

**SECTION 4.4**  
**CULTURAL RESOURCES**



## 4.4 CULTURAL RESOURCES

This analysis is based primarily on the Cultural Resources Management Services (CRMS) *Site History and Archaeological Assessment of CA-SBA-58 with Mitigation Strategies to Address Potential Impacts Resulting from the Construction of the Marriott Residence Inn at 6300 Hollister Avenue, Goleta, California, CRMS SB-58*, T. Hannahs and N. Farrell (January 25, 2011). Other studies used in this analysis include the Dudek and Associates (Dudek) *Supplemental Extended Phase 1 Archaeological Investigation, CA-SBA-58, Marriott Residence Inn, 6300 Hollister Avenue, City of Goleta, California*, (July 2008) and Macfarlane Archaeological Consultant's *Peer Review for Supplemental Extended Phase 1*, (October 2008), Dudek *Extended Phase I Archaeological Investigation, Proposed Sidewalk Improvement South La Patera Lane* (April 2012) and Macfarlane Archaeological Consultant's *Peer Review for Extended Phase I Archaeological Investigation* (May 11, 2012) and Dudek *Marriott Residences Project, Cultural Resources Supplemental Impact Assessment Data* (November 19, 2012).

### 4.4.1 Existing Conditions

#### 4.4.1.1 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 to 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 2008).

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 feature of this period is 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 et al. 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, a 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). Terrestrial resources continued to be exploited as evidenced by the presence of contracting-stemmed and corner-notched projectile points from Middle Period sites (Bamforth 1984).

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, found throughout the Early and Middle Periods, increased in number and variety, related to status and social value.

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

#### **4.4.1.2 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 Concepcion 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 the college institutions.

#### **4.4.1.3 Project Site**

The subject property is located within this area of prehistoric and historic occupation, which included numerous village sites bordering the Goleta Slough. It includes 10.71 acres situated north of Hollister Avenue and is bounded by La Patera Lane on the east and Robin Hill Road on the west. The property is part of an archaeological site identified as CA-SBA-58, which is only a small remnant of its original size. Approximately 17%<sup>1</sup> of the original archaeological site remains and the project site overlaps with a portion of this remainder.

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<sup>1</sup> The precise boundaries of both intact and disturbed soils cannot be guaranteed. However, there is agreement among the involved archaeological experts (N. Farrell, T. Hannahs, H. Macfarlane, and D. Stone) that approximately 17% of the remaining archaeological site is located on the proposed Marriott Residence Inn parcel. However, T. Hannahs clarifies that this is an estimate and that exact boundaries and measurements can only be identified through extensive exploratory field work.

### **Previous Archaeological Investigations**

A summary of the prior archaeological investigations performed within the larger CA-SBA-58 village site, is provided below.

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. The records search identified a total of 209 previous cultural resource studies and 38 archaeological sites within the project site vicinity. 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 Caltrans State and Local Bridge Surveys were consulted. Two historic property evaluations within a 1-mile radius of the project site have been recorded.

The University of California Repository of Archaeological and Ethnographic Collections as well as the archive at the Santa Barbara Museum of Natural History (SBMNH) were consulted. Also, archaeologists who have worked on various archaeological investigations of CA-SBA-58 were contacted to clarify and further inform the current archaeological understanding of CA-SBA-58.

CA-SBA-58 was first documented by David Banks Rogers in the 1920s, although he noted that portions of the site may have been previously excavated (Rogers 1929). He described it as one of the largest prehistoric sites in the vicinity of the slough. At that time the site was approximately 366 meters (1,200 feet) long and 91 meters (300 feet) wide, and approximately 1.2 meters (4 feet) deep. Rogers identified the heart of CA-SBA-58 as a low ridge that ended at a knoll on the edge of the slough. Today, development has leveled out much of this archaeological site and filled in the adjacent slough area.

Rogers noted that the archaeological site had been subject to relic hunting by various locals and the land owners at the time, as well as more intensive collection efforts by Stephen Bowers in the 1870s (Rogers 1929).

The site may also have been visited by Alphonse Pinart and Leon De Cessac, who were in the area in 1879, and collected artifacts in and around Goleta on behalf of the French Academy of the Sciences. There was also a well-known artifact collector named "Chico" Francisco Leyva, who would provide artifacts to others for a fee and who worked the area in the 1860s and 1870s. Some of the effects of these collectors were still evident to Rogers when he visited the site over 40 years later. He described the damage to the larger archaeological site as follows:

One outstanding feature was the unmistakable evidence of the work of former excavators. Near the center of that portion of the site that flanks the marsh, a slight eminence encroaches somewhat upon the otherwise fairly straight border of the slough. Upon the crest of the knoll was formerly located the chief cemetery. This I found to be in ruins; unbelievable quantities of broken human skeletons, heaped carelessly in the filled-in trenches, testified to activities of relic hunters. Old settlers stated that, in the late seventies of the last century, Stephen Bowers had devoted several days to this site. In a few graves which had not been completely destroyed, several partial skeletons were found in situ. A few artifacts had also been overlooked (Rogers 1929).

Rogers himself excavated over 20 trenches at CA-SBA-58 and discovered several burials in “scattered, isolated localities.”

Archaeologists did not revisit CA-SBA-58 until 1959. It is likely that amateur relic hunting took place at CA-SBA-58 prior to 1959 during this period. In June 1959, a quantity of human bone was exposed north of the project site during grading activities. Work was stopped and Buck Davis, an archaeologist from the SBMNH, was asked to investigate it. He found that “...twelve to fifteen burials had been exposed...” (Davis 1959). He made no drawings, took no photographs, and collected neither artifacts nor skeletal remains.

In 1963, half “...of a skull, various long bones, vertebrae, misc.....” were recovered “...during bulldozing operations...” within the larger CA-SBA-58 archaeological site. The bones were given to USCB but were later returned to the engineering firm. The only reference to this incident is on an accession record for CA-SBA-58. The ultimate disposition of these skeletal remains is unknown. Additionally, no other notes, photographs, or drawings have been discovered.

In the late 1970s, archaeologists began once again to investigate CA-SBA-58 in association with various development applications proposed for properties within CA-SBA-58. This meant that only portions of the larger village site were examined at any one time; a comprehensive approach to further investigation of CA-SBA-58 did not occur during this time period.

In 1979, the current project site area was subject to an Extended Phase 1 in association with the Burroughs Corporation expansion of their plant facilities that existed at the time at 6300 Hollister Avenue (Bixler et al. 1979). In addition, Phase 2 significance assessment excavations were undertaken by the Social Process Research Institute (SPRI) at UCSB. SPRI staff excavated a total of five 1 meter by 1 meter units, twenty Shovel Test Probes (STPs), and three back hoe trenches. This study established provisional site boundaries and concluded that the intact portion of the site, discovered within the boundaries of the current project site, represented a “highly significant” cultural resource (Bixler et al. 1979). SPRI recommended a Phase 3 archaeological excavation to mitigate the development project proposed at that time. The Burroughs development project was abandoned and the additional archaeological work was never conducted.

The SPRI significance assessment excavations were one of the most extensive programs of data recovery conducted on this parcel. Even so, the authors noted “[d]ue to lack of adequate lab time and personnel, a partial sorting strategy was adopted.” Four of the six levels in the most productive unit were only partially sorted (Bixler et al. 1979). Indeed, later attempts to incorporate the data from this study have noted that “[t]he data from CA-SBA-58 may reflect sampling problems” (Colton 1989).

