

## **9. ARCHAEOLOGICAL RESOURCES**

The Coastal Act Section 30244 requires that where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

### **1) Summary of Preliminary Periodic Review Findings (Exhibit A, pp. 329-338)**

The *Preliminary Report* concluded that the County has been reasonably successful in identifying archaeological sites but that maps used to help trigger more specific archaeological site evaluation are not all-inclusive of archaeological resources within urban areas. Preliminary Recommendation 9.1 recommended updating the Archaeological Resources Overlay Maps to assist in site identification based on new and updated information.

The *Preliminary Report* also noted that the County has been successful overall in incorporating mitigation measures to protect archaeological resources as required by the Coastal Act. However, it noted that monitoring during construction where appropriate might need to be increased. Recommendations 9.2, 9.3 and 9.4 recommend that the County evaluate some additional implementation techniques that might offer additional protection of archaeological resources. These include requiring geoarchaeology surveys, use of conservation easements instead of data recovery and modifications to permit exemptions to increase permit review of new development to trigger archaeological survey work.

### **2) Comments Raised**

#### *SLO County Response* (Exhibit C)

The County agrees with recommendation 9.1 regarding the need to update maps and include criteria for the rural areas, as also recommended in the Estero Area Plan. The County disagrees with the remainder of the recommendations. They comment that geoarchaeology surveys should not be required for all projects within the Archaeological Sensitive Area Combining Designation (ASA) but agree that such surveys could be used as a tool for limited situations under CEQA review. The County suggests as an alternative that during Area Plan Updates, review of areas of potentially buried archaeological resources could be undertaken and through this process they could identify a need for geoarchaeological surveys in these areas. The County notes that Recommendation 9.3 suggesting use of conservation easements instead of data recovery is ineffective as proposed. In reviewing proposed projects on small, urban lots, for example, conservation easements are often not an option because resiting alternatives may not be feasible. Conservation easements may be more appropriate on larger undeveloped areas. The County suggests that an alternative may be to amend the ASA (CZLUO 23.07.104(c)) to require avoidance wherever possible and work with land trusts to develop an offsite mitigation program. The County also disagreed with Recommendation 9.4 for the same reasons given for their position on Agricultural Recommendation 5.10.

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*Public Comments*

Public comments noted that archaeological reports are often incomplete and inaccurate and onsite monitoring inadequate. The standards for archaeologists should be addressed and the lists of qualified individuals should be updated. Qualifications of monitors should be checked with the Native American Heritage Commission to ensure monitors are registered with the Commission and qualifications included with reports.

Comments also noted that the County has a flawed process for dealing with archaeological sites and treasures. Public comments suggested that the County should have a comprehensive cultural resource policy and that data recovery is not the best mitigation. If impacts to a cultural site cannot be avoided, then mitigation could consider such mechanisms as: conservation easements over portions of sites that are undisturbed and comparable sites in the vicinity; creation of mitigation funds to purchase easements over cultural sites; and transfer of development credits programs that protect cultural sites.

*Specific Clarifications/Errata (to be incorporated into the report)*

The County has commented that the discussion of CEQA should be revised to reflect further elaboration through the CEQA guidelines. The report will include this CEQA Guideline discussion. The County noted that Cambria, Cayucos and Los Osos should be referred to as communities rather than cities.

The County also notes that the *Preliminary Report* should not limit the discussion of cultural resources to references to the Chumash. They note that the coastal zone from approximately Morro Bay north is recognized by the Native American Heritage Commission as “disputed territory” between the Chumash and Salinan tribes and at this point the state recognizes that this portion of the coast may have been inhabited by either group (or both) over the 8000+ year span of documented human habitation in this region. The report will be modified to reflect this designation. However, the Commission notes that the LCP Policy 5 and the CZLUO refer only to the Chumash tribe.

The report will clarify that it is the County’s policy to involve Native American representatives any time there are “ground disturbing activities” involved with a project, not just in the case of subsurface testing. The County also noted corrections in the description of separate permit actions by the County on the “Todd project”, noting that the County did require conditions for monitoring of grading activities by an archaeologist for the Todd Minor Use Permit at Piedras Blancas.

Comments were made that the California Archaeological Site Survey Office referenced in the document does not exist. This is a reference cited from the County’s Land Use Ordinance. Since the LCP was certified in the 1980s, this is merely an out of date reference in the County’s zoning ordinance and should be updated. The Central Coastal Information Center under contract to the State Office of Historic Preservation helps implement the California Historical Resources Information System (CHRIS). It integrates information on new resources and known resources into the CHRIS, supplies information on resources and surveys to government and supplies lists

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of consultants qualified to do historic preservation fieldwork within the area. The California Archaeological Site Inventory is the collection of Site Records, which has been acquired and managed by the Information Centers and the OHP since 1975.<sup>67</sup>

Lastly, Tables and Figure references on pages 330-331 (page 333 in *Preliminary Report as Revised*) will be corrected.

### **3) Analysis**

As the *Preliminary Report* concluded, the County has been effective in implementing its LCP to protect archaeological resources consistent with Section 30244 of the Coastal Act. However, some updating of maps and procedures would provide greater assurances that resources will continue to be protected. In addition, County staff indicates that within the past year, efforts have begun to update direction to applicants and consultants in order to provide more specific directions on the contents and procedures for conducting archaeological reviews and reports. They have also begun to update the requirements for monitoring which are placed as conditions on applicable new development. These conditions require submittal of a monitoring plan that will allow the County to more closely review methods and procedures for onsite monitoring during construction. The County staff is consulting guidelines for monitoring that have been developed by the Native American Heritage Commission.

