

## 5.4 CULTURAL RESOURCES

This section evaluates the potential for the Kenwood Village Project to result in significant impacts to cultural resources and is based primarily on information provided by a report titled *Phase I Archaeological Survey, Kenwood Village, APNs 077-130-06, 077-130-19, 07-141-39, City of Goleta, California* (Dudek 2009). The report is on file with the City of Goleta and may be reviewed by persons with a legitimate need to review the report. In addition to the 2009 survey, a record search and field inspection of the project site was conducted by an ICF International (ICF) archaeologist in June 2013.

### 5.4.1 Physical Setting

**Prehistoric Setting.** The local prehistoric chronology is divided into four major periods—Paleoindian, Early Period, Middle Period, and Late Period. It is generally accepted that humans entered the New World during the latter part of the Wisconsin glaciation between 40,000 and 20,000 years before present (B.P.). The earliest unquestioned evidence of human occupation in south Santa Barbara County is dated between 10,000 and 8,000 B.P. (Erlandson and Colten 1991). Paleoindian groups during this time focused on hunting Pleistocene megafauna, including mammoth and bison. Plants and smaller animals were undoubtedly part of the Paleoindian diet as well, and when the availability of large game was reduced by climatic shifts near the end of the Pleistocene, the subsistence strategy changed to a greater reliance on these resources (Dudek 2009).

Post-Pleistocene changes in climate and environment are reflected in the local archaeological record by approximately 8,000 B.P., the beginning of the Early Period (King 1981, 1975; King and Gamble 1979). The Early Period of the Santa Barbara Channel mainland was originally defined by Rogers (1929), who called it the “Oak Grove Period.” The diagnostic features of this period are the mano and metate milling stones, which were used to grind hard seeds, such as sage, for consumption. Toward the end of the Early Period, sea mammal hunting appears to have supplemented subsistence strategies (Glassow 1990).

The Middle Period (3,350 to 800 B.P.) is characterized by larger and more permanent settlements, related to a generally wetter environment. Materials from Middle Period sites reflect a greater reliance on marine resources and include marine shells, fish remains, and fishhooks. A major shift in vegetable food exploitation occurred, as the mano and metate milling stones were replaced by stone mortars and pestles. This indicates a transition from seed gathering to oak tree acorn gathering and processing, the result of cooler temperatures and more expansive oak woodland habitats. Toward the end of this period, the plank canoe was developed, making ocean fishing and trade with the Channel Islands safer and more efficient (Arnold 1987).

The Late Period (800 to 150 B.P. or approximately A.D. [Anno Domini] 1150 to 1800) was a time of increased social and economic complexity. The increased number of permanent and semi-permanent villages clustered along the Santa Barbara Channel and on the Channel

Islands, and the diversity of environmental site settings in which sites have been identified, indicates a substantial increase in prehistoric population. Intensification of terrestrial as well as marine resources occurred. Acorns continued to be processed, and land mammals were hunted with the bow and arrow, rather than exclusively by spear. Trade networks, probably controlled by village chiefs, expanded and played an important part in local Chumash culture, reinforcing status differences and encouraging craft specialization. Shell beads, related to status and social value and found throughout the Early and Middle Periods, increased in number and variety.

The protohistoric culture of the Chumash was terminated by the arrival of a Spanish expedition led by Gaspar de Portolà in 1769. Chumash culture changed dramatically with the establishment of the Missions of Santa Barbara, Santa Ynez, and La Purisima (Dudek 2009).

**Historic Setting.** The historic occupation of the project vicinity can be divided into three settlement periods: the Mission Period (A.D. 1769–1830), the Rancho Period (ca. A.D. 1830–1865), and the American Period (ca. A.D. 1865–1915). Construction of Mission Santa Barbara in 1786, Mission la Purisima Concepción in 1787, and Mission Santa Ynez in 1804 altered both the physical and cultural landscape of the region. The missions were the center of Spanish influence in the region and affected native patterns of settlement, culture, trade, industry, and agriculture.

Following the secularization of the missions by the Mexican Government in 1821, California became part of the Republic of Mexico. Secularization of lands and a focus on cattle raising marked the Rancho Period, where large land grants of mission lands were ceded to wealthy, prominent Spanish families. Native Americans continued to work as laborers on ranchos during this period.

With California statehood in 1850 and the advent of the American Period, farming and more intensive land uses steadily replaced cattle raising. Cattle ranching was substantially curtailed by a prolonged drought in the 1860s. Since statehood, major forces of regional change during the last 150 years have been railroads, maritime shipping, agribusiness concerns, the oil industry, and college institutions.

**Project Site.** The project site is within the City of Goleta adjacent to El Encanto Creek. The project site encompasses about 10.0 acres located north of Calle Real, and is bounded on the north, east and west by residential development.

The elevation of the project site is 55 to 94 feet above mean sea level, sloping gently to the north upward from Calle Real. The project site is underlain by at least 10 to 14 feet of deposits of Quaternary Older Dissected Surficial Sediments, consisting of weakly consolidated former alluvial deposits of silt, sand, and gravel (GeoSolutions 2009). Within Santa Barbara County, Quaternary Older Alluvium has yielded significant vertebrate land mammal fossils (City of Goleta, 2006).

**Previous Archaeological Investigations.** A records and literature search was conducted at the Central Coast Information Center (CCIC), University of California Santa Barbara (UCSB). The CCIC is the state-designated regional clearinghouse for archaeological site information for Santa Barbara County. A records search was requested by Dudek in 2009 for the proposed Project. An additional records search was conducted by ICF in 2013, which determined that no additions or changes to the records had taken place. The records search identified a total of nine previous cultural resource studies and one archaeological site within a 1/8-mile radius of the project site. The project site had been surveyed in the past (Craig 1980).

The records of the State Historic Property Data Files, National Register of Historic Places, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California Office of Historic Preservation Archaeological Determinations of Eligibility, and the California Department of Transportation State and Local Bridge Surveys were consulted. No historic property evaluations within a 1/8-mile radius of the project site have been recorded.

The western edge of a recorded prehistoric archaeological site, CA-SBA-1093 West, is located on the northeast corner of the project site. This site was recorded in 1980 (Craig 1980) and described as “a scatter of weathered shellfish” on a “major promontory overlooking a creek.” No other prehistoric tools including chipped stone or ground stone artifacts, or other food remains (animal bone) were identified during a “cursory inspection of the site” (Craig 1980).

In addition to the CCIC record search, aerial photographs of the project area from 1929 and 1938 were analyzed as part of the Phase 1 survey. The 1929 photograph indicates minor development of the project area. Structures are visible in the southwest and north-central portions of the project site. The 1938 photograph indicates major development of the project site, as agriculture and numerous dirt roads are visible in the southwestern portion of the site. A “complex” of several structures and possibly trees is visible in the north-central portion of the site. The 1938 photograph also indicates that the project site was graded and/or plowed, ostensibly for agricultural purposes.

Site CA-SBA-1093 West was recorded as extending east onto the adjacent parcel in 1980. However, a later survey of that parcel for development makes no mention of any shell or cultural material in the recorded area of CA-SBA-1093 West.

The entire project site was resurveyed at 15-meter intervals, with shovel scrapes every 15 meters along those transects. Six shell fragments were found during this resurvey, each located across the northern portion of the project site, from the western project boundary to the eastern project boundary. Along with re-survey of the project site, the portion of the CA-SBA-1093 West located on the project site was tested with six shovel probes (Dudek 2009). No prehistoric cultural materials or shellfish were recovered. Finally, a survey of CA-SBA-1093 West site and vicinity was conducted by an ICF archaeologist on June 19, 2013, and no prehistoric cultural materials were observed. Given the cursory recording of CA-SBA-1093 West originally, and the

subsequent unsuccessful efforts to relocate the site, it appears that CA-SBA-1093 West may never have been more than an extremely sparse scatter of weathered shell, and that this shell may or may not have been from prehistoric use of the area.

**Historic Resources.** No buildings or other built environment resources are present on the project site. Some historic-period debris is among a clump of palm trees on the northern end of the site, the location of now-demolished structures. Air photo imagery indicates that structures were present at the northern portion of the site between 1929 and 1956, and that they had been removed by 1967. The materials observed at the location of these structures during the recent 2009 survey (Dudek 2009) included old truck tires and wheels and a low-density scatter of glass and ceramic tile fragments.

**Native American Community Consultation.** On behalf of the City, ICF International (the former CEQA consultant for the project) contacted the Native American Heritage Commission (NAHC) on August 9, 2013 to request a Sacred Lands File search and a Native American Contact list. On September 3, 2013, Native American groups and individuals listed by the NAHC were contacted about the project, and asked if they have any cultural information about the project area or concerns about the project. Comments were requested by September 30, 2013; no responses have been received. This contact and request for information is a separate process from Senate Bill (SB) 18 consultation.

In a letter dated July 25, 2014, the City invited the local Native American community to a meeting to discuss the Project. No one attended the meeting. Kathleen Pappo of the Barbareño/Ventureño Band of Mission Indians provided a letter in response to the request for consultation and that letter stated that she would like to see some of the land that was formerly occupied by the Chumash Native Americans to remain undeveloped.

#### 5.4.2 Regulatory Framework

**State.** At the state level, the most relevant laws and regulations regarding the protection of cultural resources are Public Resources Code Sections 5020.1(k) and 5024.1(g) and the 14CCR § 4852. Consideration of the significance of an “important archaeological resource” is guided by CEQA Guidelines Sections 15064.5 and 15126.4 and the draft criteria regarding resource eligibility to the California Register of Historical Resources (CRHR). Generally, under CEQA, a historic resource includes built-environment historic and prehistoric archaeological resources, which are considered significant if the resource meets the following criteria:

- a. The resource is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- b. The resource is associated with lives of persons important in our past.
- c. The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

- d. The resource has yielded, or may be likely to yield, information important in prehistory or history.

State CEQA Guidelines § 15064.5 also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed in Public Resources Code § 5097.98.

Impacts on “unique archaeological resources” and “unique paleontological resources” are also considered under CEQA, as described under Public Resources Code § 21083.2. A *unique archaeological resource* implies an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- a. The archaeological artifact, object, or site contains information needed to answer important scientific questions, and there is a demonstrable public interest in that information.
- b. The archaeological artifact, object, or site has a special and particular quality, such as being the oldest of its type or the best available example of its type.
- c. The archaeological artifact, object, or site is directly associated with a scientifically recognized important prehistoric event or person.

Potential impacts to identified cultural resources need only be considered if the resource is an “important” or “unique archaeological resource” under the provisions of CEQA Guidelines Sections 15064.5 and 15126.4 and the eligibility criteria. If a resource cannot be avoided, then the resource must be examined pursuant to CEQA Guidelines Sections 15064.5 and 15126.4 and to the eligibility criteria as an “important” or “unique archaeological resource.”

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the above criteria. Impacts to non-unique archaeological resources and resources that do not qualify for listing on the California Register of Historical Resources receive no further consideration under CEQA. Similarly, a non-unique paleontological resource is given no further consideration other than the simple recording of its existence by the CEQA lead agency.

Assembly Bill 52 (AB 52) went into effect on July 1, 2015 and established a new category of resources in CEQA called “Tribal Cultural Resources” (Public Resources Code § 21074). Tribal cultural resources are either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

- (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.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible. The Governor's Office of Planning and Research is currently working to update the State CEQA Guidelines to address the evaluation of impacts to tribal cultural resources, as also required by AB 52.

The following State regulations pertain to the discovery of human remains and would be applied to the Project:

California Health and Safety Code. Health and Safety Code §7050.5(b) specifies protocols to be followed when human remains are discovered.

CEQA Guidelines. CEQA Guidelines § 15064.5 (e) requires that excavation activities be stopped whenever human remains are uncovered and that the County Coroner be called in to assess the remains. If the County Coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. CEQA Guidelines § 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

For the accidental discovery of historical or archaeological resources, CEQA Guidelines § 15064.5(f) provides that an immediate evaluation of the find is to be conducted by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place. These procedures are further detailed in Public Resources Code § 5097.98.

**Local.** The City's *Environmental Guidelines and Thresholds Manual* (Thresholds Manual) defines an important archaeological resource by one of the following criteria:

- a. Is associated with an event or person of recognized significance in California or American history; or of recognized scientific importance in prehistory.

- b. Can provide information which is of both demonstrable public interest and useful in addressing scientifically consequential and reasonable or archaeological research questions.
- c. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- d. Is at least 100 years old and possesses substantial stratigraphic integrity.
- e. Involves important research questions that historical research has shown can be answered only with archaeological methods.

The Thresholds Manual defines a significant historical resource as one which: 1) possesses integrity of location, design, workmanship, material, and/or setting; 2) is at least 50 years old (can be less than 50 years old if it unique or possesses extraordinary elements of integrity, design, construction, or association); and 3) demonstrates one or more of the following:

- i. Is associated with an event, movement, organization, or person that/who has made an important contribution to the community, state, or nation.
- ii. Was designed or built by an architect, engineer, builder, artists, or other designer who has made an important contribution to the community, state, or nation.
- iii. Is associated with a particular architectural style or building type important to the community, state, or nation.
- iv. Embodies elements demonstrating outstanding attention to design, detail, craftsmanship; or outstanding use of a particular structural material, surface material, or method of construction or technology.
- v. Is associated with a traditional way of life important to an ethnic, national, racial, or social group, or to the community at large.
- vi. Illustrates broad patterns of cultural, social, political, economic, or industrial history.
- vii. Is a feature or cluster of features (structure, building, structural element, object, tree, garden, etc.) which convey a sense of time and place that is important to the community, state, or nation.
- viii. Is able to yield information important to the community or is relevant to the scholarly study of history, historical archaeology, ethnography, folklore, or cultural geography.

### **5.4.3 Thresholds of Significance**

Based on both the City's Initial Study Checklist (CEQA Guidelines, Appendix G; Environmental Checklist Form) and the City's Thresholds Manual, a significant impact on cultural resources could occur if the project would:

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

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d. Disturb any human remains, including those interred outside of formal cemeteries.
- e. Result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

Items a–d are from the Initial Study Checklist and Item e is from the Thresholds Manual.

#### 5.4.4 Impact Evaluation

**Archaeological Resources.** A portion of recorded archaeological site CA-SBA-1093 West is located on the northeastern corner of the project site, in the vicinity of proposed units 14, 15, 16 and 17. The mapped site does not extend northward to Assessor Parcels 077-130-019 or 077-141-049 (the project site “arm parcels”) that would be used for the development of pedestrian and bicycle trails.

The 2009 archaeological survey made diligent efforts to re-locate CA SBA-1093 West, but no evidence of the site was found in its mapped location, and testing of the mapped site location yielded no evidence of the site. The 2009 survey identified six shellfish fragments on the ground surface, outside of the mapped CA-SBA-1093 “West” boundary. No shellfish was recovered from below the ground surface during the excavation of six shovel probes. Though it is not possible to determine with absolute certainty if the shellfish are prehistoric in origin or if they are refuse associated with the historic period ranch house formerly located on the project site, the shellfish on the site are not considered a potentially significant archaeological resource under CEQA Guidelines Section 15064.5(a)(3) (Dudek, 2009).

No evidence of prehistoric archeological artifacts or a developed archaeological soil was observed during the intensive pedestrian survey or shovel probe excavations. As a result, no potentially significant archaeological resources are located within the proposed project area. According to CEQA Guidelines Section 15064.5(c)(4), “If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.”

There is a very limited, though unexpected potential for buried diagnostic (time-sensitive) artifacts to be present within the previously recorded CA-SBA-1093 West site boundary. The types of artifacts, if identified, would be capable of indicating when even limited prehistoric use of the area occurred. Contemporary Chumash individuals generally consider all prehistoric artifacts and food remains (i.e., shellfish and animal bone) to be important heritage resources (Dudek, 2009). Although the potential for the Project to impact significant cultural resources is low, a significant impact could occur if previously undetected resources are encountered as a

result of earth-disturbing activities on the project site. This is considered to be a **potentially significant and mitigable impact (Class II)** that can be reduced to a less than significant level with the implementation of proposed mitigation measures CUL-1a, 1b and 1c, which include monitoring requirements and specified actions to be conducted should cultural resources be encountered during ground disturbing actions on the project site.