Also in 1979, SPRI conducted an excavation at another parcel within the boundaries of CA-SBA-58. A total of eighteen 10-inch diameter auger holes, three 50 by 30 centimeter units and six backhoe trenches were excavated. SPRI determined that the majority of the parcel’s upper levels down to a depth of at least 1 meter were composed of redeposited midden soil and sterile fill soils. Only a small strip of intact midden was present along a parcel boundary. Buried intact midden soils were discovered in the backhoe trenches at depths between 2 and 3 meters (Kornfeld et al. 1979). Two kilograms of disturbed midden was tested with a “strata cut,” and the shell was speciated and weighed. Human remains consisting of “[s]keletal remains representing one or possibly two individuals” were recovered from a backhoe trench on site (Kornfeld et al. 1979).

In 1979, a Phase 2 excavation by Steven Craig was conducted on another neighboring property within the boundaries of CA-SBA-58. Four small units of varying size were excavated. These were “selectively screened” (Craig 1979). There were also eight auger holes of varying sizes. There is no map of these unit locations. The results of screening are not revealed, and if there was any lab work or analysis, it is not included in the report. However, Phase 3 mitigation was recommended and conducted in 1980. Craig began his report with the following statement:

This report was prepared under circumstances which diminished the quality and accountability of the archaeological investigation. First the fieldwork was conducted without adequate laboratory facilities for data analysis; therefore much of the material was retained in screens during augering and was replaced in auger units and not prepared for curation.....the data analysis was not sufficiently funded to do as thorough a job as I would like to have done....Finally, the project was scoped in an incomplete way (Craig 1980).

It appears that four backhoe trenches, two auger holes, and a column sample were excavated. No materials were saved for later analysis. There is no map of excavation locations.

In 1980, SPRI returned to the same nearby property previously investigated and excavated three 1 meter x 1 meter units. All three appeared to be redeposited fill soils containing modern debris. Prehistoric materials recovered represented redeposited cultural materials from CA-SBA-58 (Bixler and Serena 1980).

In 1981, a northern portion of CA-SBA-58 was revisited by Steven Craig. He was unable to complete the report. Consequently, Chambers Consultants and Planners were brought in to write the report. The report’s author noted:

Because the information regarding the field work is second hand and only the shells have been processed in the laboratory, an interpretation of the results is not presented. Instead, this report simply presents the results of the field work by Craig as accurately as possible (Benson 1982).

Apparently Craig excavated eight 1 meter by 50 centimeter units. The report states that “most units were closed after three levels, probably because of time constraints” (Benson 1982). The report further states:

According to Craig, burials were removed for reburial during this phase of salvage work. The area excavated during this volunteer effort not certain, as there is no directional indicator on the map.

No other information is available concerning the burials. However, Hiram Henry, Crew Chief for fieldwork during the data recovery phase of the project, stated that no burials or human bones were excavated by the crew employed by Chambers Consultants and Planners (Benson 1982).

Artifacts recovered from this excavation lead Chester King to postulate that they “suggest the presence of an early middle period cemetery....” (Benson 1982). One radiocarbon date of 1775 BC was collected from this location as well (Benson 1982).

In 1986, Michael Glassow conducted a UCSB field school near the project site. A total of five 1 meter x 50 centimeter units were excavated. All five units were composed of redeposited midden and fill soils above sterile alluvial soils. Consequently, no artifacts were recovered and no report was written (Glassow field note 1986).

In 1992, Larry Spanne conducted a Phase 2 excavation on another nearby property and encountered intact portions of CA-SBA-58. He determined that most of the property was covered in redeposited midden or fill soils. He did, however, excavate one unit of intact midden from which he recovered three radiocarbon dates (Glassow 1993).

In 2001, Larry Carbone conducted a Phase 1 survey and limited Phase 2 excavations off-site, but also within the larger CA-SBA-58 archaeological site. Carbone excavated a total of eight STPs. These were excavated in the southwestern corner of the parcel (Carbone 2001). Below 8 inches (20 centimeters) intact midden soils were encountered (Carbone 2001).

In 2008, the portion of the archaeological site that would potentially be impacted by hotel development was revisited by Dudek, as part of a Supplemental Extended Phase 1 Archaeological Investigation. This work was intended to add to the information collected during the 1979 Phase 2 investigation conducted by SPRI. A total of twenty STPs, fifteen 2-inch (5-centimeter) diameter cores and six backhoe trenches were excavated. The intact midden was discovered to be substantially greater than the 1979 study had indicated (Dudek 2008). As the footprint of the originally proposed development changed in response to various concerns, an additional fourteen 2 inch (5 centimeter) cores were excavated, which demonstrated that intact midden soils exist outside the previously defined archaeological site boundaries. It appears that significant amounts of intact midden soils are present in this area within 8 inches of the surface.

The original CA-SBA-58, as recorded by D.B. Rogers in the 1920s, is estimated to be 33,445 square meters, or 359,900 square feet. The results of the most recent Extended Phase 1 investigations at the site (Dudek 2008) determined that the area of intact archaeological site deposits that have not been disturbed by previous development in the project area vicinity is 5,658 square meters, or approximately 60,880 square feet, although precise boundaries and area estimates can only be identified by extensive exploratory field work. For purposes of this EIR, it is reasonable to estimate that only 17% of the original CA-SBA-58 site area is undisturbed.

### ***Native American Community Consultation***

The Chumash Native American community considers CA-SBA-58 to be a large and permanent prehistoric village site, occupied during the Middle and Late Periods of Chumash prehistory, which is significant to their heritage. Further, the Chumash Native American community is concerned for sites and places that provide or may provide ties to the lifeways of the ancestral Chumash and their predecessors, including village sites such as the project site, at the edges of the former boundaries of the current Goleta Slough.

During processing of the original Marriott Residence Inn and Hollister Center Project in 2007–2008, a “meet and confer” process was conducted between staff, the applicant, and interested members of the Chumash Native American community. Four meet and confer discussions were held (May 5, 2008; May 19, 2008; June 18, 2008; and August 6, 2008). According to the letter from former City of Goleta Planning Director Steve Chase to Katy Sanchez of the Native American Heritage Commission (NAHC) dated October 7, 2008 (included in Appendix R1), more than 12 hours of discussion occurred during these meetings and at least another 40 hours of various discussions took place between the parties in other meetings and phone conversations in support of these discussions. The earlier Marriott Residence Inn project would have been located on the same property, although it would have included a larger building with different site preparation/grading details and greater disturbance to the archaeological site. The revisions that have been incorporated into the current project design are, in part, a result of

input from the 2008 meetings with the Chumash Native American community. The applicant also incorporated the required hand-digging of all piling locations not included in the Phase 3 data recovery excavations in response to comments received at these meetings. (This requirement is further included as required mitigation to ensure implementation of this aspect of the project description.)

The current project includes dividing a single 10.71-acre parcel into two smaller parcels—one that includes an existing building and one that is vacant, but is envisioned for development of a hotel. The current request does not involve an amendment to the City's General Plan or a change in the property's zoning. In July 2009, the project applicant requested that the City rescind its 2008 project approval and proceed with preparation of an EIR for a similar project. A Notice of Preparation of an EIR and an EIR Scoping document were prepared, and these documents were provided to the NAHC. (The current project described in this Final EIR has been revised since July 2009.)

