

## 4.6 Cultural Resources – Tribal Cultural Resources

This section provides information on tribal cultural resources (TCRs), which are a defined class of resources under Public Resources Code section 21074 (see Appendix C). TCRs include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a California Native American Tribe. To qualify as a TCR, the resource must either: (1) be listed on, or be eligible for listing on, the California Register of Historical Resources (CRHR) or other local historic register as defined in Public Resources Code section 5020.1 subdivision (k); or (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Assembly Bill (AB) 52 (Gatto) requires that the California Environmental Quality Act (CEQA) Lead Agency send a formal notice and invitation to consult about a proposed project to all California Native American Tribes traditionally and culturally affiliated with the geographic area of the proposed project. The purpose of this consultation is to obtain tribal information and direction related to the potential significant effects on TCRs that may result from a project (PCR §21080.3.1(d)). Consultation must include discussion of specific topics or concerns identified by Tribes. This section describes the AB 52 consultation process, the results of that process, and potential impacts of the Proposed Project related to TCRs.

The following discussion is based on the confidential cultural resources technical reports prepared for PG&E for the Proposed Project, unless otherwise referenced, and include the *Diablo Canyon Decommissioning Cultural Resource Inventory and Study Plan* (PG&E, 2020) and *Cultural Resources Constraints Analysis for the Santa Maria Railyards, Santa Maria, Santa Barbara County, California* (PG&E, 2021), and the results of AB 52 consultation (San Luis Obispo, 2023).

**Scoping Comments Received.** During the scoping comment period for the EIR, written and verbal comments were received from agencies, organizations, and the public. These comments identified various substantive issues and concerns relevant to the EIR analysis. Appendix B includes all comments received during the scoping comment period. The following list provides a summary of scoping comments applicable to this issue area and considered in preparing this section:

- Ensure preservation of sites important to California Native American Tribes
- Address and acknowledge land ownership issues by local Tribes with the understanding that their intent is for conservation and managed use
- Consider consulting with Indigenous Groups as Responsible Agencies

### 4.6.1 Environmental Setting

#### 4.6.1.1 Prehistoric Setting

The chronology of the California's Central Coast is generally broken up into six prehistoric periods: Paleo-Indian Period, Millingstone/Lower Archaic, Early Period, Middle Period, Middle-Late Transitional Period, and Late Period. This combines information from the Pecho Coast with the general patterns of prehistoric occupation throughout the Central Coast. Please refer to

Section 4.5, *Cultural Resources – Archaeology and Built Environment*, for a detailed description of the prehistory of the Proposed Project area.

#### **4.6.1.2 Ethnographic Setting**

The earliest residents to the Pecho Coast and DCPD area are the northern Chumash. The SMVR – Betteravia Industrial Park (SMVR-SB) area of the Proposed Project are located within lands traditionally occupied by the Santa Ynez Band of Chumash Indians.

The Chumash were among the most populous and socially complex groups in all of what is now California. During the Late Period (700-180 calibrated years before present), the Chumash were living in large villages along the Santa Barbara Channel coast, with less dense populations in the interior regions, on the Channel Islands, and in coastal areas north of Point Conception. Some villages may have had as many as 1,000 inhabitants, and population density was unusually high for a nonagricultural group. Occupational specialization went beyond craft activities such as bead production to include politics, religion, and technology. Complex social and religious systems tied many villages together and regulated regional trade, procurement and redistribution of food and other resources, conflict, and other aspects of society. Leadership was hereditary, and some chiefs had influence over several villages, indicating a simple chiefdom level of social organization.

The Chumash were a non-agrarian culture that relied on fishing, hunting, and gathering for their sustenance. Much of their subsistence was based on marine resources, and acorns were also a major food staple. The northern Chumash participated in long-range prehistoric trade networks. For example, they supplied the Yokuts with asphaltum and shells used in beadmaking, receiving in exchange pottery and possibly obsidian.

With the secularization of mission lands after 1834, traditional Chumash lands were distributed among grants to private owners. Near Mission Santa Barbara and Mission San Fernando Rey de España, several small ranchos were granted to recent converts of these missionaries, some of which provided a home and/or gardens for a few Chumash refugees. Some Chumash managed to maintain a presence in the area into the early twentieth century as cowboys, farm hands, and town laborers. The Catholic Church provided some land near Mission Santa Inés. This land eventually was deeded to the US government in 1901 as the 127-acre Santa Ynez Reservation. Since the 1970s, Chumash descendants living in the City of Santa Barbara and the rural areas of San Luis Obispo, Santa Barbara, and Ventura Counties have formed separate social and political organizations to aid in cultural revitalization, to protect sacred areas and archaeological sites, and to petition for federal recognition. Today, the Santa Ynez Band of Chumash Indians is the only federally recognized Chumash Tribe. There are several other Tribes that are recognized by the California Native American Heritage Commission, including the yak tit'yu tit'yu yak tiłhini, the Coastal Band of the Chumash Nation, and the Northern Chumash Tribal Council. Tribal members consider the Pecho Coast, including DCPD, to be of great cultural importance.

#### **4.6.1.3 TCR Data Collection Methodology**

Information presented in this section was gathered through formal AB 52 consultation between San Luis Obispo County (County) and California Native American Tribes that have traditional and

cultural affiliations with the Project area and that have requested to consult on the Proposed Project.

### ***Project Notification***

Government-to-government tribal consultation was conducted between the County and representatives of Native American Tribes based on formal requests from Tribes to be notified of projects in each group's Traditional Use Area and those Native American Tribes identified by the Native American Heritage Commission (NAHC). Letters including information about the Proposed Project, and an invitation to consult regarding the Proposed Project were mailed via USPS certified mail on July 12, 2021. Letters were sent to the following Tribes (presented in alphabetical order):

- Barbareño/Ventureño Band of Mission Indians
- Chumash Council of Bakersfield
- Coastal Band of the Chumash Nation
- Northern Chumash Tribal Council
- Salinan Tribe of Monterey, San Luis Obispo Counties
- San Luis Obispo County Chumash Council
- Santa Ynez Band of Chumash Indians
- Tule River Indian Tribe
- Xolon-Salinan Tribe
- yak tit'yu tit'yu yak ti'hini - Northern Chumash Tribe

Of these Tribes, the Northern Chumash Tribal Council, yak tit'yu tit'yu yak ti'hini - Northern Chumash Tribe, Coastal Band of the Chumash Nation, and the Santa Ynez Band of Chumash Indians requested to consult (presented in order of receipt of consultation request) with the County on the DCPP Decommissioning Project.

#### **4.6.1.4 Summary of AB 52 Native American Tribal Consultation**

The Northern Chumash Tribal Council requested formal consultation via email on July 15, 2021, yak tit'yu tit'yu yak ti'hini - Northern Chumash Tribe requested formal consultation via email on July 15, 2021, the Santa Ynez Band of Mission Indians requested formal consultation via email on August 19, 2021, and the Coastal Band of the Chumash Nation requested formal consultation via email on January 19, 2022. The discussion below provides a high-level summary of AB 52 consultations, as information exchanged during the consultation process is confidential.<sup>15</sup>

#### ***Northern Chumash Tribal Council***

The County initiated consultation with the Northern Chumash Tribal Council (NCTC) on September 13, 2021. Fred Collins, representative of the NCTC, explained that the DCPP site is where his ancestral village is located, and site CA-SLO-2 in particular is of great interest and concern to the Tribe. Overall, the Tribe would like to see as little soil disturbance as possible.

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<sup>15</sup> The order in which AB 52 consultations are discussed is based on the initial consultation date.

Follow-up meetings occurred February 22, 2022, and May 10, 2022, jointly with the Coastal Band of the Chumash Nation (CBCN). In addition, a site visit of the DCPD was attended by both Tribes on March 21, 2022. Both NCTC and CBCN want to see as minimal ground disturbance as possible in CA-SLO-2 and CA-SLO-61 (considered TCRs under CEQA) and emphasized the cultural sensitivity of the entire area.

Draft mitigation measures were written based on potential impacts and sent to NCTC and CBCN to review on May 9, 2022, and were discussed during a follow-up meeting on May 10, 2022. Further consultation occurred through meetings and email exchanges on June 1, 2022, July 25, 2022, August 8, 2022, August 15, 2022, August 24, 2022, August 31, 2022, September 29, 2022, October 6, 2022, and June 20, 2023. AB 52 consultation is ongoing.

#### ***yak tit'yu tit'yu yak tithini - Northern Chumash Tribe***

Consultation was initiated with the yak tit'yu tit'yu yak tithini - Northern Chumash Tribe (ytt) on November 19, 2021. Follow up consultation meetings were held on December 14, 2021, and May 4, 2022. The tribal representatives emphasized they would like to see as little ground disturbance as possible and expressed their interest in preserving CA-SLO-2 and CA-SLO-61 as these known sites are of great concern to the Tribe and are considered TCRs under CEQA. Concerns were raised about the large amount of earthwork proposed for decommissioning and ytt emphasized the possibility of encountering cultural deposits in previously disturbed areas.

Draft mitigation measures were written based on potential impacts and sent to ytt to review on May 1, 2022 and were discussed during a follow-up meeting on May 4, 2022. Further consultation occurred through meetings and email exchanges on June 7, 2022, August 3, 2022, August 6, 2022, August 8, 2022, August 12, 2022, August 24, 2022, September 29, 2022, October 6, 2022, October 24, 2022, and June 26, 2023. AB 52 consultation is ongoing.

#### ***Coastal Band of the Chumash Nation***

Consultation was initiated on February 22, 2022, as part of a joint meeting with NCTC and included a follow-up joint meeting on May 10, 2022. Please see the summary above under NCTC.

#### ***Santa Ynez Band of Chumash Indians***

Consultation was initiated with the Santa Ynez Band of Chumash Indians (SYBCI) on June 3, 2022. No specific TCRs were identified during the consultation meeting. Draft mitigation measures were sent to SYBCI on July 25, 2022, for review and comment. The County received comments on the draft mitigation measures on August 16, 2022 and January 17, 2023. Another consultation meeting was held on June 22, 2023. The County provided SYBCI with revised draft mitigation measures on September 29, 2022 and June 23, 2023. AB 52 consultation is ongoing.

### **4.6.2 Regulatory Setting**

Numerous laws and regulations require state and local agencies to consider the effects a project may have on TCRs. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship

among other involved agencies. The various federal and state laws, regulations, and policies are presented in Appendix C.

#### **4.6.2.1 Local Laws, Regulations, and Policies**

**San Luis Obispo County General Plan.** There is one element of the San Luis Obispo County General Plan that includes goals and policies regarding the management of Native American resources, the Conservation and Open Space Element (San Luis Obispo, 2010). The relevant goals and policies are described below.

##### ***San Luis Obispo County Land Use Element – Conservation and Open Space Element***

###### Goals

- Goal CR 4. The County’s known and potential Native American, archaeological, and paleontological resources will be preserved and protected.

###### Policies

- Policy CR 4.1 Non-development Activities. Discourage or avoid non-development activities that could damage or destroy Native American and archaeological sites, including off-road vehicle use on or adjacent to known sites. Prohibit unauthorized collection of artifacts.
- Policy CR 4.2 Protection of Native American Cultural Sites. Ensure protection of archaeological sites that are culturally significant to Native Americans, even if they have lost their scientific or archaeological integrity through previous disturbance. Protect sites that have religious or spiritual value, even if no artifacts are present. Protect sites that contain artifacts, which may have intrinsic value, even though their archaeological context has been disturbed.
- Policy CR 4.3 Cultural Resources and Open Space. The County supports the concept of cultural landscapes and the protection and preservation of archaeological or historical resources as open space or parkland on public or private lands.
- Policy CR 4.4 Development Activities and Archaeological Sites. Protect archaeological and culturally sensitive sites from the effects of development by avoiding disturbance where feasible. Avoid archaeological resources as the primary method of protection.
- Policy CR 4.6 Resources-Based Sensitivity. Protect archaeological resources near streams, springs and water sources, rock outcrops, and significant ridgetops, as these are often indicators of the presence of cultural resources.

**San Luis Obispo County County Code.** One title of the San Luis Obispo County General Ordinances include municipal codes regarding the management of archaeological resources and consultation with Native Americans: Title 23- Coastal Zone Land Use, which is described below (San Luis Obispo, 2014).

##### ***Title 23- Coastal Zone Land Use***

23.07.104- Archaeologically Sensitive Areas.

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

- Archaeologically sensitive areas. The following areas are defined as archaeologically sensitive:
  - Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.
  - Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.
  - Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.
- Preliminary site survey required. Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).
- When a mitigation plan is required. If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator and considered in the evaluation of the development request by the Review Authority.
- Archaeological resources discovery. In the event archaeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

**Santa Barbara County Comprehensive Plan, Land Use Element.** The Land Use Element identifies policies to protect and avoid impacts associated with historical, archaeological, and other cultural sites. These policies outline measures that shall be taken to prevent impacts, including mitigation, when necessary, in accordance with the State Office of Historic Preservation and the State of California Native American Heritage Commission guidelines, and consultation with Native Americans when development that impacts significant cultural sites is proposed (Santa Barbara, 2016). As described in Section 1.3.3.2, *Surface Transportation Board*, railroads are under the

jurisdiction of the federal government such that local agencies are preempted from exercising jurisdiction over railyards (e.g., SMVR-SB).

**City of Pismo Beach General Plan and Local Coastal Program.** The City’s General Plan identifies policies for the protection of archaeological, paleontological, and cultural resources, which includes standards for the investigation of known resources and when construction must be suspended. One applicable policy requires that for Chumash Cultural Resources Preservation, future development shall include CEQA compliance and consultation with local Chumash groups in accordance with the Native American Heritage Commission’s “California Tribal Consultation List” (Pismo Beach, 2014).

### 4.6.3 Significance Criteria

The following significance criteria for TCRs are derived from Appendix G of the State CEQA Guidelines. Impacts to TCRs are considered significant if the Proposed Project would:

- Cause a substantial adverse change in the significance of a Tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
  - Listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or,
  - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance to a California Native American Tribe.
- In making a finding that a resource is a Tribal cultural resource, the County may consider, among other evidence, elder testimony, oral history, tribal archival information, testimony of an archaeologist or other expert certified by the Tribe, official declarations or resolutions adopted by the Tribe, formal statements by the Tribe’s historic preservation officer, or other historical notes and anthropological records (State of California Governor’s Office of Planning and Research [OPR], 2017).

Adverse changes are considered, but not limited to, the following:

- Physical, visual, or audible disturbances resulting from construction and development that would affect the integrity of a resource or the qualities that make it eligible for the CRHR;
- Exposure of resources to vandalism or unauthorized collecting;
- A substantial increase in the potential for erosion or other natural processes that could affect resources; or
- Neglect of a resource that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious or cultural significance to a Native American Tribe.

#### 4.6.4 Environmental Impact Analysis and Mitigation

**Impact TCR-1: Cause a substantial adverse change in the significance of the Tribal Cultural Resource that is either listed or eligible for listing in the CRHR or in a local register of historical resources, or determined by the CEQA lead agency, in its discretion and supported by substantial evidence, to be significant (Class I: Significant and Unavoidable).**

##### Phase 1

###### *DCPP Project Site*

As discussed in Section 4.5, *Cultural Resources*, two historical resources (CA-SLO-2 and CA-SLO-61) have been identified within the decommissioning area. Through AB 52 consultation, consulting Tribes have identified both CA-SLO-2 and CA-SLO-61 as TCRs.

**CA-SLO-2.** Phase 1 decommissioning activities within CA-SLO-2 include removal of an existing 230 kV tubular steel pole (TSP) and the removal of two guy wire anchors directly adjacent to that pole. CA-SLO-2 was subjected to immense disturbance in certain areas during construction of the power plant. These disturbances included, but are not limited to, the constructions of access roads throughout CA-SLO-2, construction of a substation, grading of a laydown area, and the deposit of sand blast grit from power plant construction. The existing 230 kV TSP and guy wire anchors are located within the boundary of the former substation and the sand blast grit is located within the boundary of the former laydown area.

Under the Proposed Project, both the existing TSP and guy wire anchors would be removed to grade, and all subsurface footings would be abandoned in place. No excavations would occur to remove the TSP or guy wires. Therefore, Phase 1 decommissioning activities would not directly or indirectly impact CA-SLO-2.

**CA-SLO-61.** Phase 1 decommissioning activity within CA-SLO-61 includes removal of the existing security fence, which surrounds the Turbine Building and Unit 1 and 2 reactors. A portion of this fence is within the boundary of CA-SLO-61. The security fence would be removed to grade, and the existing fence post footings would be pulled directly out of the ground without excavating around them, then backfilled with clean fill.

Alternatively, the fence footings within the CA-SLO-61 site boundaries could be abandoned in place. This alternative would require fence footings known to be within the site boundaries be abandoned in place with only the top 3 to 6 inches of the footing removed to allow for a consistent grade and eventual paving. Removal of the access road would be limited to removing only the asphaltic concrete (surface) course or layer and any asphalt or cement concrete curbs. The aggregate subbase and base course would be left in place for incorporation into the grading work. The guard rail footings are proposed to be removed in the same manner as the security fence footings, by either being pulled directly out of the ground without excavating around them then backfilled with clean fill or abandoned in place.

Since removal of the security fence, fence footings, existing access road, guard rails, and guard rail footings would only take place superficially in previously disturbed soils and would not



require any new ground disturbance in intact native soil, the proposed Phase 1 decommissioning activities would not directly or indirectly impact CA-SLO-61.

### ***Railyards***

**Pismo Beach Railyard.** The activities proposed at the PBR site include refurbishment of 1,100 feet of existing spur rail, as well as replacing railroad ties and some gravel to the northeast section of rail line. Refurbishing the rail line is limited to the existing footprint and would not encroach on any intact native soils. Additionally, no TCRs have been identified within the PBR site; therefore, none would be impacted.

**SMVR-SB.** Activities proposed for SMVR-SB railyard include refurbishment of existing rail spurs, use of steel road plates or installation of engineered fill, and installation of perimeter fencing. No subsurface excavations are proposed. Additionally, no TCRs have been identified within SMVR-SB; therefore, none would be impacted.

### ***Unanticipated Buried Resources***

As with any project that involves ground disturbing activity, there is the potential for unknown buried resources to be encountered within the DCPD site. Inadvertent disturbance or destruction of an unidentified cultural resource, that could be considered a TCR, could damage or destroy the resource or change its context. Due to the sensitive nature of the DCPD site, the potential for encountering unanticipated buried resources is highly probable even in previously disturbed areas. If an unanticipated buried resource is encountered, and if the currently unidentified resource were determined to be eligible for listing in the CRHR, the Proposed Project activities could result in a significant impact to the resource. PG&E has proposed awareness training as part of the Proposed Project (AC CR-2, *Worker's Environmental Awareness Training – Cultural and Paleontological Resources*); however, this AC focuses more on paleontology. Therefore, implementation of MM CUL-1 (*Retain County-qualified Project Archaeologist*), MM CUL-2 (*Retain County-qualified Project Archaeological Monitors*), MM CUL-3 (*Retain Chumash Tribal Monitors*), MM CUL-4 (*Retain a Project Osteologist*), MM CUL-5 (*Develop a Cultural Resources Monitoring and Discovery Plan*), MM CUL-6 (*Cultural Resources Worker Environmental Awareness Program*), MM CUL-7 (*Archaeological and Tribal Monitoring*), MM CUL-8 (*Unanticipated Discoveries*), MM CUL-9 (*Decommissioning Activities Affecting Previously Known Cultural and/or Tribal Resources*), and MM CUL-12 (*Discovery of Human Remains*) would lessen the overall impact; however, not to a less than significant level. Therefore, impacts to TCRs during Phase 1 are considered significant and unavoidable (Class I).

## **Phase 2**

Activities in Phase 2 include contaminant remediation, demolition of remaining utilities and structures, soil grading and landscaping, long-term stormwater management, closure of the Intake Structure, and continuation of Discharge Structure removal and restoration activities. Phase 2 also proposes to establish a blufftop road at the end of DCPD decommissioning to connect Shore Cliff Road with North Ranch Road/Pecho Valley Road.

### ***DCPP Project Site***

As described above, two TCRs (CA-SLO-2 and CA-SLO-61) are located within the area of proposed Phase 2 activities. Soil remediation of an approximately 2,060 square foot former sand blast area may occur within the boundaries of CA-SLO-2, which could significantly impact the site. PG&E will not know if this area needs to be remediated until after the plant ceases operating, when they complete a site characterization study. For the site characterization chemical samples, three shallow samples (0-1 foot below ground surface) will be taken where the sandblasting material is located. Further testing could be required depending on the result. For the Final Status Surveys, 15 to 20 samples likely would be collected. Each sample would be six inches deep. A gardening shovel would be primarily used, although if there are hard clay soils, a pick-axe may be required. In addition, approximately 10 percent of the area would be “walked over” with a sodium iodine detector to assess gamma signatures from DCPD-derived radionuclides. Due to immense grading and use of CA-SLO-2 as a laydown area for the prior construction of DCPD, the site is heavily disturbed.

Superficial soil characterization excavations and soil remediation of a heavily disturbed portion of the site would not significantly impact the site's integrity. However, given the sensitivity of this site, if soil remediation extends into native soils under the former sand blast area, which potentially could have intact deposits, these deposits could be damaged or destroyed resulting in a potentially significant impact to the sites integrity. PG&E has proposed awareness training as part of the Proposed Project (AC CR-2, *Worker's Environmental Awareness Training – Cultural and Paleontological Resources*); however, this AC focuses more on paleontology. Therefore, implementation of MM CUL-1 (*Retain a County-qualified Project Archaeologist*), MM CUL-2 (*Retain County-qualified Project Archaeological Monitors*), MM CUL-3 (*Retain Chumash Tribal Monitors*), MM CUL-4 (*Retain a Project Osteologist*), MM CUL-5 (*Develop a Cultural Resources Monitoring and Discovery Plan*), MM CUL-6 (*Cultural Resources Worker Environmental Awareness Program*), MM CUL-7 (*Archaeological and Tribal Monitoring*), MM CUL-8 (*Unanticipated Discoveries*), MM CUL-9 (*Decommissioning Activities Affecting Previously Known Cultural and/or Tribal Resources*), MM CUL-10 (*Plan to Restrict Public Access After Removal of Diablo Canyon Road Guard House Facilities*), MM CUL-11 (*Restrict Access to Environmentally Sensitive Areas for Marina Operations*), and MM CUL-12 (*Discovery of Human Remains*), would lessen the overall impact, however, not to a less than significant level. Therefore, impacts to unanticipated buried TCRs during Phase 2 are considered significant and unavoidable (Class I).

### ***Post-Decommissioning Operations***

**New Facility Operations.** Following Phase 2, activities at the DCPD site associated with the Proposed Project include operation of the new GTCC Storage Facility, Security Building, indoor Firing Range, and Storage Buildings. Project operations do not have the potential to directly impact known TCRs as there is little to no ground disturbance associated with continued operations.

**Future Actions.** The use of the Marina by a third party could cause indirect impacts to known TCRs, since members of the public would be allowed to explore the area and could stumble upon a known significant resource, increasing the risk of looting. The long-term effects of looting could significantly impact known TCRs. Establishing Environmentally Sensitive Areas (ESAs) and

restricting public access through physical barriers and signage would limit the potential for the public to identify TCRs. Therefore, implementation of MM CUL-11 (*Restrict Access to Environmentally Sensitive Areas for Marina Operations*) would reduce the indirect impact to a less than significant level (Class II).

**Mitigation Measures for Impact TCR-1.**

All the mitigation measures applicable to Cultural Resources – Archaeology and Built Environment, as detailed in Section 4.5, apply to reduce impacts to TCRs.

- CUL-1 Retain County-qualified Project Archaeologist**
- CUL-2 Retain County-qualified Project Archaeological Monitors**
- CUL-3 Retain Chumash Tribal Monitors**
- CUL-4 Retain a Project Osteologist**
- CUL-5 Develop a Cultural Resources Monitoring and Discovery Plan**
- CUL-6 Cultural Resources Worker Environmental Awareness Program**
- CUL-7 Archaeological and Tribal Monitoring**
- CUL-8 Unanticipated Discoveries**
- CUL-9 Decommissioning Activities Affecting Previously Known Cultural and/or Tribal Resources**
- CUL-10 Plan to Restrict Public Access After Removal of Diablo Canyon Road Guard House Facilities**
- CUL-11 Restrict Access to Environmentally Sensitive Areas for Marina Operations**
- CUL-12 Discovery of Human Remains**

**Residual Impacts.** Given the tribal and archaeological sensitivity of the DCPD site, although impacts would be reduced through the above mitigation measures, no mitigation is available to avoid significantly impacting previously unidentified TCRs at the DCPD site. Impacts during both Phase 1 and Phase 2 would remain significant and unavoidable (Class I).

