

6.7 CULTURAL RESOURCES

This section provides an analysis of the cultural resources environment at the Morro Bay Power Plant (MBPP), which has been operational since the 1950s. Over the years, normal operating activities have included numerous occurrences of onsite construction, resulting in surface and subsurface disturbance to onsite soils over the majority of the site. As a result, disturbance to intact cultural resources from Project-related activities is expected to be minimal and Project-specific design features will assure that cultural resources and Native American interests are protected. In addition, Duke Energy has deployed a cultural resources team consisting of a professional archaeologist, a professional geo-archaeologist and local Native American monitors to perform preliminary testing such that cultural resources can be avoided. As a result, disturbance to intact cultural resources from Project-related activities will be minimal. Should Project-related demolition and/or construction activities affect cultural resources, members of the cultural resources team will be onsite and available to treat affected cultural resources with prompt and respectful action.

The MBPP is located 12 miles northwest of San Luis Obispo, California, in San Luis Obispo County in the City of Morro Bay. The plant is situated west of Highway 1, near Morro Bay Harbor and east of Estero Bay. The area includes light industry, commercial operations and marine, residential and recreational uses.

Cultural resources include archaeological and historical objects, sites and districts, historic buildings and structures, cultural landscapes, and sites and resources of concern to local Native Americans and other ethnic groups. A two part cultural resource analysis has been conducted to determine the presence of significant cultural resources in the area of Project activities (i.e., demolition of the onsite tank farm, construction of the new combined cycle units, and demolition of this existing power building and three stacks), in compliance with the Rules of Practice and Procedure and Power Plant Site Certification Regulations (California Energy Commission [Commission], 1997). The first study, consisting of an archaeological record search, literature review and field surface survey, was conducted by J. Parker, Ph.D., Professional Archaeologist, and L. Odom (Northern Chumash Council) in March 1999. Résumés for these individuals are included in Appendix 6.7-1. During the March 1999 field survey, two previously recorded archaeological sites were revisited and their status updated.

The second part of the cultural resources analysis consisted of a subsurface cultural resource field investigation in areas of MBPP that would be affected by the Project. J. Parker, Ph.D., Professional Archaeologist, J. Parsons, Geo-Archaeologist, and Mark Vigil, Chief of the San Luis Obispo County Chumash Council (SLOCCC), conducted the subsurface investigation in

July 2000. Résumés for J. Parker and J. Parsons are included in Appendix 6.7-1. During this subsurface cultural field investigation, which was conducted in conjunction with a geotechnical boring program to collect engineering/design geotechnical data for the Project, limited potential subsurface cultural resources materials were noted.

Beneficial aspects of the Project in relation to cultural resources are as follows:

- Duke Energy and the SLOCCC have entered into a Memorandum of Agreement (MOA) establishing Native American monitoring of construction activities and protection of cultural resources and Native American interests during demolition, construction, and operation of the Project.
- Project specific surface and subsurface cultural analyses and surveys conducted by a professional archaeologist, geo-archaeologist, and Native American monitors specifically for the Project have thoroughly characterized the cultural resources in the Project area.
- Duke Energy and the SLOCCC will work with the City of Morro Bay and the Commission to assure protection of cultural resources. In accordance with the MOA, Native Americans will be involved and included as part of the cultural resource team.
- Duke Energy will keep the SLOCCC informed of upcoming plans for the site related to the Project so that any concerns related to potential affects to cultural resources will be addressed early in the planning stages.
- Project activities associated with the new combined cycle units, demolition of the onsite tank farm, and demolition of the existing power building and stacks will occur within existing property boundaries on previously disturbed land.
- Various cultural resources surveys have been conducted for the MBPP resulting in a good understanding of the cultural resources of the area.
- Upon receipt of all permits and leases, and Duke energy's decision, in its sole discretion to proceed with the Project, Duke Energy will place a cultural resource easement over a known cultural resources site at MBPP.

6.7.1 EXISTING CONDITIONS

This section presents a summary of the technical reports, *Cultural Resources Evaluation of Morro Bay Power Plant Property, March 1999* (see Confidential Appendix 6.7-2), and *Subsurface Archaeological and Geoarchaeological Testing and Monitoring of Geotechnical Sample Wells, Duke Power Plant, Morro Bay, September, 2000* (see Confidential Appendix 6.7-3). Both of these confidential technical reports have been filed with the Commission under a request for confidentiality (pursuant to California Code of Regulations [CCR] Title 20, Section 2501 et seq.). These confidential reports present the results of an archaeological records search, literature review, and field surface survey completed in March 1999, and the subsurface cultural resources

investigation completed in July 2000 specifically for the Project at MBPP. Detailed information regarding previous archaeological investigations in the area, regional ethnography, prehistory and history, plus findings of the field reconnaissance and subsurface investigation, is contained and referenced in the confidential technical reports.

6.7.1.1 Project Area

The MBPP site is located near Morro Bay Harbor and Estero Bay in central San Luis Obispo County, California. The majority of the site is developed with roads, stacks, buildings, storage tanks and other plant structures (see Figure 6.7-1). A detailed description of Project activities and their locations is provided in Chapter 2.0 - Project Description.

6.7.1.2 Research and Field Methodology

6.7.1.2.1 Literature and Record Search

As part of the March 1999 archaeological records search, literature review and field surface survey (Parker, 1999), a record search was conducted at the Regional Archaeological Information Center (Department of Anthropology, University of California, Santa Barbara). The search revealed previous archaeological investigations of the MBPP property, including the following:

- 1961 - Salvage project conducted at archaeological site CA-SLO-239.
- 1962 - Sample excavation on a remnant of site CA-SLO-239. Excavation revealed CA-SLO-239 as a major village site inhabited between 5,500 and 1,500 years ago.
- 1972 - Archaeological surface inspection and test bores conducted in vicinity of site CA-SLO-16.
- 1973 - Archaeological investigation which relocated and identified the depth and boundaries of site CA-SLO-16.
- 1974 - Surface and subsurface investigation to evaluate a portion of the MBPP property prior to construction activity. Evidence of historic or prehistoric cultural resources was not found in the area of the 1974 construction project.
- 1976 - Surface and subsurface investigation to evaluate a portion of the MBPP property as part of a proposed project. Evidence of historic or prehistoric cultural resources was not found.
- 1977 - Surface investigation was conducted as part of an offsite proposed development that included the potential extension of the Embarcadero northward across Morro Creek. No cultural resources were discovered.
- 1991-1992 - Surface investigation on a portion of MBPP north of the onsite tank farm for a construction project. No cultural resources were discovered.

6.7.1.2.2 Field Investigations

Field Surface Survey

The MBPP cultural resources field surface reconnaissance (Parker, 1999) for the Project included surface field inspection of areas not examined in the past, as well as surface reevaluation of the two previously recorded sites (CA-SLO-16 and CA-SLO-239). Site records for these two sites are included in Confidential Appendix 6.7-2.

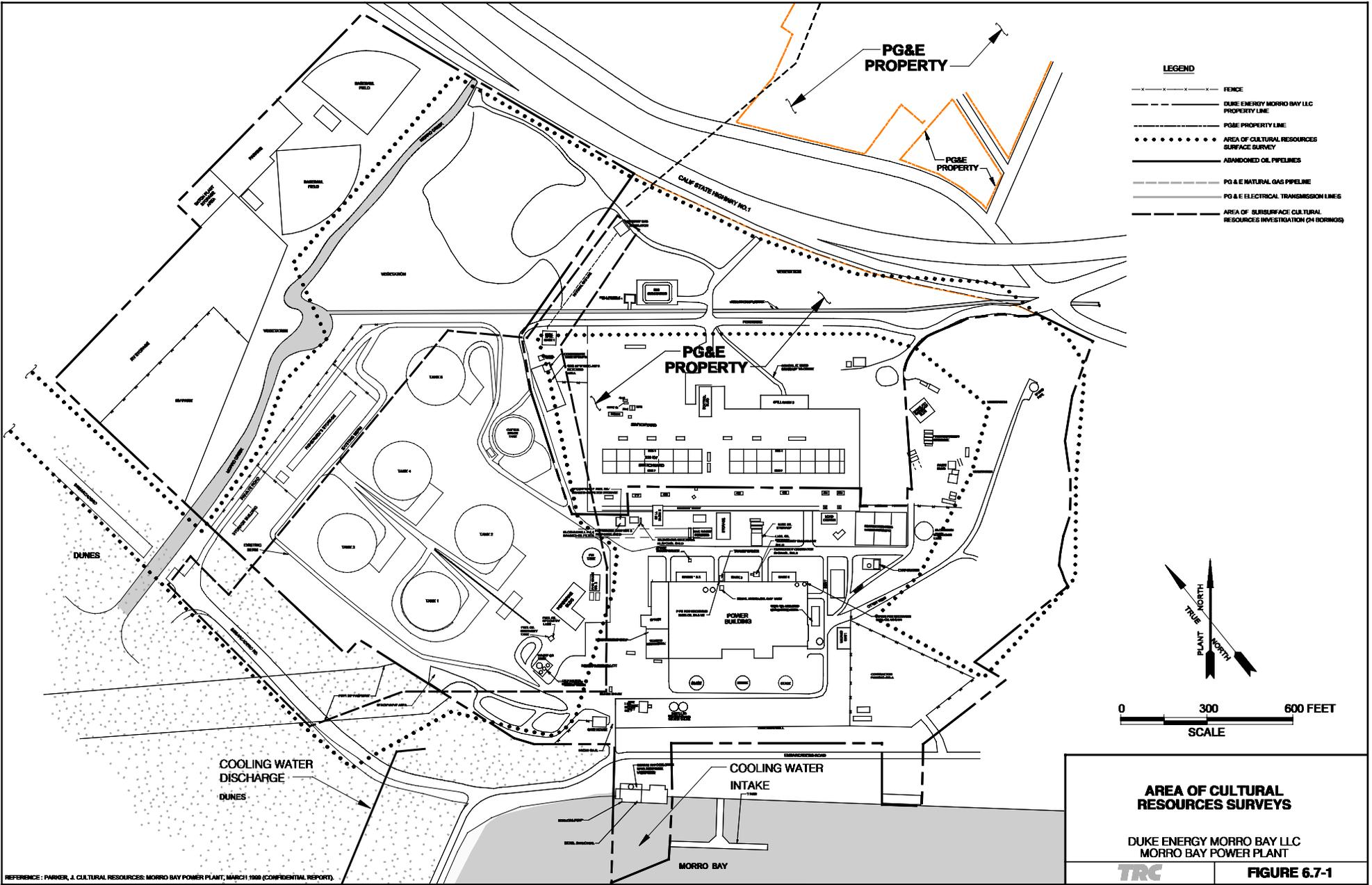
Fieldwork consisted of an intensive surface examination of the proposed construction areas for the Project, conducted by walking transects across the property at 3-meter intervals. The ground was examined for indications of historic or prehistoric cultural use. In areas obscured by vegetation, both a shovel and trowel were used at regular intervals to clear to soil.

The inspection covered about 40 acres of ground. It encompassed the ground and berms around the existing oil storage tanks, the old plant access road to a distance of 10 meters on either side of the road, the entire bluff-top area at the plant's eastern end, and an area north of Tank 5. It also included a stretch of dunes immediately west of the MBPP boundary that would constitute an extension of Embarcadero, both north and south of Morro Creek (see Figure 6.7-1).

Field Subsurface Investigation

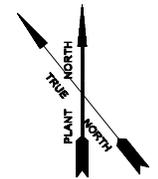
The MBPP cultural resources subsurface investigation (Parker, 2000) for the Project included 10 shallow (i.e., to a depth ranging from approximately 15 to 20 feet below grade) and 14 deep borings (i.e., to an approximate depth of 60 to 70 feet below grade) within areas of MBPP that would be affected by the Project. This surface cultural resources investigation was conducted in conjunction with a geotechnical boring investigation at the site to collect geotechnical data for the engineering/design for the Project. The cultural resources subsurface investigation workplan, shallow and deep boring locations and findings of this investigation are included in Confidential Appendix 6.7-3. An important aspect of the subsurface cultural resources investigation at MBPP was the inclusion of Native American monitoring and consultation in accordance with the cultural resources MOA entered into by Duke Energy and the SLOCCC as part of the Project.

Fieldwork consisted of an intensive archaeological and geo-archeological examination of geotechnical soil samples collected at 5-foot intervals from each of the shallow and deep geotechnical borings located on a grid throughout the area of MBPP that would be affected by



LEGEND

- FENCE
- - - DUKE ENERGY MORRO BAY LLC PROPERTY LINE
- - - PG&E PROPERTY LINE
- AREA OF CULTURAL RESOURCES SURFACE SURVEY
- ABANDONED OIL PIPELINES
- PG & E NATURAL GAS PIPELINE
- PG & E ELECTRICAL TRANSMISSION LINES
- AREA OF SUBSURFACE CULTURAL RESOURCES INVESTIGATION (PH BORINGS)



AREA OF CULTURAL RESOURCES SURVEYS

DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT



FIGURE 6.7-1

REFERENCE: PARKER, J. CULTURAL RESOURCES: MORRO BAY POWER PLANT, MARCH 1999 (CONFIDENTIAL REPORT).

the Project. The borings were recorded and geotechnical, soil and cultural resources data from each boring were noted. Selected soil samples were collected for analysis in the field and in the laboratory.

The subsurface cultural resources investigation covered approximately 20 acres of the MBPP site that would be affected by the Project (see Figure 6.7-1).

6.7.1.3 Ethnography, Prehistory and History

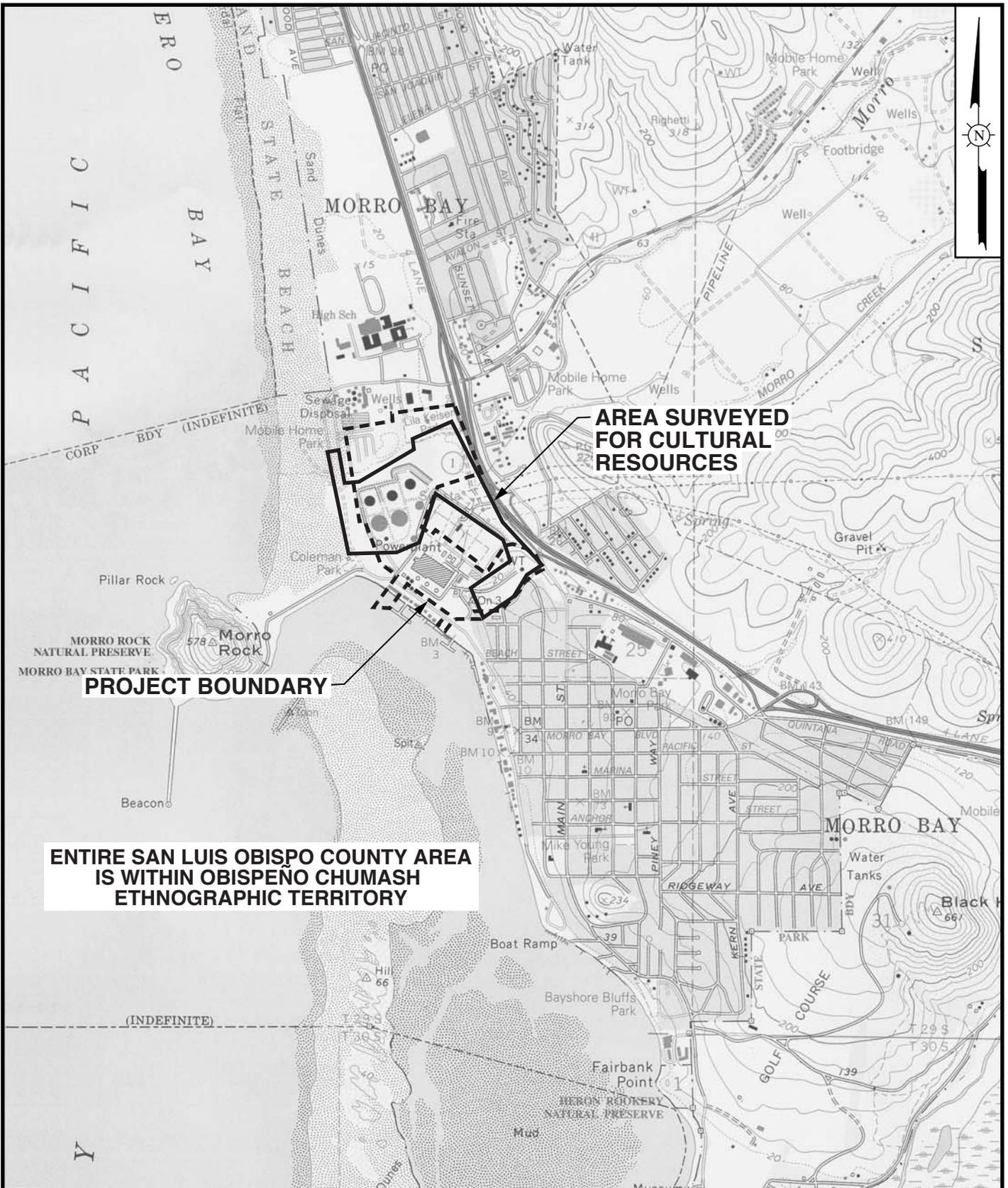
The MBPP is situated within the City of Morro Bay. Its location takes in both low-lying level terrain adjacent to Morro Bay and a portion of an ancient upland dune and marine terrace upon which the City of Morro Bay is built.

Previous archaeological research in the area indicates that the Morro Bay area was home to prehistoric people for at least 8,500 years. Studies of prehistoric sites along the California central coast have demonstrated a continuous occupation of the area until the time of European contact.

The changing culture and technology of these prehistoric people allowed them to successfully adapt to changes in their environment brought about by the end of the ice age and the silting up of Morro Bay.

The Morro Bay environs were the home of the Obispeño Chumash at the time of European contact (Gibson, 1983) (see Figure 6.7-2). The various Chumash languages belong to the Hokan language family, considered the oldest language family in California and possibly in the New World. It is likely that Hokan-speaking people inhabited California for at least 12,000 to 14,000 years.

The earliest European contact at Morro Bay came in 1595, when Sebastian Rodriguez Cermeno put in at Estero Bay. This contact was followed by the explorations of Sebastian Vizcaino in 1602 and Gaspar de Portola in 1769. Establishment of Mission San Luis Obispo in 1772 was the beginning of the end of traditional Native American village life at Morro Bay. Mission records indicate the first Native American baptism from the Morro Bay village of Chotcagua occurred in 1773. The last person to leave Chotcagua and move to the mission was baptized in 1803.



ENTIRE SAN LUIS OBISPO COUNTY AREA IS WITHIN OBISPEÑO CHUMASH ETHNOGRAPHIC TERRITORY

PROJECT BOUNDARY

AREA SURVEYED FOR CULTURAL RESOURCES



SCALE
SCALE: 1: 24,000

REFERENCE: USGS 7.5 MINUTE TOPOGRAPHIC MAPS OF MORRO BAY NORTH AND MORRO BAY SOUTH, CALIFORNIA, DATED 1993 AND 1994.

PROJECT SITE AND ETHNOGRAPHIC OCCUPATION

**DUKE ENERGY MORRO BAY LLC
MORRO BAY POWER PLANT**



FIGURE 6.7-2

6.7.1.4 Existing Cultural Resources in the Study Area

Previously unrecorded or prehistoric surface cultural resources were not encountered within the onsite fuel oil tank farm that is the location of the MBPP Project, along the extension of the Embarcadero, or along the extension of the onsite natural gas pipeline. Soils in these areas consist of recently deposited dredge spoils that were placed by the United States Navy to convert bay marshland to usable ground during World War II. Further, no historic or prehistoric cultural resources were encountered during surface field inspection along the potential extension of Embarcadero (Parker, 1999).

Through the subsurface cultural resources investigation and subsequent analysis of soil samples collected at depth below the Project area, three locations show soil chemical conditions consistent with probable cultural resource deposits (Parker, 2000). These three locations range in depths of 6 to 16 feet below grade.

6.7.1.4.1 Description

CA-SLO-239: While outside the construction area for the Project, the boundaries of this site have been redrawn based on new surface evidence gathered during the surface field survey for this Project (Parker, 1999). Although a large portion of the site was destroyed in 1961, there are significant intact portions. The 1999 field inspection discovered and collected three artifacts from this site: a leaf-shaped point fragment of Franciscan chert; a chalcedony broad knife; and broken stoneware plate, likely manufactured in 1926. The broken plate may be from refuse disposal just prior to or during the United States Navy's use of the area.

CA-SLO-16: This site is outside the construction area for the Project. There has been little change to this resource since it was fully inspected by Greenwood in 1973. No cultural materials were collected from the 1999 surface field survey for the Project.

Isolated Artifact: A potential cobble chopper was discovered mixed with dredge spoils during the 1999 surface field survey for the Project. This item may or may not be man-made. As the potential artifact was not discovered in a historic context (it was found in an area of high disturbance and artificial fill), it is not considered to represent either a significant cultural resource or a significant cultural resource site.

6.7.1.4.2 Significance of Existing Cultural Resources

Both CA-SLO-16 and CA-SLO-239 have been determined significant cultural resources due to their size, content and intact nature of the remaining deposits (Parker, 1999). Both sites are known to contain human remains. In addition, CA-SLO-16, a well-stratified cultural deposit with a depth of 9 feet in some locations, is possibly "the last major village site of which any evidence endures along the once populous shores of Morro Bay." The three probable subsurface cultural deposits in the Project area are limited in their extent and are not considered to represent significant cultural resources (Parker, 2000).

6.7.1.5 Native American Consultation

Gail McNulty of the California Native American Heritage Commission (NAHC) was contacted for a list of local Native American contacts for the Project area, as well as identification of any sacred lands within the Project area (including a 1/4-mile radius study area) identified in the NAHC Sacred Lands file. A record search of the Sacred Lands File by the NAHC did not identify the presence of Native American Cultural Resources in the immediate area of the Project (see Appendix 6.7-4).

The NAHC provided a list of Native American contacts who were sent letters and maps describing the Project. The letters inquired whether the recipient had any concerns regarding the Project or wished to provide input regarding cultural resources in the Project area. Copies of the consultation letter, mailing list and correspondences are included in Appendix 6.7-4.

Based on the Native American consultation process, and as recommended by the City of Morro Bay, Duke Energy and the SLOCCC entered into a MOA providing for the protection of Native American interests and values, and the respectful treatment of Native American cultural resources at the MBPP as part of the Project (see Appendix 6.7-5 for a signed copy of the MOA). As discussed in the 1999 cultural resources report (Parker, 1999) and summarized in Section 6.7.1.3 of this AFC, the Obispeño Chumash Indians occupied traditional and/or historic tribal lands in the Morro Bay area of what is now San Luis Obispo County. Other contemporary Native Americans, including members of the Salinan Indian community, reside in the Project area and have also expressed a concern for the protection of cultural resources onsite at the MBPP (see Appendix 6.7-4) The SLOCCC, however, is in the best position to represent Native American interests as it related to the Project at MBPP, because the cultural resources found onsite are prehistoric resources. As such, through the MOA, Duke Energy and the SLOCCC have implemented a procedure to include Native American issues and Native American monitoring to protect cultural resources during construction of the Project. In accordance with the MOA, the

SLOCCC will serve as the Native American representatives for the Project to assure that the concerns of other contemporary Native Americans in the area are taken into account as part of the Project. In this role, the SLOCCC has met with other local Native Americans to hear their concerns.

6.7.2 IMPACTS

Significance criteria were determined based on California Environmental Quality Act (CEQA) Guidelines, Appendix G, Environmental Checklist Form (approved January 1, 1999) and on performance standards or thresholds adopted by responsible agencies. An impact may be considered significant if the Project results in:

- Disturbance or destruction of an important archaeological resource.
- Site testing or data recovery in a manner inconsistent with standards of the Registry of Professional Archaeologists.
- Recreational collection of artifacts that destroys their scientific value and degrades the heritage value of a resource.
- Substantial adverse change in the significance of a historical resource that is listed or eligible for listing on the National Register of Historic Places (NRHP) or California Register of Historic Resources or on a local register of historic resources.
- Substantial adverse change in the significance of a unique archaeological resource.
- Disturbance of any human remains, including those interred outside of formal cemeteries.

6.7.2.1 Construction Impacts

The combined cycle units and their connections to existing onsite infrastructure (i.e., cooling water intake and discharge pipelines, natural gas pipeline, and electrical switchyard) will be located in an area that contains no recorded surface cultural resources. However, in the onsite tank farm area there may be limited subsurface cultural deposits that potentially could be affected by the installation of the piles needed to support the combined cycle units. The dismantling and removal of the onsite tank farm, and dismantling and removal of three 450-foot-tall stacks for Units 1 through 4 and existing power buildings of Units 1 through 4 that are part of the Project, occur within areas of the site that are developed and currently in use. Therefore, no direct impacts to recorded cultural resources or archaeological resources are expected from Project-related construction and demolition activities. Changes or additions to existing access roads (including the installation of a bridge over

Morro Creek) will be necessary for Project construction, as well as construction staging areas. These activities have been located so as not to effect recorded cultural resources or archaeological resource sites, therefore, no impact is expected.

The Project will use the existing once-through cooling water intake structure for Units 1 through 4 and the existing combined discharge structure for Units 1 through 4. No modifications of these existing headwall structures for the intake or discharge system are required for the Project; therefore, there is no potential for the Project to affect submerged cultural resources, such as shipwrecks, should they be present.

For all Project-related construction activities that could impact cultural resources, a professional archaeological and Native American monitors (provided by the SLOCCC) will be onsite to ensure the protection and respectful treatment of cultural resources should they be inadvertently discovered.

6.7.2.2 Operations and Maintenance Impacts

Operation of the Project is not expected to impact recorded cultural resources. In accordance with the MOA between Duke Energy and the SLOCCC, any maintenance activities with the potential to disturb cultural resources will include Native American notification and participation.

6.7.2.3 Cumulative Impacts

As shown in Table 6.1-1, there are several offsite land development projects in the vicinity of MBPP. Since these projects are located offsite, they have no bearing on the Project's onsite cultural resource issues.

As the Project will not impact cultural resources, the Project will not in of itself result in cumulative impacts to cultural resources. However, the other projects in the area (see Table 6.1-1) have the potential to result in cumulative cultural resource impacts. It is expected, however, that these other projects will also be analyzed through CEQA and will obtain appropriate City of Morro Bay or County of San Luis Obispo approvals/permits that will take into account cultural resources similar to how the MBPP Project is taking these resources into account. In addition, like the Santa Margarita Ranch development, this Project provides additional protections for cultural resources through the establishment of long-term conservation easements. Therefore, cumulative impacts to cultural resources are not expected.

6.7.2.4 Project Design Features

While the Project is not expected to directly impact recorded surface archaeological resources, there is a potential that subsurface cultural resources could be affected during Project construction and demolition. As a result, the following measures are included as part of the Project:

- To verify the potential existence of subsurface cultural resources in the Project area and mitigate potential impacts that may occur to cultural resources, surface soils (previously placed artificed fill) shall be removed to a depth just above the immediate area where the recorded soil chemistry was obtained during the subsurface cultural resource investigation and a focused archaeological excavation program conducted. If this archaeological excavation encounters significant, intact cultural deposits, the work shall be expanded to mitigate potential impacts through data recovery.

Such a program will serve the combined purpose of identifying, evaluating, and mitigating the potential buried cultural resources as required by Public Resources Code, 5024.1, Title 14 CCR, Sect. 4852 and Public Resources Code, Division 13, 21083.2. Native American monitors (provided by SLOCCC) will participate in these activities as part of the Project's cultural resources team.

- In cooperation with the SLOCCC, prior to Project-related demolition and construction activities, a cultural resource training/sensitive training program shall be provided to Duke Energy construction management personnel and to construction contractors. This training shall be provided by the SLOCCC.
- A professional archaeologist and Native American monitor (provided by the SLOCCC) shall be present during demolition, construction or preconstruction activities that involve excavation of the soils with the potential to impact cultural resources.
- A professional archaeologist and Native American monitor (provided by the SLOCCC) shall be present during construction activities for access roads and the extension of the natural gas pipeline, and construction staging areas where there is the potential to impact cultural resources. If human remains or intact cultural features are discovered during these activities, work shall be temporarily redirected from the immediate area of the find until it can be evaluated by the professional archaeologist and the Native American monitor, and appropriate mitigation measures formulated and implemented.
- Prior to the start of demolition and construction activities for the Project, the construction crew shall be informed that there are archaeological resources in the general area (i.e., CA-SLO-16 and CA-SLO-239), and shall be directed to avoid encroaching on areas outside the construction limits with heavy equipment, foot or vehicular traffic, construction materials or demolition stockpiles. Appropriate protection of the sites (i.e., temporary fencing) shall be provided.
- If previously unrecorded cultural or archaeological resources are found during Project relation demolition or construction activities, work shall be temporary redirected from the immediate area and the extent and

significance of the final evaluated. The following standard language, or the equivalent, shall be included in any permits issued within the Project area: "If archaeological resources or human remains are discovered during construction, work shall be temporarily redirected from the immediate area of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented."

- A professional archaeologist and Native American monitor (provided by the SLOCCC) shall be present to monitor excavation for abutments and other construction activities for the Morro Creek bridge along the Embarcadero extension. Bridge abutments shall be placed outside of the creek area.
- If soil is imported for construction activities, it shall come from areas that contain no cultural resources, and it shall be culturally sterile.
- If soils must be removed from the construction area and redeposited elsewhere, they shall be placed so as not to impact existing cultural resources.
- If all required permits and leases are obtained and Duke energy decides to proceed with the Project, during development of the long-term site plan for MBPP with the City of Morro Bay, a cultural resource conservation easement shall be created to protect a known cultural resource site on the MBPP site.

6.7.3 MITIGATION MEASURES

Based on the above analysis of impacts and the design features that have been incorporated into the Project, no mitigation measures are required.

6.7.4 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Implementation of Project design features noted above will assure that known cultural resources are avoided and/or protected. The design features also provide for identification and, if warranted, recovery and treatment of cultural resources discovered during Project related construction and demolition activities. As a result, no significant unavoidable adverse impacts to cultural resources are expected.

6.7.5 LAWS, ORDINANCES, REGULATIONS AND STANDARDS (LORS) COMPLIANCE

Applicable LORS related to identification and assessment of significance of cultural resources, and mitigation of adverse impacts to cultural resources, are identified in Section 7.4.8 and Table 7-1. The archaeological reconnaissance and cultural resource analyses of MBPP (Parker, 1999; Parker and Parsons, 2000) were conducted by a professional archaeologist who meets the Standards and Guidelines for Archaeology and Historic Preservation established by the National Park Service,

consistent with procedures for compliance described in the LORS. Project design features included in this section will assure compliance with LORS identified in Section 7.4.8. No specific permits are required for cultural resources. Table 6.7-1 summarizes how the Project will comply with LORS applicable to cultural resources.

6.7.6 REFERENCES

Gibson, Robert O. *Ethnogeography of the Salinan People*. Master Thesis, California State University, Hayward. 1983.

Parker, J. *Cultural Resources Evaluation of Morro Bay Power Plant Property, March 1999*. Prepared for TRC. [Confidential - Not for Public Distribution or Release.]

Parker, J. *Subsurface Archaeological and Geoarchaeological Testing and Monitoring of Geotechnical Sample Wells Duke Power Plant, Morro Bay, September 2000*. Prepared for TRC. [Confidential - Not for Public Distribution or Release.]

TABLE 6.7-1

MORRO BAY GENERATING PROJECT SUMMARY OF LORS AND COMPLIANCE

LORS SECTION	JURISDICTION	AUTHORITY	ADMINISTERING AGENCY	COMPLIANCE METHODS
Cultural Resources	State	California Environmental Quality Act (CEQA); PRC §21083.2; 14 CCR §15064.5, 15126.4, 15331, Appendix G.	California Energy Commission.	The Commission will evaluate the data presented as part of the AFC and make a specific finding regarding project-related effects to important cultural resources.
		PRC §25523(a), 25527; 20 CCR §1752, 1752.5, 2300-2309; Chapter 2, Subchapter 5, Article 1, Appendix B, Part (i).	California Energy Commission.	The Commission will consider unique historical, archaeological and cultural sites as part of its AFC processing.
		PRC §5097.94 and 5097.98.	Native American Heritage Commission.	In the event Native American human remains are found during the Project, Duke Energy will immediately contact the Native American Heritage Commission. The Commission will mediate disputes and identify the Most Likely Descendants of discovered Native American human remains.
		PRC §5097.99.	Native American Heritage Commission.	The MOA address specific methods to prevent unauthorized removal of American remains or grave goods.
		PRC §5024.1.	State Historical Resources Commission.	Any unrecorded cultural resource sites found during the Project will be recorded with the California Register of Historical Resources by the Project's professional archaeologist.
		California Health & Safety Code §7050.5.	San Luis Obispo County Coroner.	In the event human remains are found during the Project, Duke Energy will immediately contact the County Coroner who will determine the origin of the human remains and if the remains are those of a Native American. If the human remains are determined to be Native American, Duke Energy will immediately contact the Native American Heritage Commission (see above).
		California Health and Safety Code §7054, 7500, 10375, 7114, 7052; Government Code 27491.	San Luis Obispo County Coroner.	The MOA establishes procedures for historic remains and coordination with County Coroner.
		California Health and Safety Code §8101.	Office of District Attorney.	Established criminal penalties for disturbing a gravesite are in place and will be enforced by the County of San Luis Obispo District Attorney.
	California Coastal Act of 1976; PRC §30244.	California Energy Commission, California Coastal Commission.	The AFC includes appropriate measures to protect archaeological and paleontological resources.	
Local	Morro Bay Coastal Land Use Plan, Chapter VI, Archaeology, policies 4.01-4.08.	California Energy Commission.	The MOA includes appropriate measures to protect Morro Bay's archaeological resources.	

98-710/Rpts/AFC(text)/TbIs&Figs (10/17/00/kh)

6.7-16