On January 20, 2010, CRMS sent a letter to individuals included on the Native American contact list, which CRMS received from the NAHC. This letter requested that comments be submitted to CRMS in writing. (See letter and related emails between F. Arredondo and N. Campbell in Appendix R1.)

The City informed the local Native American community when additional borings were performed on the project site on April 26 and May 28, 2010 (correspondence dated April 23 and May 22, 2010 included in Appendix R1).

In addition, notification was provided regarding a consultation with CRMS to discuss draft findings following their review of previous cultural resources reports as well as field work related to the project site (correspondence included in Appendix R1). Members of the Chumash Native American community were provided the Draft CRMS report prior to a noticed August 12, 2010 meeting, which was scheduled for the purpose of explaining the preliminary conclusions of the Draft CRMS report and to obtain comments from the Native American community about the draft report. Staff scheduled this meeting to accommodate the schedules of several Native Americans who had been involved in previous project discussions. The purpose of providing the draft report before the meeting was to allow individuals to review the preliminary analyses themselves, prior to receiving CRMS's summary of the report at the meeting. The intent was further to allow for the most effective opportunity for discussion and comment on the draft report at the August meeting before the report was finalized and incorporated into Section 4.4 of the EIR, Cultural Resources. Other than the applicant, only individuals from the NAHC contact list were invited to the meeting or provided with a copy of the draft report. This meeting was discussed and scheduled in coordination with members of the Native American community. (See emails included in Appendix R1.)

The consultation was held at the City of Goleta office on August 12, 2010. The Native American Contact List provided with the ~~Native American Heritage Commission's (NAHC's)~~ NOP comment letter was used to notify interested members of the Chumash Native American community of the above field work and consultation. Frank Arredondo was the only Native American in attendance at the August 12, 2010, meeting. At the meeting, CRMS archaeologists presented their draft report, followed by comment and discussion. Staff also explained that there would be continued opportunities for participation by interested members of the Native American community will occur through completion of the environmental process and decision maker hearings.

## Comments from Archaeologists

Several archaeologists submitted letters in response to the previously proposed Marriott Residence Inn project in 2008. These letters focused on the significance of the project site with regard to CA-SBA-58 and the loss of access for future research associated with that project. These letters are available for public review at the City of Goleta, Planning and Environmental Review offices.

### 4.4.2 Regulatory Framework

#### 4.4.2.1 Federal

~~The project is a privately funded development located on private lands and does not involve federal funding or federal permits. Therefore, federal regulations that address historic and archaeological resources are not applicable to the proposed project. federal regulatory authority regarding cultural resources rests in Public Law 91-190, the National Environmental Policy Act (NEPA) of 1969; Public Law 93-921, Preservation of Historic and Archaeological Data, amending Public Law 96-523; and the National Historic Preservation Act of 1966 (NHPA), as amended by Public Law 94-43.~~

~~The Antiquities Act of 1906 (Public Law 59-209) and the Archaeological Resources Protection Act (Public Law 96-9) set forth the basic principle that the federal government, acting for all the people, should work for the protection, preservation, and public availability of the nation's historic and prehistoric resources. The NHPA has increased the responsibilities of the federal government regarding preservation of important and significant cultural resources from federal, federally assisted, or federally licensed activities. This mandate to preserve these resources is consistent with other essential considerations of national policy and applies to both public and private lands.~~

~~According to federal law, pursuant to the NHPA, archaeological resources are significant if they are eligible for nomination to the National Register of Historic Places (NRHP; Title 36 CFR 60.4). To determine site significance through application of NRHP criteria, several levels of potential significance that reflect different (although not necessarily mutually exclusive) values must be considered. The criteria are as follows:~~

~~The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and:~~

- ~~a. that are associated with events that have made a significant contribution to the broad patterns of our history; or~~
- ~~b. that are associated with the lives of persons significant in our past; or~~
- ~~c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or~~
- ~~d. that have yielded, or may be likely to yield, information important in prehistory or history.~~

#### 4.4.2.2 State

At the state level, the California Environmental Quality Act (CEQA) and its implementing guidelines (CEQA Guidelines), Public Resources Code (PRC) Sections 5020.1(k), 5024.1(g), and 21083.2, and Section 4852 of Title 14 of the California Code of Regulations are the most relevant laws and regulations regarding the protection of cultural resources. Consideration of the significance of an “important archaeological resource” is guided by State CEQA Guidelines 15064.5 and 15126.4, and the draft criteria regarding resource eligibility to the California Register of Historic Resources (CRHR). Generally under CEQA, an historic resource includes built-environment historic and prehistoric archaeological resources. These 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.

CEQA Guideline 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 Section 5097.98.

Impacts on “unique archaeological resources” and “unique paleontological resources” are also considered under CEQA, as described under PRC 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 15064.5 and 15126.4 and the eligibility criteria. If a resource cannot be avoided, then the resource must be examined pursuant to Public Resource Code 21083.2 and CEQA Guidelines 15064.5 and 15126.4 and pursuant to the eligibility criteria as an “important” or “unique archaeological resource.”

Pursuant to Public Resource Code Section 21083.2.b Archaeological Resources, Determination of Effect of Project, EIR or Negative Declaration, Mitigation Measures (b): “if it can be demonstrated that a project will cause damage to a unique archeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources

to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference<sup>2</sup>, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

CEQA Guidelines Section 15064.5 (b)(3):

A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

CEQA Guidelines Section 15126.4 (b)(3)(A)<sup>3</sup>:

Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

CEQA Guidelines Section 15126.4 (b)(3):

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites.
2. Incorporation of sites within parks, greenspace, or other open space.
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken.

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 CRHR receive no further consideration under CEQA. Similarly, a

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<sup>2</sup> PRC 21083.2 identifies the example of capping archaeological sites with soil before building on the sites as an acceptable method of preserving archaeological resources in place. This section also specifically notes that there is “no order of preference” for the listed options for preserving such resources.

<sup>3</sup> CEQA Guidelines 15126.4(b)(3)(B) identifies preservation in place as the preferred method of mitigating archaeological impacts as this maintains the relationship between artifacts and the archaeological context.

non-unique paleontological resource is given no further consideration other than the simple recording of its existence by the CEQA lead agency.

#### **4.4.2.3 Local**

The City's *Environmental Thresholds and Guidelines 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.

### 4.4.3 Project Impacts and Mitigation

#### 4.4.3.1 Thresholds of Significance

Based on both the City's Initial Study Checklist (CEQA 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 Section 15064.5.
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 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.

#### 4.4.3.2 Project Impacts

##### ***Impact CUL-1. Historic Resources<sup>4</sup>***

There are no post-European contact historic resources such as buildings or other structures on the project site. Therefore, there would be no potential for the project to result in any impacts on historic resources.

CA-SBA-58 is eligible for listing on the National Register of Historic Places (NRHP), the CRHR, and local registers of historic resources, and the site has yielded information which is important to the understanding of the prehistory of the area. Therefore, to the extent that the site is considered a significant "historical" resource pursuant to CEQA Guidelines Section 15064.5 (as an archaeological resource), this is discussed under Impact CUL-3, Archaeological Resources, below.

Comments submitted on the Revised Draft EIR suggest that the project site is also a significant historic site based on the site's connection with Friar Crespi's arrival in Goleta during the 1769 Portola-Serra Expedition, when he encountered the Chumash villages surrounding the Goleta Slough and identified the area as the "Good Land" in his diary (see Commenters 4 and 5, including, but not limited to, Comment 4-26, in Chapter 8 of this Final EIR).

The quote from Friar Crespi's diary includes the description of the expedition as the Spaniards encountered the Chumash villages surrounding the Goleta Slough, including *Saxpili*, site CA-SBA-60 at the Fairview Road/Hollister Avenue intersection, and Mescalitan, or the village of *Helo*, at Mescalitan Island, where the Goleta Sanitary District Wastewater Treatment plant is located today. There is evidence that both of these other villages were occupied during the ethnohistoric period.

<sup>4</sup> See Section 4.4.3.1, Thresholds a and e.

There is no archaeological evidence that CA-SBA-58 was occupied as a Chumash village during the ethnohistoric period when Friar Crespi would have arrived in Goleta; only radiocarbon dates associated with the late Middle to early Late Period have been collected from the site. Rogers describes the site as occupied by the “Canalino” people, but this is associated with any time during the Late Period of Chumash prehistory, from approximately 250 to 1,500 years ago. This does not preclude the potential for CA-SBA-58 to be associated with occupation surrounding the Goleta Slough during the ethnohistoric period, but it does indicate that CA-SBA-58 was not likely one of villages that Friar Crespi described in 1769. In a map of the villages of the Goleta Slough (Mescalitan) prepared by Pantoja y Arriaga in 1782, the major village of *Saxpilil* is identified as the largest in terms of population. CA-SBA-58, nearly a mile to the west and west of La Patera Lane, was not identified at this time. Ethnohistoric research by Dr. John Johnson also fails to identify any place name at CA-SBA-58. There have been no confirmed contact period artifacts identified on site for the 1796 to 1805 period, and there is nothing else of note in the historical record to make this particular parcel of historical significance in this context.

The City-retained archaeological experts (T. Hannahs, N. Farrell, H. Macfarlane) have reviewed the Snethcamp report referenced by Commenter 4. Their determination is that there is no substantial evidence to support a finding of an association with the Portola-Serra Expedition resulting in the site being considered a significant historic period resource or historic landscape. In addition, the Snethcamp report does not tie this association to a conclusion that the site is a historic resource.

Regardless of Friar Crespi’s precise location when speaking the Good Land quote identified by Commenter 4, the Good Land description “occurred as members of the expedition first set sight upon the rich soils, verdant vegetation, and harmonious climate of the narrow coastal plain between the Santa Ynez Mountains and the Pacific Ocean.” The quote goes on to refer to the Good Land as much larger than the project site, encompassing the City of Goleta and nearby communities. The idea that the Good Land is represented in a meaningful way, by the 3.81 acres of the project parcel, is not established. With regard to identifying the site as a historic resource due to an association with Friar Crespi’s Good Land proclamation, the Snethcamp report, while mentioning this historic event, does not make the case that the statement was made on the project site, nor that this quote results in a determination that this particular association makes this property a historic resource, landscape, or site.

The archaeological site, CA-SBA-58, is a significant cultural resource that meets the eligibility criteria for listing on both the NRHP and the CRHR. This is further discussed under Impact CUL-3.

### ***Impact CUL-2. Paleontological Resources/Geologic Features<sup>5</sup>***

The deep sands and clays underlying the subject property are home to small marine fossils that are considered unexceptional. There are no known fossils of unique value and no unique geologic features at this location.

Therefore, although the 243 pilings associated with structural development would be hydraulically driven into the ground to a minimum depth of approximately 60 feet, the project would not result in any significant impacts to paleontological resources or geologic features.

<sup>5</sup> See Section 4.4.3.1, Threshold c.

### **Impact CUL-3. Archaeological Resources<sup>6</sup>**

The project site contains a significant archaeological resource that was once part of one of the largest prehistoric archaeological sites in the Santa Barbara region. This site, designated CA-SBA-58, is a large prehistoric Native American village site that has been affected by a variety of manmade and natural impacts over the years. Today it is but a small remnant of its original size. The current owners of the parcel were not responsible for the past destruction of the resource, and they have attempted to reduce the potential impact that their project would have on the resource by repeatedly redesigning their project. The extensive destruction of the larger archaeological site has increased the significance and importance of the remaining intact portions of CA-SBA-58.

The development of a hotel on Parcel 2 would occur in an area that has been known since 1979 to contain intact portions of CA-SBA-58. Based on the artifact assemblage thus far recovered, the archaeological site appears to be a large habitation site with possibly multiple occupations over time. This resource was identified as “highly significant from a scientific point of view” (Bixler et al. 1979). More recent excavations have increased the extent of the known intact deposit (Dudek 2008). The results of the most recent Extended Phase 1 investigations at the site (Dudek 2008) determined that the area of intact archaeological site deposits that have not been disturbed by previous development in the project area vicinity is approximately 60,880 square feet (5,658 square meters), although precise boundaries and area estimates can only be identified by extensive exploratory field work. For purposes of this EIR, it is reasonable to estimate that only 17% of the original CA-SBA-58 site area is undisturbed. Also see Table 4.4-1 regarding data that can be used to quantify the extent of CA-SBA-58 and project-impacted areas. Table 4.4-1 provides data that can be used to calculate and quantify the project’s effects on archaeological site areas in a variety of ways (e.g., based on the entire recorded site, the remaining undisturbed acreage, etc.).

CA-SBA-58 is a significant cultural resource that is potentially eligible for listing on the NRHP. It is also eligible for listing on both the CRHR and local registers of historic resources. The intact deposit also satisfies the significance requirements of CEQA. In addition to intact soils, the redeposited midden soils, while less significant as an archaeological resource, may contain temporally diagnostic artifacts that would better refine the chronology of CA-SBA-58. The fact that artifacts from these levels are no longer in situ reduces much of their ability to provide information, but the presence of some artifacts (i.e., trade beads or other protohistoric items) could help answer basic questions about this archaeological site. The disturbance of any human remains whether in Locus 1 or Locus 2 soils would also be considered a potentially significant impact.

Table 4.4-1 quantifies approximate acreages associated with CA-SBA-58 and expected project-related disturbance to CA-SBA-58, including:

- Size of the original recorded archaeological site (on and off site).
- Undisturbed (Locus 1) deposits within proposed Marriott parcel.
- Locus 1 deposits covered by building and pool.
- Locus 1 deposits covered by paving, hardscape, and pool.
- Disturbed (Locus 2) deposits within proposed Marriott parcel.
- Locus 2 deposits covered by building and pool.

<sup>6</sup> See Section 4.4.3.1, Thresholds a, b, d, and e.

- Locus 2 deposits covered by paving, hardscapes, and pool.
- Number of pilings (caissons) expected to intrude into Locus 1 deposits.
- Locus 1 deposits disturbed by piling installations.

**TABLE 4.4-1  
CA-SBA-58 IN RELATION TO PROJECT**

<u>Acreage of Recorded Site Based on Rogers (1929)<sup>1</sup></u>	<u>Recorded &gt; 360,000 ft<sup>2</sup> Likely &gt; 425,000 ft<sup>2</sup></u>	<u>Recorded &gt; 371,750 m<sup>2</sup> Likely &gt; 39,500 m<sup>2</sup></u>
<u>Approximate Acreage of Locus 1 (Undisturbed) Deposits<sup>2</sup> within Proposed Marriott Residence Inn Parcel</u>	60,880 ft <sup>2</sup>	5,658 m <sup>2</sup>
<u>Approximate Acreage of Locus 1 (Undisturbed) Deposits covered by Building Footprint (includes proposed pool)</u>	21,200 ft <sup>2</sup>	1,970 m <sup>2</sup>
<u>Approximate Acreage of Locus 1 (Undisturbed) Deposits covered by Pavement/Hardscape Surfaces (includes proposed pool)</u>	32,400 ft <sup>2</sup>	3,011 m <sup>2</sup>
<u>Approximate Acreage of Locus 2 (Disturbed) Deposits<sup>3</sup> within Proposed Marriott Residence Inn Parcel</u>	105,084 ft <sup>2</sup>	9,763 m <sup>2</sup>
<u>Approximate Acreage of Locus 2 (Disturbed) Deposits covered by Building Footprint (includes proposed pool)</u>	16,000 ft <sup>2</sup>	1,487 m <sup>2</sup>
<u>Approximate Acreage of Locus 2 (Disturbed) Deposits covered by Pavement/Hardscape Surfaces (includes proposed pool)</u>	45,200 ft <sup>2</sup>	4,200 m <sup>2</sup>
<u># of Pilings Expected to Intrude Into Locus 1 (Undisturbed) Intact Soil</u>	143	
<u>CA-SBA-58 Locus 1 (Undisturbed) Intact Soil Piling Installation 4</u>	12 to 14 square-inch borings (18 m <sup>2</sup> )	

<sup>1</sup> Rogers' map is an estimate, with a textual description of the site exceeding 1,200 feet long and having an average width of 300 feet. It is reasonable to assume the site was over 425,000 ft<sup>2</sup> (39,500 m<sup>2</sup>). The original site size is important, as it indicates the village was likely inhabited over an extended period. Rogers assumed occupation during the Middle (Hunting) and Late (Canaliño) Periods of Chumash prehistory. Exact site size is not critical to the assessment of cultural resource significance. Remaining Locus 1 CA-SBA-58 areas are significant cultural resources. Disturbance of those resources is a significant impact.

<sup>2</sup> There is agreement among the archaeological experts working on the project (N. Farrell, T. Hannahs, and H. Macfarlane: City of Goleta; D. Stone: Project Applicant) that Locus 1 deposits have not been previously disturbed and retain their integrity. These are the only cultural resources considered significant "historic resources" as defined by State CEQA Guidelines Section 15064.5 (3)(d), as they "have yielded, or may be likely to yield, information important in prehistory or history." Therefore, the EIR discussion of significant resources focuses on the significant Locus 1 archaeological deposits that represent "historical resources" as defined under State CEQA Guidelines criteria.

<sup>3</sup> There is agreement among the archaeological experts working on the project (N. Farrell, T. Hannahs, H. Macfarlane, and D. Stone) that Locus 2 deposits are previously disturbed and have lost their "integrity," their horizontal and vertical spatial relationships, such that archaeologists cannot reconstruct activities that may have been represented at these parts of the site. Locus 2 disturbed (redistributed) deposits may contain isolated, disarticulated human remains and are significant because of this potential, are considered sensitive, and have substantial heritage value to the Native American community. The impact associated with the potential to disturb such remains is addressed by hand-excavation of all pilings not excavated as part of the Phase 3 Program.

<sup>4</sup> Installation assumes 14-square-inch borings to a depth of over 30 feet. Locus 1 deposits are assumed to comprise less than 10% of this depth.

Data for this table was reviewed by David Stone (Dudek) and Todd Hannahs (CRMS) and was calculated by Penfield and Smith Engineers, based on the results of the Dudek Extended Phase 1 investigations.

The project has the potential to directly and indirectly impact CA-SBA-58. The analysis below describes potential impacts in three parts: (1) the Parcel 1/Parcel 2 Hollister Avenue frontage improvements and Hollister Avenue median improvements; (2) the Parcel 1 La Patera sidewalk, curb and gutter installation improvements, and (3) the hotel and associated improvements that would occur on Parcel 2.

### Parcel 1 South La Patera Road Sidewalk

A new sidewalk would meander along the project site frontage near the area of the southern property line (where the City of Santa Barbara Hollister Avenue right-of-way area ends). At the location of the existing building in the eastern portion of the project site, the sidewalk would be constructed by first clearing and grubbing the top 3–4 inches of vegetation and soils. Where level ground surfaces result after clearing and grubbing, the sidewalk would be built on top of the exposed soil. If ground surfaces are not level, new fill would be added to achieve a level sidewalk grade. There would be no soil over-excavation for sidewalk construction.

These improvements are shown on project plans included in Chapter 2, "Project Description," of this EIR and are further described in a report from Dudek, *Extended Phase 1 Archaeological Investigation, Proposed Sidewalk Improvement, South La Patera Lane*, dated April 2012. This report was further peer reviewed by Heather Macfarlane in a letter dated May 11, 2012.

The Extended Phase I associated with the installation of a sidewalk along the project's South La Patera Lane frontage included hand excavation and analysis of 10 test shovel pits (TSPs) along the proposed sidewalk location and a review of historic disturbance along this segment of South La Patera Lane and Parcel 1 of the project site.

One fragment of shell fish, which could potentially be associated with a prehistoric CA-SBA-58 deposit, was recovered. The shell fragment was not identified in intact soils. Rather the soils were mixed, containing modern trash, including concrete. The presence of modern trash indicates the soils were re-deposited in the last 40 years. The soils are assumed to have been re-deposited during construction, landscaping, and/or placement of existing utilities (i.e., Verizon fiber optic cable conduit, transformers, and access vault, Southern California Edison conduit, and Southern California Gas line conduit). According to the Dudek Extended Phase I study along La Patera Lane (April 2012), the single piece of shell found within disturbed soils therefore is not associated with intact, potentially significant CA-SBA-58 deposits located 40 meters to the west that were recorded by D.B. Rogers on the ground surface in the 1920s as close as located 130 feet (40 meters) to the west.

The report and peer review found that the review of historic research indicates a low potential for intact soils within this portion of South La Patera Lane along the Parcel 1 frontage. The potential to intrude into intact soils is also reduced by incorporating a sidewalk design, which minimizes the depth of earth disturbance. However, given the extent of previous soil disturbance from nearby archaeologically sensitive areas, potentially significant impacts could still occur if final construction plans are not consistent with the assumed depth or alignment of disturbance for sidewalk installation and if unanticipated intact soils are encountered or if fill soils contain unknown relocated re-deposited potentially significant, sensitive cultural resources or human remains. Further it is unlikely that site construction workers would recognize materials such as bone fragments as a potentially sensitive and significant cultural resource. Therefore, the potential impact from the South La Patera Road Sidewalk is considered potentially significant.

### Parcel 1/Parcel 2 Hollister Avenue Frontage Improvements and Hollister Avenue Median Improvements

Hollister Avenue would be modified on the north side, between La Patera Lane on the east and Robin Hill Road on the west. The following is a list of improvements and construction limitations included in the project:

- a. Fill. Approximately 3 feet of culturally sterile fill soils would be placed along the project site's Hollister Avenue frontage and would match the existing elevation of the north road shoulder of Hollister Avenue.
- b. Electrical Conduit. Electrical conduit would be located underground just back of the Hollister Avenue curb and gutter. The maximum width of the trench would be 12 inches, over a linear distance of 870 feet. The excavation would reach a maximum depth of 50 inches along the hotel frontage. These excavations would be entirely located within existing and new fill soils.
- c. Fire Hydrant. A fire hydrant would be installed on Hollister Avenue at the new entrance to the hotel. The maximum width of the trench would be 12 inches, over a linear distance of 10 feet. The maximum depth of excavation would be 48 inches. These excavations would be entirely located within new fill soils.
- d. Curb, Gutter, and Bus Pocket. The alignment of the curb/gutter would be located a few feet south of the existing Hollister Avenue edge of the pavement. Bus pocket improvements would occur near the existing bus stop, just west of La Patera Lane. Disturbances associated with these improvements would reach a maximum depth of 24 inches and would be located entirely within existing and new fill soils.
- e. Street Lights. Eight street lights would be placed immediately north of Hollister Avenue along the project site frontage. Excavation for foundations and conduit would be a maximum depth of 36 inches. Disturbance would be limited to new fill soils.
- f. Frontage Sidewalk. The new sidewalk would meander along the project site frontage near the area of the southern property line (where the City of Santa Barbara Hollister Avenue right-of-way area ends). At the location of the existing building in the eastern portion of the project site, the sidewalk would be constructed by first clearing and grubbing the top 3–4 inches of vegetation and soils. Where level ground surfaces result after clearing and grubbing, the sidewalk would be built on top of the exposed soil. If ground surfaces are not level, new fill would be added to achieve a level sidewalk grade. There would be no soil over-excavation for sidewalk construction.
- g. Medians. There would be three raised and landscaped median dividers constructed in the center of Hollister Avenue, between La Patera Lane and Robin Hill Road. These medians would be located above the elevation of an historic drainage ditch in the center of Hollister Avenue, which was 4–6 feet below the existing elevation of Hollister Avenue. The maximum depth of excavation would be 36 inches for the median in front of the new hotel, in order to accommodate tree plantings at this location. The maximum depth would be 24 inches in the other two medians, because plantings consist only of shrubs at this location. The resulting soil disturbance would occur entirely within fill soils.
- h. Landscaping/Irrigation. A series of new trees would be planted in the area between the walkway and Hollister Avenue. The tree root balls would be 24-inches in diameter. In front of the new hotel, the root balls of the trees would be planted in new fill. The new trees in front of the existing building would be placed in mounded fill soil. The preparation of the soil at this location would involve clearing and grubbing to a maximum depth of 4 inches.

Irrigation for median landscaping would be placed at a depth of 36 inches; trench width would be 12 inches over a linear distance of 700 feet. This disturbance would occur entirely within fill soils.

These improvements are shown on project plans included in Chapter 2, "Project Description," of this EIR and are further described in a memo from Dudek, *Marriott Residences Inn*,

*Archaeological Resource Impacts, Hollister Avenue Improvements*, dated September 14, 2010 (included as Appendix D).

The potential impacts associated with the Hollister Avenue improvements were evaluated through review of historic disturbance along this roadway corridor. Available information includes construction plans for Hollister Avenue from 1964 (see Appendix D) and the Santa Barbara County Flood Control and Water Conservation District contour map of the area dated October 21, 1964.

This information shows that in 1964, Hollister Avenue had an elevation of 11.7 feet at the intersection of La Patera Lane, an elevation of 13.25 feet near the middle of the block, and an elevation of 12 feet at the intersection with Robin Hill Road. The elevation of the land immediately north of Hollister Avenue ranges from 11.1 feet near La Patera Lane and drops steadily to 7.1 feet near Robin Hill Road. This indicates approximately 4 feet of fill along Hollister Avenue near La Patera Lane and more than 6 feet of fill near Robin Hill Road. Additionally, both the construction plans and the Flood Control Map indicate that at the time, there was a deep drainage ditch between the eastbound and westbound lanes of Hollister Avenue. The depth was 6.5 feet near La Patera Lane and 6 feet near Robin Hill Road. The ditch was subsequently filled in and Hollister Avenue was widened to four lanes.

The review of historic research indicates a low potential for intact soils within the area of the Hollister Avenue improvements. However, potentially significant impacts could occur if final construction plans are not consistent with the above construction limitations, particularly with regard to assumed depth for improvement installations and/or if unanticipated intact soils that contain cultural resources are encountered during ground disturbances associated with Hollister Avenue improvements. Therefore, the potential impact from the frontage improvements and median are considered potentially significant.

#### Parcel 2: Hotel and Associated Improvements

The project includes grading, trenching, installation of associated infrastructure, and construction of the hotel building on Parcel 2, including the future loss of access to the archaeological resources of the intact portion of CA-SBA-58. This has the potential to significantly impact the largest known remaining extent of intact midden soil from CA-SBA-58 as described below. Although the project would result in covering most of the project site's portion of CA-SBA-58 with structures, hardscape, and landscaping, only a small percentage (approximately 2.5%) of the remaining intact CA-SBA-58 archaeological site is expected to be directly impacted by intrusion of improvements into intact, undisturbed soil horizons. (See Table 4.4-1 for calculated areas representing the archaeological site as well as the areas comprising intact versus disturbed soils).

- a. Grading and Construction. The current grading/construction plans have been crafted to minimize the potential for direct impacts on CA-SBA-58. Project implementation includes removal of the upper 18 inches (46 centimeters [cm]) of soil that would be limited to those areas outside of the building envelope and outside the plotted archaeological site boundaries, including the parking lot. Ground disturbance in the area beneath the building envelope as well as the entire area within the plotted archaeological site boundaries would be limited to grubbing and clearing of vegetation, organics, and existing paving. The soil that is removed would be replaced and mechanically compacted. This method will keep the majority of excavation to 8 inches or less. These areas would then be covered in geotextiles or geogrids and capped with a layer of clean fill soil up to a depth of 4.5 feet. This approach would avoid the necessity of ripping the base soils or otherwise disturbing them beyond the

depth necessary to remove the organics in the upper levels. This approach substantially reduces the amount of disturbance that would occur to intact CA-SBA-58 site soils compared to a conventional engineering foundation approach that would require scarification and re-compaction of the top 24 to 36 inches of soils (see Appendix G). The proposed soil preparation and foundation design therefore would be intended to minimize impacts to cultural resources by reducing disturbances by between 16 to 28 vertical inches. but would still result in impacts to the significant portions of CA-SBA-58 would still result, but would be minimized as described below.

Slab Foundation: The hotel building would be supported by a 10-inch thick concrete structural slab foundation, which would in turn be supported by 12-inch square pilings hydraulically driven into the ground to a minimum depth of approximately 60 feet. This slab foundation would rest completely above the archaeological site ground surface. Fill soils would be placed on top of the existing ground surface, providing a cap between the building foundation and the underlying CA-SBA-58 site deposit.

The sequence for implementation includes clearing and grubbing to remove vegetation and loose soils to a 4-inch depth. Geotextile fabric would be placed on top of the existing cleared ground surface. Imported, non-cultural soils would be placed on top of the geotextile fabric and would be compacted. The 12-inch square concrete piles would be hydraulically driven into the compacted fill soil and existing ground underneath. This would be followed by construction of 36-inch concrete pile caps on top of the pilings and placement of concrete grade beams, which will rest on top and fit into the concrete caps. The concrete foundation would then be supported by the concrete pile and pile cap (Dudek 2010).

