif. Code of Regs. §15000-15387).

California Register of Historical Resources (PRC §5024.1).

Historical Resources (PRC §5020-5029).

Native American Heritage (PRC §5097.9-5097.991).

State Landmarks (PRC §5031-5033).

California State Historical Resources  
Commission  
Guidelines for the Curation of Archaeological

Collections, Department of Parks and Recreation, 1993

Federal Regulations:

United States Department of the Interior, National Park Service. Federal Historic Preservation Laws. Washington D.C.: National Center for Cultural Resources, National Park Service, 2002.

National Register Bulletin – How to Prepare National Historic Landmark Nominations, 1999.

Guidelines for Evaluation and Documenting Traditional Cultural Properties, 1998.

United States Federal Regulations

Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 CFR 68), 1995.

*10.0 APPENDICES*

*10.1 - Archaeological Site Record*

State of California - The Resources Agency DEPARTMENT OF PARKS AND RECREATION <b>PRIMARY RECORD</b>	Primary # HRI # Trinomial NRHP Status Code	Review Code	Reviewer
Other Listings Date			

Page \_\_\_ of \_\_\_ \*Resource Name or #: (Assigned by recorder) \_\_\_\_\_  
P1. Other Identifier: \_\_\_\_\_

\*P2. Location:  Not for Publication  Unrestricted  
\*a. County \_\_\_\_\_ and (P2c, P2e, and P2b or P2d. Attach a Location Map as needed)  
\*b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_; R \_\_\_; \_\_\_ of \_\_\_ of Sec \_\_\_; \_\_\_ B.M.  
c. Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
d. UTM: (Give more than one for large and/or linear resources) Zone \_\_, \_\_\_ mE/ \_\_\_ mN  
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

\*P3b. Resource Attributes: (List attributes and codes) \_\_\_\_\_

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (isolates, etc.)

P5b. Description of Photo: (view, date, accession #) \_\_\_\_\_

\*P6. Date Constructed/Age and Source:  Historic  Prehistoric  Both

\*P7. Owner and Address:  
\_\_\_\_\_  
\_\_\_\_\_

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)	*P8. Recorded by: (Name, affiliation, and address) _____ _____ _____
	*P9. Date Recorded: _____
	*P10. Survey Type: (Describe) _____
	*P11. Report Citation: (Cite survey report and other sources, or enter "none.") _____ _____ _____ _____
	*Attachments: <input type="checkbox"/> NONE <input type="checkbox"/> Location Map <input type="checkbox"/> Continuation Sheet <input type="checkbox"/> Building, Structure, and Object Record

Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List): \_\_\_\_\_

## ***Appendix 10.2 - Archaeological Resource Management Reports***

Archaeological reports prepared pursuant to these guidelines should follow the Archaeological Resource Management Report format described on the State of California, Office of Historic Preservation website, at:

<http://ohp.parks.ca.gov/pages/1054/files/armr.pdf>



*Native American Chumash cave painting*

### ***Appendix 10.3 – Instructions for Recording Historic Resources***

Cultural resources identified and evaluated pursuant to these Guidelines shall be recorded as provided under State law. Instructions for recording historic resources, including archaeological sites and features, shall follow instructions and use forms on the California State Office of Historic Preservation website at:

<http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf>