

1 **3.3.5 Cultural Resources**

V. CULTURAL RESOURCES: Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2 **3.3.5.1 Environmental Setting**

3 The Project area is predominately located offshore within the waters of the Pacific
 4 Ocean. As such, cultural and historic resources would primarily be limited to the
 5 offshore areas within the immediate Project area; however, for the purposes of analysis,
 6 the following discussion provides information on both onshore and offshore areas of the
 7 DCPD area in San Luis Obispo County.

8 **Onshore.** The onshore portion of the Project is located within the territory historically
 9 occupied by the Obispeño Chumash, the northernmost of the Chumash-speaking
 10 peoples of California. Archaeological evidence has revealed that the ancestors of the
 11 Obispeño settled in San Luis Obispo County over 9,500 years ago. The Obispeño area
 12 extends from San Simeon Creek to Avila Bay and contains at least 2,500 archaeological
 13 sites that span many years of occupation by the Chumash and their ancestors.

14 Archaeological sites are an integral part of the modern day Native American community.
 15 Their history is contained in the sites, and most contemporary Chumash believe that
 16 cultural resources are best left in their natural state. When unavoidable adverse impacts
 17 are proposed, most strongly support the best sensitive scientific study that will benefit
 18 their culture and the general community. Today, many Chumash people are involved in
 19 protecting their native heritage and practicing traditional beliefs in the same territory as
 20 their ancestors have for over 9,000 years.

21 Following the rise of the Chumash, in the late 1700s, Spanish and Mexican influences
 22 greatly changed the aboriginal way of life. With the establishment of Mission San Luis
 23 Obispo de Tolosa in 1772, as well as occasional European visits to the area prior to that
 24 time, the Native American culture of the area changed dramatically. Indigenous
 25 technologies were lost or replaced by Western ones, and religion and belief systems
 26 became transformed and incorporated into the Spanish culture. Most devastating to the
 27 local Chumash population was the introduction of Old World diseases for which they

1 had little natural tolerance (Heizer 1974). As a result, the Native American population in
2 the area dropped dramatically between the end of the 18th and 19th centuries.

3 After the decline of the mission era in the 1830s, San Luis Obispo gradually grew into a
4 thriving town. For a period of over 60 years, a large population of Chinese immigrants
5 lived in a busy Chinatown. The arrival of the railroad accelerated the growth of the
6 commercial and residential community that included many Americans from the mid-
7 West and further east.

8 In the 1860s, the economy of San Luis Obispo County changed from a cattle market
9 based on hides and beef to a mixed economy including dairy operations introduced by
10 Swiss-Italian farmers. In the mid-20th century agricultural development continued to
11 diversify with more grain production (Krieger 1988). The community of San Luis Obispo
12 also changed in 1903 when the California Polytechnic State University opened.

13 **Offshore**

14 **Prehistoric and Historic Setting.** During the late Wisconsin glaciation (30,000 to
15 17,000 years Before Present), sea levels were as much as 400 feet (ft) [122 meters (m)]
16 lower than they are today, and the coastline along San Luis Obispo County would have
17 been approximately 6 nautical miles (nm) (11 km) farther offshore than at present
18 (Hunter 1999). Even as recently as 8,000 years ago, sea levels were as much as 50 to
19 65 ft (15 to 20 m) lower than at present (Bickel 1978).

20 Areas of the Outer Continental Shelf predicted to be sensitive for submerged prehistoric
21 resources have been identified by the former U.S. Minerals Management Service
22 (MMS) (Pierson, Shiller, and Slater 1987; Snethkamp et al. 1990). These areas
23 correspond to the locations of sensitive landforms (paleoembayments, submerged
24 channel systems, and island complexes) along the shoreline at various periods ranging
25 from approximately 18,000 to 7,500 years ago. However, to date no known occurrences
26 of in-situ remains of prehistoric habitation sites have been reported offshore Morro Bay
27 or Diablo Canyons Lands. The closest recorded underwater site to the Project area is
28 located at Avila Beach (Port San Luis) to the south of the Project area (Hudson 1976).

29 Maritime peoples worldwide have developed some form of watercraft with which to
30 traverse bodies of water and exploit marine resources otherwise unavailable to them.
31 Local peoples used such craft to exploit the offshore environment. The Chumash and
32 other coastal populations of central California may have been skilled fishers prior to
33 arriving in the area, and had subsistence strategies and techniques with which to exploit
34 coastal resources (Johnson 1999). Although the early Spanish explorer Vizcaino
35 describes the Tomol, a large sewn plank canoe in use south of Monterey in 1602, there
36 is no information to attribute its use north of the Santa Barbara Channel area. The
37 “Playeño” peoples of Estero Bay, whether Chumash and/or Salinan, particularly in the
38 Cayucos area, used some form of watercraft. At the request of Franciscan Friars after
39 the Spanish establishment of the Mission system, Tomols navigated around Point
40 Conception and up coast as far as San Luis Obispo Bay (Hudson and Blackburn 1979;

1 Cunningham 1980). Although such water craft may reasonably be assumed to have
2 navigated the waters in and offshore of Estero Bay, evidence of such vessels is unlikely
3 to be preserved in the offshore environment due to the fragile nature of the craft in
4 terms of construction methods and perishable materials used.

5 The overland expedition of Gaspar de Portola in 1769 provided the first certain account
6 of the topography of Estero Bay (Smith and Teggart 1990). This expedition resulted in
7 the founding of the Spanish Mission system in Upper California which stimulated trade
8 and interaction throughout California, but did little to increase maritime activity within
9 Estero Bay (Hunter 1999). Estero Bay was hunted as part of the sea otter trade, but
10 was otherwise little used until the 1860s. By then, farms, dairies and ranches in the
11 Estero Bay region began maritime shipments to the growing markets of San Francisco,
12 Los Angeles, and San Diego (Hunter 1999). A makeshift wharf built by Franklin Riley
13 around 1864 (Gates and Bailey 1982; Hunter 1999) was replaced in 1872 by a good
14 wharf at Morro Bay when he went into partnership with a Captain Williams, owner of the
15 coastal sailing vessel Alexina, to promote trade between San Francisco and Morro Bay.
16 Most shipping, however, continued to go through Cave Landing in San Luis Obispo Bay
17 to the south (Hunter 1999). Barge traffic through the area was stimulated in the 1890s
18 by excavation of a quarry on Morro Rock to produce construction materials for the San
19 Luis Harbor breakwater. At that time, the entrance channel to the estuary was on the
20 north side of Morro Rock. Several locations inside Estero Point were probably used by
21 liquor smugglers in the 1920s (Hunter 1999). Standard Oil of California opened an
22 offshore mooring oil transfer facility known as the Estero Bay Marine Terminal in 1929.
23 Other historic maritime activities in Estero Bay included naval training operations during
24 World War II, fishing, and commercial abalone harvesting (Hunter 1999).

25 Fishing as an important economic development, whether from shore or watercraft, must
26 also be considered prominent in the maritime activities of Estero Bay. Reliance on
27 fishery resources dates back to Native American habitation of the area. Some of the
28 earliest shell middens in the Estero Bay area date 5,000 to 7,000 years Before Present
29 (Jones 1992; cited in Hunter 1999). The Fisheries Commission Report for 1888 notes
30 that 27 people were employed in the San Luis Obispo County fishing industry.
31 Commercial fishing for both local use and export employed few people in Estero Bay,
32 generally and Morro Bay in particular, until the 1930s. After WWII, a fleet was
33 established when wartime improvements provided additional moorings that allowed
34 north coast fishing vessels to move in (Gates and Bailey 1982; cited in Hunter 1999). By
35 1950, Morro Bay lands were officially recorded by the CDFG.

36 **Site Specific Cultural and Historical Resources**

37 *Onshore Cultural Resources.* In 2005, the Public Utilities Commission (CPUC)
38 completed an EIR for the DCPD Steam Generator Replacement Project. In support of
39 the EIR, onshore cultural resources within the area were evaluated. The following
40 information is based on the information provided within that site-specific EIR.

1 The DCP site and the Port San Luis area are located on a coastal terrace consisting of
 2 an uplifted wave cut bench that developed over 100,000 years ago. The terrace is cut
 3 by the Diablo Canyon Creek and backed by the Irish Hills. Historically, Diablo Canyon
 4 Creek provided a fresh water source to the area allowing for continuous cultural
 5 occupation. Current archaeological evidence suggests that relatively small groups
 6 existed in this area until about two millennia ago, when populations appear to have
 7 expanded into resource-rich coastal and near-shore estuarine environments
 8 (Greenwood 1972; Morratto 1984; as cited in Aspen 2005).

9 According to the records search, the State Office of Historic Preservation (OHP) listing
 10 contains four historic properties near the Project area. These properties have been
 11 listed in the Directory of Properties published by the OHP and they are described in
 12 Table 3.3.5-1 below. The nearest OHP property is located at the Light Station located
 13 more than 5 miles to the south of the Project area.

14 **Table 3.3.5-1. Historic Listings within the Project Vicinity**

Location	Description	Register Status
Port San Luis	Harford Pier	Eligible for listing in the National Register or the California Register
Port San Luis	Harford Pier Warehouse	Eligible for listing in the National Register or the California Register
Port San Luis	Light Station	Eligible

15 *Offshore Cultural Resources.* Offshore cultural resources in the region are primarily
 16 historic shipwrecks. As such, research was conducted using the CSLC’s California
 17 Shipwrecks Database website (<http://shipwrecks.slc.ca.gov/>). Discussions with CSLC
 18 regarding this database indicate that precise locations of wrecks are usually unknown,
 19 with vague descriptive narratives of the area in which the ship was last known, or
 20 thought to have sunk, being provided. As such, the database is used as a guide for
 21 determining the potential for encountering offshore cultural or historic resources.

22 According to the CSLC’s shipwrecks database, 16 potential shipwrecks are located
 23 offshore San Luis Obispo County (Table 3.3.5-2). Of these, the shipwreck nearest the
 24 Project area would be the Whale, which was stranded near Port San Luis more than 5
 25 miles south of the Project area (Figure 3.3.5-1). Discussions with CSLC staff and
 26 queries of the CSLC’s shipwrecks database indicate that no shipwrecks are known to
 27 have occurred within the immediate Project area; however, the CSLC database reflects
 28 a search of many published records, but does not represent actual fieldwork, and
 29 locations based on historic accounts may not be precise. Not all shipwrecks are listed in
 30 the database and, in some cases, listed vessels were refloated or salvaged.

1 **Table 3.3.5-2. Shipwrecks Identified in San Luis Obispo County**

Ship's Name	Type	Year Sunk	Cause
Lena	Schooner	1866	Grounded
La Crescentia		1935	Wrecked
Roanoke	Steamship	1916	Cargo shifted
Challenge	Three-Masted Schooner	1877	Wrecked
Whale	Barge	1925	Stranded
Golden gate	Schooner	1873	Parted Cable
Montebello	Tanker	1941	Torpedoed
HM Adams	Oil Screw	1945	Stranded
Casco	Steam Schooner	1913	Stranded
Otsego	Schooner	1872	Stranded
Sierra Nevada	Sidewheel Steamboat	1869	Grounded in Fog
Electra	Schooner	1894	Parted Cables
Santa Lucia	Oil Screw	1954	Burned
Santa Cruz	Steam Screw	1904	Wrecked
Harlech Castle	Bark	1869	Grounded
Harlech Castle	Bark	1905	Grounded

2 3.3.5.2 Regulatory Setting

3 The following discussion summarizes the most important federal and state laws and
 4 regulations that apply to cultural resource protection for both the onshore and offshore
 5 portions of the Project area.

6 **Regulatory Setting**

7 **Federal**

8 **The National Historic Preservation Act of 1966, as amended, (NHPA) and its**
 9 **implementing regulations** (36 CFR 800). The NHPA requires federal agencies to
 10 evaluate the potential effects of their actions on historic properties. This process, often
 11 referred to as the “section 106” process, applies to properties that are listed on or
 12 eligible for listing on the National Register of Historic Places (National Register).

13 **Abandoned Shipwreck Act of 1987 (ASA)** (43 USC § 2101 et seq.). The ASA
 14 provides that any abandoned shipwreck embedded in a state’s submerged lands or that
 15 is located on a state's submerged lands and is included in, or determined eligible for
 16 inclusion in, the National Register is the property of that state.

17 As provided by the ASA, the title to all abandoned shipwrecks, cargo, and other
 18 contents, on or in the tide and submerged lands of California is vested in the state and
 19 such resources are under the jurisdiction of the CSLC.

1 **State**

2 **CEQA and the State CEQA Guidelines** (Pub. Resources Code, § 21000 et seq. and
3 State CEQA Guidelines, Cal. Code Regs., tit. 14, § 15000 et seq.).

4 As the CEQA lead agency, the CSLC is responsible for complying with all provisions of
5 CEQA that relate to “historical resources.” An historical resource includes: 1) a resource
6 that is listed in, or determined to be eligible for listing in the California Register of
7 Historic Resources (CRHR); 2) a resource included in a local register of historical or
8 identified as significant in an historical resource surveys; and, 3) any resource that a
9 lead agency determines to be historically significant for the purposes of CEQA, when
10 supported by substantial evidence in light of the whole record.

11 The CRHR was created to identify resources deemed worthy of preservation on a state
12 level and was modeled closely after the National Register. The criteria are nearly
13 identical to those of the NRHP, but focus on resources of statewide significance. The
14 criteria are set forth in section 15064.5, subdivision (a)(3) of the State CEQA Guidelines
15 and are defined as any resource that meets any of the following criteria:

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

24 Properties listed, or formally designated as eligible for listing, on the National Register
25 are automatically listed on the CRHR, as are certain State Landmarks and Points of
26 Interest.

27 In addition, section 15064.5, subdivision (a)(4) of the State CEQA Guidelines states:

28 The fact that a resource is not listed in, or determined to be eligible for
29 listing in the California Register of Historical Resources, not included in a
30 local register of historical resources (pursuant to Section 5020.1(k) of the
31 Public Resources Code), or identified in an historical resources survey
32 (meeting the criteria in Section 5024.1(g) of the Public Resources Code)
33 does not preclude a lead agency from determining that the resource may
34 be an historical resource as defined in Public Resources Code Section
35 5020.1(j) or 5024.1

1 **California Coastal Act of 1976.** Coastal Act section 30244 provides that, “Where
2 development would adversely impact archaeological or paleontological resources as
3 identified by the State Historic Preservation Officer, reasonable mitigation measures
4 shall be required.”

5 **Local**

6 **Local Coastal Program.** The San Luis Obispo County LCP contains policies for the
7 protection of archaeological resources, prevention of vandalism, identification of
8 archaeological sites, site surveys, protection of sites through mitigation, and protection
9 of resources discovered during construction or other activities.

10 **County of San Luis Obispo Land Use Ordinance.** The County of San Luis Obispo’s
11 Land Use Ordinance includes regulations for identifying and protecting archaeologically
12 sensitive areas and requirements for notifications in the event of discovery of
13 archaeological resources or human remains.