Construction of this slab foundation includes 243 12-inch square pilings. Of these, 143 caissons are inside the plotted archaeological site boundaries of CA-SBA-58 intact midden soils. Although the building and parking lot would cover most of the archaeological site, the underlying area would be capped and essentially preserved beneath the new development. Installation of the foundation caissons would directly impact approximately 143 square feet or 13.28 square meters) of intact midden soils. Though the direct disturbance to intact soils would be limited, this is considered a potentially significant impact.

Swimming Pool: The hotel includes a swimming pool that would be constructed within the interior courtyard area. The area under the swimming pool would be excavated to a depth of approximately 3 feet, which would remove intact midden soils at this location entirely. This would directly impact approximately 2% of intact midden soils (1,241 SF/square feet/115.28 m<sup>2</sup> square meters) of 60,880 square feet/5,658 square meters intact midden soils. Though limited, this is considered a potentially significant impact.

Utilities: The majority of the project utilities that would be placed within the compacted fill soils are directionally drilled at a depth sufficient to avoid intact midden soils. However, there would be some excavations resulting from the construction of sewer lines, as well as a backhoe trench at the extreme southwest edge of the plotted archaeological site boundaries. The easternmost sewer line would pass within the boundaries of CA-SBA-58. In order to minimize the impact on the archaeological site, the sewer line would be placed using directional drilling at a depth below the plotted maximum depth of cultural deposits based on the 1979 and 2008 excavations (Bixler et al. 1979; Dudek 2008). This method would require two large excavations to tie the directionally drilled portion into the rest of the sewer line, which would involve a 30- by 10-foot excavation at the northern end of the directional bore and a 10- by 10-foot excavation at the southern end of the directional bore. Testing conducted on April 26, May 3, and May 28, 2010, indicated that while the northern excavation would not impact intact cultural materials, the southern excavation would impact

a layer of intact midden soils. This deposit may be an isolated pocket, but three separate cores produced intact midden. It appears that the south edge of the archaeological site may extend all the way to Hollister Avenue. This would directly impact approximately 100 square feet (9.29 square meters) of intact midden soils, representing a very small percentage (less than 1%) of the remaining undisturbed CA-SBA-58 cultural deposit. Though very limited, this ~~and~~ is considered a potentially significant impact.

There would also be a 3-meter-deep southern excavation for connection of the directionally drilled portion of the sewer line to the other portions of the line outside the archaeological site boundaries. This excavation would be 100 square feet (9.29 square meters). Although it is possible that this excavation would ultimately be placed so that intact deposits would be avoided, such avoidance cannot be demonstrated at this time. Though extremely limited, ~~Th~~is is ~~therefore~~ considered a potentially significant impact.

The total potentially significant direct impact on CA-SBA-58 is 1,584 square feet (147.14 square meters).

- b. Landscaping. Project landscaping would be provided along project frontages, at entry ways, in parking lots, and in various locations throughout the site. Plant material includes trees, shrubs, groundcovers, vines, and biofiltration plants in onsite bioswales. This plant material is intended to be installed within engineered fill soils, as per the preliminary landscape plan. A final landscape plan, however, is not yet available so final details regarding installation depths and root zone depths are not yet known. Pending City staff/DRB confirmation that the final landscape plan details conform with the EIR assumptions and are consistent with approved plans regarding maximum planting depths for new landscaping to avoid intact archaeological site soils, these impacts are considered potentially significant.
- c. Chemical Incompatibility of Fill Soil. Archaeological resources at the project site could be impacted if fill soil is not chemically compatible with the underlying native soils. The pH (measure of how acid or basic the soil is) of fill soils should match as closely as possible the pH of the native soils. The pH of fill soils is unknown at this time. Therefore, impacts associated with the potential for chemically incompatible soils are considered significant.
- d. Potential for Disturbance of Human Remains. Rogers identified and mapped two cemeteries within CA-SBA-58 (Rogers 1929). Both a southern cemetery and northern cemetery were mapped outside of the project site. Rogers also made the following comments with regard to burials:

In scattered, isolated localities, I found a few undisturbed burials with their accompaniments (Rogers 1929).

Therefore, “scattered” and “isolated localities” can be interpreted to indicate the presence of burials outside of the two concentrated cemeteries. Additionally, the repeated discovery of human remains (Davis 1959; CA-SBA-58 Site Record 1963; Kornfeld et al. 1979; Benson 1982) at various times within the larger boundaries of the archaeological site indicates that the potential to impact human remains is relatively high. While to date, as far as can be determined, no human remains have been recovered from the project site, there remains a high probability that the project could potentially impact human remains within intact as well as re-deposited midden soils that are the result of past grading. Because the project is expected to result in minimal disturbance to intact soils, it is more likely that any human remains would be encountered in re-deposited soils from CA-SBA-58, which cover much of the property. In addition, the area of re-deposited CA-SBA-58 midden is considerably larger than the mapped portion of the intact midden soils. Therefore, Though substantially reduced

by the project design, the project has the potential to significantly impact unknown buried human remains.

- e. Loss of Future Access. The loss of access to the largest remaining collection of intact CA-SBA-58 deposit represents a significant impact on cultural resources. This refers specifically to that portion beneath the hotel building. The portion of the archaeological site below the hotel building is approximately 22,000 square feet (2,025 square meters). According to the project engineer, the construction design maintains the ability to accommodate access for future research below the building, with the building remaining in place, without compromising the integrity of the building foundation. Property owner approval would still be required for any future access for this purpose, just as property owner approval would be required for such access today on the undeveloped site. Access to the portion of the archaeological site beneath the parking lot, while difficult, would theoretically remain accessible, in the event the building is abandoned or the parking lot is no longer in use. The parking lot portion of the archaeological site amounts to approximately 40,000 square feet (3,630 square meters).

Although considerable effort is being expended to avoid impacting the intact soils and to preserve them by capping, the ultimate impact on cultural deposits resulting from the emplacement of multi-story buildings and eventual removal is not well understood. The presence of an impenetrable surface as well as a multi-story structure over the preserved portion of CA-SBA-58 has the potential to affect the long-term preservation of the cultural resource. Although there is a body of work on the efficacy of capping archaeological resources with sterile fill over geo-textile fabrics, these have largely been areas devoted to open space without significant alteration of the environmental context of the archaeological site. There are few examples of archaeological sites that have been adequately preserved where the humidity, seasonal effects, high groundwater, and general environment of the buried deposit have been modified. This makes predictions about the long-term effects of these approaches on the preservation of the resource less reliable. There are even fewer examples of archaeological sites that have been capped and later investigated after the demolition and removal of a multi-story building).

In order to provide additional data regarding capping of archaeological sites, the applicant provided information regarding approved and built developments, which incorporated capping into the project design (Dudek, November 2012).

The following text is from the Dudek November 19, 2012 submittal and provides information regarding the use of the geotextile fabric and protective fill soils for “capping” the site and a “floating” foundation:

The placement of geotextile fabric ensures that soils placed on top of the archaeological deposit can be compacted to ensure their stability in place. The geotextile fabric disperses the force of compaction horizontally over the fabric such that the resulting impact on materials underneath the grid is less than significant (Mathewson 1994a; Mathewson, Gonzales, and Eblen 1992; Mooney & Associates; Nickens 2000; Thorne 1989, 1991). Mathewson (1994a) completed experimentation related to compaction of archaeological site materials covered by protective fill and the geotextile fabric, and determined that “placing a geogrid (an open lattice composed of a composite material designed to interlock with and reinforce subgrade soils) commonly used in highway construction and six inches of stress-absorbing fill will match or reduce the existing amount of stress on the sites.