**Paleontological Resources.** Table 3.5-1, Geologic Formations with Potential Paleontological Resources, of the Goleta General Plan/Coastal Land Use Plan Final EIR indicates that the Quaternary Older Alluvium underlying the project site has yielded “scattered occurrences of terrestrial mammal fossils.” There is a low potential to encounter fossils of unique value on the project site due to the limited size of the site and previous site disturbances. Although significant fossils are rare in the Quaternary Older Alluvium, should a fossil be encountered during project development, the project could result in a significant impact to paleontological resources. This is considered to be a **potentially significant and mitigable impact (Class II)** that can be reduced to a less than significant level with the implementation of proposed mitigation measures CUL-2a and 2b, which include monitoring requirements and specified actions to be conducted should paleontological resources be encountered during ground disturbing actions on the project site.

**Historic Resources.** There are no post-European contact historic resources such as buildings or other structures on or near the project site. Therefore, there would be no potential for the project to result in any impacts on historic resources and the Project’s impacts to historic resources is **less than significant (Class III)**.

#### 5.4.5 Cumulative Impacts

**Archaeological Resources.** Prehistoric archaeological sites are non-renewable resources that have been destroyed at a high rate statewide and locally. Significant sites in Santa Barbara County have been destroyed by development. The archaeological resources available for study today represent only a fraction of the cultural resources in this area described by Rogers in 1929. At that time, Rogers found that development and relic hunting had already adversely impacted many archaeological sites in the County. Only a minor archaeological site has been detected on the project site and it is unlikely that this site contains significant cultural resources. The Project is not considered to cumulatively result in a considerable impact to cultural resources. Therefore, the Project would have a **less than significant (Class III)** cumulative impact on cultural resources.

**Paleontological Resources.** Paleontological sites are non-renewable resources that have been destroyed statewide and locally. Fossil resources are rare and it is unlikely any would be discovered on the project site. Also, mitigation measures are in place to salvage any fossils in the event they are discovered. Therefore, the Project is not considered to cumulatively result in a considerable impact to paleontological resources, and would result in **less than significant (Class III)** cumulative impacts.

**Historic Resources.** The Project would have no impacts related to historic resources. Therefore, the Project would have **no impact** related to cumulative effects to historic resources.

#### 5.4.6 Mitigation Measures

**Impact CUL-1 Ground disturbing operations on the project site have the potential to encounter previously undetected cultural resources associated with recorded archaeological site CA-SBA-1093 West.**

**CUL-1a. Construction Monitoring.** All site preparation, ground disturbance, and grading in the northeastern portion of the project site adjacent to the mapped location of CA-SBA-1093 West must be monitored by a qualified archaeologist and Chumash Native American observer (with selection to be reviewed and approved by the Director). This monitoring must encompass the area within 100 feet of the mapped location of the site CA-SBA-1093 West, as well as upland areas of the project site that encompass the location of the former ranch house, which was included in the site boundary by Craig (1980). The monitor(s) must have the following authority:

- CUL-1a.1.** The monitors must be on site on a full-time basis during any site preparation, ground disturbance, and/or grading activities conducted within the specified monitoring areas. The monitors must remain on site until it is determined through consultation with the applicant, the Director, archaeological consultant, and Native American representative that full-time monitoring is no longer warranted. At such time, an alternate monitoring schedule must be identified and agreed upon.
- CUL-1a.2.** The monitors must have the authority to halt any activities impacting known or previously unidentified cultural resources and to conduct an initial assessment of the resources.
- CUL-1a.3.** In the event potential human remains (including a single bone fragment of unknown origin) are uncovered at any time, mitigation requirements established by mitigation measure CUL-1c, as described below, must be carried out.
- CUL-1a.4.** If an artifact is identified as an isolated find, it must be recovered with the appropriate location data.

- CUL-1a.5.** If a feature or concentration of artifacts is identified, the monitors must halt activities in the vicinity of the find, notify the applicant and the City, and prepare a proposal for the treatment of the find(s). This treatment may range from excavation and additional study to avoidance, depending on the nature of the find(s).
- CUL-1a.6.** The monitors must prepare a brief archaeological report documenting the results of the monitoring program and, if needed, will include an inventory of recovered artifacts, features, etc.
- CUL-1a.7.** The monitors must prepare any artifact assemblage recovered for curation with the UCSB Repository for Archaeological Collections.
- CUL-1a.8.** The monitors must file an updated archaeological site survey record for CA-SBA-1093 West with the UCSB Central Coast Information Center.

**Plan Requirements and Timing:** Specifications for the monitoring must be printed on all plans submitted for any site preparation, ground disturbance, grading, and/or construction activities. The permittee must enter into a contract with a qualified archaeologist and Chumash Native American observer (with selection to be reviewed and approved by the Director) and must fund the required monitoring. The permittee must provide evidence of contract before issuance of a permit for any site preparation, ground disturbance, grading, and/or construction activities.

**Monitoring:** The Director must conduct periodic site inspections to verify compliance during any site preparation, ground disturbance, grading, and/or construction activities.

**CUL-1b. Pre-Construction Meeting.** A pre-construction meeting, funded by the permittee, must be conducted by a qualified archaeologist and Chumash Native American observer (with selection to be reviewed and approved by the Director). The meeting must include the following:

- CUL-1b.1.** Review of the types of archaeological resources that may be uncovered.
- CUL-1b.2.** Samples of common archaeological artifacts and other cultural materials to examine.

- CUL-1b.3.** An explanation of why monitoring is required and identification of monitoring procedures.
- CUL-1b.4.** A description of what would temporarily stop construction and for how long.
- CUL-1b.5.** A description of a potential artifact discovery scenario, such as the discovery of intact human remains or a substantial subsurface deposit.
- CUL-1b.6.** An explanation of reporting requirements and responsibilities of the construction supervisor.
- CUL-1b.7.** A discussion of prohibited activities, including unauthorized collecting of artifacts.

**Plan Requirements and Timing:** Attendees must include the permittee, project archaeologist, project's Chumash Native American observer, construction supervisors, and heavy equipment operators to ensure that all parties understand the specifications for construction monitoring and their respective roles and responsibilities. All construction and landscaping personnel who work on the project during any phase of ground disturbance must be required to attend. The names of all personnel who attend the meeting must be recorded, indicating that they have received the required training.

The permittee must provide meeting specifications, date/time, and list of attendees to the Director before the City issues any grading permit. The meeting must be held before the start of any site disturbance.

**Monitoring:** The Director may attend the meeting and must periodically site inspect for compliance during any site preparation, ground disturbance, grading, and/or construction activities.

**CUL-1c. Discovery of Human Remains.** Before any site preparation, ground disturbance, grading, and/or construction activities, the permittee and construction crew must meet on site with the local Chumash representative(s) identified as the Most Likely Descendant (MLD) by the State Native American Heritage Commission. The MLD, permittee, Lead Agency, and project archaeologist (selection to be reviewed and approved by the Director) must discuss procedures. These procedures must include those identified by Public Resources Code § 5097.98, CEQA Guidelines § 15064.5, and the Cultural Resource Guidelines of the City of Goleta *Environmental Guidelines*

*and Thresholds Manual*. The Santa Barbara Sheriff-Coroner must be contacted if human remains are discovered. Satisfactory disposition of the remains must be agreed upon by all parties so as to limit future disturbance.

**Plan Requirements and Timing:** Procedures must be reviewed and approved by the Director before the City issues any grading permit.

**Monitoring:** The Director must periodically site inspect monitoring activities and must respond according to procedure in the event human remains are discovered.

**Residual Impact.** Mitigation measures CUL-1a, 1b and 1c provide a mitigation program that describes actions to be taken to minimize the potential for impacts to previously undetected cultural resources, and specific actions to be implemented in the unlikely event that resources are encountered during the construction of the Project. The proposed mitigation requirements would reduce the potential for the Project to result in significant impacts to cultural resources to a less than significant level.