14 3.3.5.3 Impact Analysis

15 **Impact Analysis**

16 ***a) Cause a substantial adverse change in the significance of a historical***
17 ***resource as defined in §15064.5?***

18 See response below.

19 ***b) Cause a substantial adverse change in the significance of an***
20 ***archaeological resource pursuant to §15064.5?***

21 See response below.

22 ***c) Directly or indirectly destroy a unique paleontological resource or site or***
23 ***unique geologic feature?***

24 **Onshore Impacts.** The only onshore component of the Project consists of an extension
25 of an existing conduit (Figure 2-5) from its current location on top of the armor rock rip-
26 rap along the east side of the DCPD intake cove into the water where it would terminate
27 on the natural sedimentary seafloor in approximately 2.4 m (8 ft) of water, MLLW.
28 According to the DCPD Steam Generator Replacement Project Final EIR, the intake
29 cove area has been the subject of previous cultural resource surveys, and
30 archaeological resources are known to exist within the area; however, the onshore
31 portion of the conduit would be extended at the man-made rock rip-rap located within
32 the intake cove. As such, any ground disturbance of onshore materials would be fill
33 materials placed in support of the DCPD. This material would not include any prehistoric
34 or historic resources, nor would it include any known archaeological resources or
35 paleontological resources. Therefore, no impacts would result.

36 **Offshore Impacts.** The Project is located offshore the DCPD with the power/data
37 transfer cable extending from water depths of up to 82 m (270 ft). Potential impacts to
38 cultural or historic resources would be limited to underwater archaeological resources,

1 specifically shipwrecks. According to the CSLC’s shipwrecks database, no known
2 archaeological or historical resources are located within the Project area (Figure 3.3.5-
3 1). Therefore, the potential for the Project to result in a significant impact to important
4 archaeological or historical resources is remote and the Project is considered to have
5 no impact on offshore cultural resources. In the unlikely event that Project activities
6 encounter a previously unidentified archaeological site, PG&E will require the contractor
7 to immediately stop work activities in the vicinity of the find. The CSLC is the point of
8 contact for unanticipated discoveries and would be notified immediately.

9 There are no unique geological features in the Project area that could be disturbed by the
10 Project. The Project would not result in ground disturbing activities that have the potential
11 to impact any paleontological resources that may be located in the Project area.

12 **d) Disturb any human remains, including those interred outside of formal**
13 **cemeteries?**

14 **Onshore Impacts.** The only onshore component of the Project consists of an extension
15 of the existing conduit. The onshore portion of the conduit would be extended at the
16 man-made rock rip-rap located within the intake cove of the DCP. As such, any ground
17 disturbance of onshore materials would be fill materials placed in support of the DCP.
18 This material does not contain any human remains. Therefore, the potential for the
19 Project to result in a significant impact to human remains is remote and the Project is
20 considered to have no impact on onshore cultural resources; however, should
21 previously unknown human remains be unearthed during any Project activities, PG&E
22 would be required by State Health and Safety Code section 7050.5 to stop work in the
23 vicinity of the find until the County Coroner has made the necessary findings as to origin
24 and disposition pursuant to Public Resources Code section 5097.98. If the remains are
25 determined to be of Native American descent, the coroner has 24 hours to notify the
26 Native American Heritage Commission (NAHC). The NAHC will then contact the most
27 likely descendant of the deceased Native American, who will then serve as consultant
28 on how to proceed with the remains (i.e., avoid or re-bury).

29 **Offshore Impacts.** The Project is not located in any areas known to contain human
30 remains, including, but not limited to, formal cemeteries. The majority of Project
31 activities would occur offshore the DCP. The likelihood of encountering human
32 remains on the seafloor is minimal and a less than significant impact.

33 3.3.5.4 Mitigation and Residual Impacts

34 **Mitigation.** The Project would not result in significant impacts to historic, cultural or
35 paleontological resources. Therefore, no mitigation measures are required.

36 **Residual Impacts.** The Project would have no significant historic, cultural or
37 paleontological resources impacts. No mitigation is required and no residual impacts
38 would occur.

1 **Figure 3.3.5-1. Shipwrecks in San Luis Obispo County Offshore Project Area**