To encourage more detailed site surveys, Recommendation 9.2 suggests evaluating the use of Geoarchaeology Surveys. The Commission agrees with the County that these surveys may not be required for *all* new development. Through the Area Plan Updates, the LCP should be updated to review of areas of potentially buried archaeological resources and develop criteria for when such surveys may be required. Only minor text changes are proposed to Recommendation 9.1.

#### **Recommendation 9.1: Update Archeological Resources Overlay Maps**

~~It appears that the official maps of the LUE delineating urban ASAs have been valuable in triggering archaeological site review for the majority of planned urban development. They are not, however, all inclusive of archaeological resources within the urban areas.~~ Updating the LUE maps to reflect a more accurate location of archaeologically sensitive areas will assist with site identification. The proposed Estero Area Plan Update from February, 1999 offers a possible option to update maps:

*Protection of Resources Not Within the AS Combining Designation. All land use permit applications that propose development within 100 feet of the bank of a coastal stream (as defined in the Coastal Zone Land Use Ordinance), or within 300 feet of such stream where the slope of the site is less than 10 percent, shall be subject to the standards for the Archaeologically Sensitive (AS) combining designation in the Coastal Zone Land Use Ordinance and in this plan.*

~~**Recommendation 9.2: Evaluate Requirement for Geoarchaeology Surveys.** Because half the burials and cultural resources in alluvial soils lie buried beneath the surface with no indication of their location, a geoarchaeological survey could be conducted in addition to the archaeological surface surveys. The purpose of~~

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<sup>67</sup> State Dept. of Parks and Recreation Office of Historic Preservation, California Historical Resources Information System Information Center Procedural manual, November 20, 1995, pg.6.

~~this survey is to identify areas where archaeological resources may have been buried. Some common geological environments that may bury resources include alluvial fans, landslides, and eolian (wind blown) sand deposits. A geoarchaeological survey includes the use of maps of soils and geology to mark areas where sedimentation may bury resources. A field survey is also performed to evaluate the type and extent of sediment and see how these land modifications may conceal resources. The County should assess the feasibility of incorporating this type of survey.~~

Through Area Plan Updates, conduct an assessment of potentially buried archaeological resources and identify requirements for undertaking more specific Geoarchaeology Surveys.

The County comments that conservation easements are not a practical mitigation tool in all instances. Easements are more effective on larger landholdings where development can more easily be resited to avoid impacts resources. Such resiting is more problematic on very small urban lots, where resources extend over a large portion of the lot. In these cases, avoidance may not be feasible and mitigation may be required. Therefore Recommendation 9.3 clarifies consideration of this implementation technique as more appropriate to larger sites.

**Preliminary Recommendation 9.3: Evaluate Use of Conservation Easements.**

Disturbance to archaeological data could also be avoided on larger sites by requiring a conservation easement over the area containing archaeological resources.<sup>68</sup> Avoiding impacts through such easements where feasible may be more protective of the resources than reliance on data recovery. The LCP should be modified to consider such conservation easements instead of data recovery on larger sites where possible.

As discussed in section 5 of this report, staff is recommending modification to the recommendations addressing permit exemptions. These modifications will also affect Recommendation 9.4. In order to minimize confusion, Recommendation 9.4 should be modified to delete references to specific types of exemptions. The intent of Recommendation 9.4 is to indicate that the County should consider regulatory mechanisms that might provide additional scrutiny of proposed development projects outside of urban areas that may impact archaeological resources.

**Preliminary Recommendation 9.4: Evaluate Permit Exemptions.**

~~The County should consider including standards in permit requirements (CZLUO23.03.040) that development which requires a coastal development permit should not be exempt from permit requirements if archaeological resources may be impacted. Protection of archaeological resources can be increased through modifications to permit exemptions. If the project is considered to be development according to the Coastal Act, it will generate a permit and a preliminary survey will be conducted (e.g. building a house and a driveway on agricultural land or erecting a water tank). If the activity on the land does not require a permit, then the site survey will not be conducted (e.g. converting grazing lands to vineyards).<sup>69</sup> These agricultural Rural lands may contain archaeological resources and exempt development some of these activities may be destructive to these resources. For example, in the creation of vineyards, the land can be disturbed up to a depth of four feet. As discussed in more detail in Chapter 5 (Agriculture), permits should be required for modification of agricultural uses that would result in impacts such as grading or increased sedimentation. This would assure maximum protection of archaeological resources.~~

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<sup>68</sup> Personal communication, Tarren Collins, Attorney, San Luis Obispo County Chumash Council, (11/7/00)

<sup>69</sup> Personal communication, Steven McMasters, Environmental Specialist, SLO Planning Department, (11/15/00).

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#### **4) Conclusion**

The *Preliminary Report* found that the San Luis Obispo County LCP has been effectively implemented in conformance with Coastal Act requirements to protect archaeological resources of the coastal zone. (Exhibit A, findings incorporated herein by reference). Recommendations to improve the implementation of the LCP with more up to date information may provide further protection of cultural resources consistent with Section 30244 of the Coastal Act. After further evaluation and consideration of public comments, the Commission adopts Recommendations 9.1-9.4 as modified by this report as appropriate corrective actions for submission to the County pursuant to Coastal Act Section 30519.5.

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