**Impact CUL-2 Ground disturbing operations on the project site have the potential to encounter potentially significant fossil resources.**

**CUL-2a. Discovery of Paleontological Resources.** All site preparation, ground disturbance, and grading of the project site must be spot-monitored on a part-time basis by a qualified paleontologist (with selection to be reviewed and approved by the Director). The Director and the project paleontologist must develop a schedule of regular part-time monitoring. This schedule can be increased, reduced, or eliminated as warranted by observed field conditions during construction. If fossils are exposed during grading and excavation, and found by the project paleontologist or construction personnel, the following actions must be taken:

**CUL-2a.1.** Follow appropriate notification procedures, which may include, without limitation, contacting the Santa Barbara Museum of Natural History.

**CUL-2a.2.** Assessment of the find, usually in the field by the project paleontologist, and determination if the find is significant.

**CUL-2a.3.** Procedures for avoiding additional ground disturbance in the vicinity of the find until it is assessed, and if deemed necessary by the project paleontologist, the find is recovered. Construction-related excavations may continue in other areas away from the discovery.

**CUL-2a.4.** Provisions for continued monitoring of project construction consistent with the requirements of mitigation measure CUL-2.a while the find is being recovered.

**CUL-2a.5.** Post-field initial study and curation preparation and subsequent curation at the Santa Barbara Museum of Natural History or a similar institution.

**Plan Requirements and Timing:** Fossils that may be discovered during construction must first be assessed by the project paleontologist to determine whether they are scientifically significant based on the requirements of significance threshold “c” (i.e., the find has a special or particular quality such as the best or largest example) and whether recovery measures are warranted. If recovery is recommended by the project paleontologist, it must be completed in a manner reflecting scientific standards currently applied to paleontological excavations. Within those limits, all appropriate measures must be taken to expedite recovery and to minimize interference with construction scheduling.

The Director must be notified within 12 hours of a paleontological resources discovery assessed by the project paleontologist to be significant and warranting recovery. The paleontologist must periodically update the Director during the recovery, and provide the Director notification upon completion of recovery. This measure must be in effect throughout all construction phases.

**Monitoring:** The Director must ensure that this measure is implemented through regular contact with the paleontologist and site visits as appropriate.

**CUL-2b. Pre-construction Meeting.** A pre-construction meeting, funded by the permittee, must be conducted by a qualified paleontologist (with selection to be reviewed and approved by the Director). The meeting must include the following:

**CUL-2b.1.** Review of the types of fossil resources that may be uncovered.

**CUL-2b.2.** Samples of common fossils to examine.

**CUL-2b.3.** A description of what would temporarily stop construction and for how long.

**CUL-2b.4.** A description of a reasonable “worst-case” new discovery scenario, such as the discovery of a large mammalian invertebrate fossil.

**CUL-2b.5.** An explanation of reporting requirements and responsibilities of the construction supervisor.

**CUL-2b.6.** A discussion of prohibited activities, including unauthorized collecting of fossils.

**Plan Requirements and Timing:** Attendees must include the permittee, the project paleontologist, construction supervisors, and heavy equipment operators to ensure that all parties understand the stop work and report provision and their respective roles and responsibilities. All construction and landscaping personnel who work on the project during any phase of ground disturbance must be required to attend. The names of all personnel who attend the meeting will be recorded, indicating that they have received the required training.

The permittee must provide meeting specifications, date/time, and list of attendees to the Director before the City issues any grading permit. The meeting must be held before the start of any site disturbance.

**Monitoring:** The Director may attend the meeting and must periodically site inspect for compliance during any site preparation, ground disturbance, grading, and/or construction activities.

**Residual Impact.** Mitigation measures CUL-2a and 2b provide a mitigation program that describes actions to be taken to minimize the potential for impacts to paleontological resources, and specific actions to be implemented in the unlikely event that resources are encountered during the construction of the Project. The proposed mitigation requirements would reduce the potential for the Project to result in significant impacts to paleontological resources to a less than significant level.