**4.6.5 Cumulative Impact Analysis**

**Geographic Extent Context**

For the purposes of the cumulative impact analysis for Tribal Cultural Resources, Table 3-1 includes three projects within the County of San Luis Obispo that are located within an approximately 5-mile radius of the DCPD site where there is the potential for similar TCR impacts that could combine with those of the Proposed Project, as follows:

- Communications Facility (#2)
- Flying Flags Campground (#4)
- Avila Beach Resort Phased Expansion Development Plan/Coastal Development Permit (#6)

Their proximity and similarity in environments would result in similar land-use, and thus, site types. Cumulative impacts on TCRs could occur if other projects, in conjunction with the Proposed Project, have or would have impacts on TCRs that, when considered together, would be significant.

The Orano System ISFSI Modifications (#1) is within the DCPP site; however, this project does not involve any ground disturbing activities.

### Cumulative Impact Analysis

Impacts to TCRs tend to be site specific and are assessed on a site-by-site basis. The Proposed Project would require implementation of MMs CUL-1 through CUL-12, which would lessen the overall impact; however, impacts are considered significant and unavoidable. As identified in Table 3-1, cumulative projects that are within the geographic extent for TCRs and involve ground disturbing activities include a Communications Facility (#2), which is currently on hold; the Flying Flags Campground (#4), which is under construction and partially open for use; and the Avila Beach Resort Phased Expansion Development Plan/Coastal Development Permit (#6) to construct hotel accommodations and related facilities, which is currently in the planning stages. These projects have the potential to impact TCRs but may be completed prior to the Proposed Project’s decommissioning activities.

Because the Proposed Project would have significant impacts to TCRs, the cumulative effect on TCRs would remain significant and unavoidable. In addition, the unknown nature of TCRs associated with the cumulative projects and the Proposed Project’s known impacts, it is expected that the cumulative impacts related to TCRs would be cumulatively considerable.

### 4.6.6 Summary of Significance Findings

Table 4.6-1 presents a summary of the environmental impacts, significance determinations, and mitigation measures for the Proposed Project.

**Table 4.6-1. Summary of Impacts and Mitigation Measures – Cultural Resources – Tribal Cultural Resources**

Impact Statement	Impact Significance Class				Mitigation Measures
	Phase 1		Phase 2		
	DCPP	PBR/SB	DCPP	Ops/Marina	
<b>TCR-1:</b> Cause a substantial adverse change in the significance of the Tribal Cultural Resource that is either listed or eligible for the listing in the CRHR or in a local register of historical resources, or determined by the CEQA lead agency, in its discretion and supported by substantial evidence, to be significant	I	NI/NI	I	NI/II	<b>CUL-1:</b> Retain Cultural Resources Specialist <b>CUL-2:</b> Retain County-qualified Project Archaeological Monitors <b>CUL-3:</b> Retain Chumash Tribal Monitors <b>CUL-4:</b> Retain a Project Osteologist <b>CUL-5:</b> Develop a Cultural Resources Monitoring and Discovery Plan <b>CUL-6:</b> Cultural Resources Worker Environmental Awareness Program <b>CUL-7:</b> Archaeological and Tribal Monitoring <b>CUL-8:</b> Unanticipated Discoveries

**Table 4.6-1. Summary of Impacts and Mitigation Measures – Cultural Resources – Tribal Cultural Resources**

Impact Statement	Impact Significance Class				Mitigation Measures
	Phase 1		Phase 2		
	<i>DCPP</i>	<i>PBR/SB</i>	<i>DCPP</i>	<i>Ops/Marina</i>	
					<b>CUL-9:</b> Decommissioning Activities Affecting Previously Known Cultural and/or Tribal Resources <b>CUL-10:</b> Plan to Restrict Public Access After Removal of Diablo Canyon Road Guard House Facilities <b>CUL-11:</b> Restrict Access to Environmentally Sensitive Areas for Marina Operations <b>CUL-12:</b> Discovery of Human Remains
Cumulative Impact	Cumulatively considerable		Cumulatively considerable		No feasible additional measures

Acronyms: PBR = Pismo Beach Railyard, SB = Betteravia Industrial Park (Santa Barbara County), Post-Decom = Post-Decommissioning, Ops = Long-Term Operations, Class I = Significant and Unavoidable, Class II = Less than Significant with Mitigation, Class III = Less than Significant, Class IV = Beneficial, NI = No Impact.