The archaeological site soils are effectively sealed from the adverse effects of surface water erosion that presently impact the CA-SBA-58 ground surface. Therefore, erosional impacts to the cultural resource from storm water runoff would be reduced compared to existing conditions.

The studies of intentional archaeological site burial identified above identify a potential impact on certain classes of cultural resources that can be accelerated by alternating cycles of wet and dry moisture levels (Mathewson 1994a). These artifact classes include shellfish and animal bone, important cultural components present at CA-SBA-58.

Importantly, CA-SBA-58 is located within the 100-year flood plain associated with the Goleta Slough basin (see Appendix B: Marriott Residences Project Site Existing Flood Plan Surfaces). As a result, the project site has been subject to cycles of extensive wet and dry moisture levels.

The Proposed Grading Plan includes the placement of fill on top of the archaeological site surface up to the base of the foundations, with the soils sloping away from the building (see Appendix A – Confidential: Archaeological Site Map, Proposed Project and Alternative Project Site Plans, and Cross Sections). All drainage and storm runoff would be conducted away from the archaeological site areas to the drainage inlet in the southwest corner of site. Existing low points on site that collect and pond storm runoff would be eliminated. All irrigation within the fill soils would be minimized by drip irrigation and timers, resulting in percolation within proposed landscaping root zone...

Standard engineering practices including shoring of any excavation trenches that extend over 5 feet deep would ensure that excavated trench walls would not collapse during construction. Soils on site are loam and fine sandy loams to 24 inches below surface, followed by clays and sandy clay loam (USDA 1982). These soils are not prone to collapse, as the loam component when compacted and dry, as is found in the project site, solidifies and hardens. In addition to the erosion impacts identified above, the present natural forces of erosion affecting CA-SBA-58 resulting from storm water runoff and rodent burrowing that have acted to cause continuous degradation of the site would be arrested by placement of the geotextile fabric and fill. Therefore, the proposed project's impacts on the existing natural forces of erosion and bioturbation would serve to substantially reduce the incidence of natural erosion affecting CA-SBA-58.

~~These all have the potential to result in significant impacts on the capped deposit.~~

On the South Coast of Santa Barbara County, there are a number of examples of developments which have been approved over archaeologically sensitive sites, with incorporation of fill soils to “cap” and protect any underlying resources.

The City of Goleta recently approved two development projects, Willow Springs II and Cabrillo Business Park, that included this method of capping the site before placing structural development over archaeologically sensitive areas. While these developments similarly involve capping to protect the potential archaeological resources under the proposed development, construction of these two projects would involve little or no intrusion below the capping layer into intact soils.

There are two additional projects with approved construction over capped archaeological sites. These two projects are similar to the subject project, as their construction involves intrusion of foundation pilings into intact soils.

In the City of Goleta, the 9,000-square foot, two-story Fairview Commercial Project was approved in 2011 at 151 South Fairview Avenue. These improvements will be located on top of CA-SBA-60, the ethnohistoric Chumash village of *Saxpiliil*. This prehistoric archaeological site is

considered to be the largest and most influential of the Chumash villages that surrounded the Goleta Slough. The village site has several cemeteries recorded outside the proposed project area and has been determined eligible for listing on the NRHP. The proposed development incorporates the use of geotextile fabric and non-cultural fill placed on top of the archaeological site area. In addition, the structure will be supported by 18-inch-diameter caissons, the same foundation design proposed for the Marriott project. Cultural resources impacts identified in the City's Mitigated Negative Declaration (08-MND-002 RV01) were determined to be feasibly mitigated to less than significant. The foundation design approved by the City for the 151 South Fairview Road project was proposed to preserve significant cultural resources associated with one of the largest village sites surrounding the Goleta Slough, *Saxpili*, by preserving the resources underneath the structure. Impacts to the significant archaeological resource were substantially avoided by the use of pilings to support the raised foundation. The 151 South Fairview project was also required to implement a Phase 3 Data Recovery mitigation program to collect information from the small portion of the significant archaeological site that would be subject to unavoidable impacts. Differences between 151 South Fairview and the Marriott project include the amount of area affecting intact archaeological site soils (more intact soils affected on the Marriott site) and the relative importance of the different village sites (*Saxpili* was a larger village site in terms of population and is known to have been occupied into the ethnohistoric period). However, both sites are considered significant historical/archaeological resources and both projects propose the same strategy and approach with regard to foundation design to minimize impacts to intact archaeological site soils under the proposed developments.

The second example is the Duca Residence and Remodel on Padaro Road between Summerland and Carpinteria. The County of Santa Barbara approved a complete demolition and subsequent rebuild of a 5,000 square foot single family residence on CA-SBA-13, the Chumash village of *kolok*. Like other Chumash villages, a cemetery was recorded in the immediate proximity of the residential remodel. The structure was originally constructed in 1974 using caissons, like the Marriott Residence Inn's foundation design, supporting the house above the archaeological deposit. Additions to the house were approved in 1983 using additional caissons. Excavations undertaken for the most recent rebuild project occurred in 17 proposed caisson locations. The condition of cultural materials including shellfish and bone recovered from areas under the house and fill areas determined that the previous development on top of the archaeological site had not resulted in deterioration of these resources. The CA-SBA-13 deposit had been effectively preserved by avoiding development on top of the resource (D. Stone, Dudek, November 2012). Cultural resources impacts identified in the County Mitigated Negative Declaration (10NGD-00000-00030) for the Duca project were determined to be feasibly mitigated to less than significant.

The information provided in the Dudek 2012 submittal supports the conclusion that the proposed foundation design can preserve underlying resources in place. Capping of archaeological sites is increasingly being used for developments with archaeological sites. However, there are limited examples where this construction design has been used with a similarly sized structure and similar underlying soil conditions, where the building has been removed after many decades and then thoroughly evaluated with regard to the effects on underlying archaeological resources.

Although the construction design of the proposed Marriott Residence Inn is expected to substantially minimize impacts to underlying resources, the archaeological site will essentially be inaccessible for research purposes for the foreseeable future. CA-SBA-58 has yet to be adequately characterized. The loss of access to these resources by future researchers represents a potentially significant impact if a representative sample is not recovered from the

site, for at least three reasons. First, the direct and indirect impacts to CA-SBA-58 require the collection of a sufficient quantity of data in order to adequately characterize the nature of the deposit as part of the mitigation. Second, the preservation strategy ~~is not well studied~~ has not been used extensively and therefore collection of information about the nature and extent of the cultural deposit prior to capping would allow for a meaningful assessment of its success or failure when the deposit is studied at some future date (e.g., determining effective methods to use for demolition). Third, this project would greatly restrict access to the last undeveloped portion of CA-SBA-58 and will make any future study of the archaeological resource much more difficult.

Comments received on the Revised Draft EIR, including comment letter 4, identify concern with allowing the archaeologist(s) flexibility in the design and areas excavated as part of the required Phase 3 data recovery program mitigation. Archaeologists recognize that excavations intended to collect data to address research questions involve disturbance to cultural resources, which can be a destructive process, given that each archaeological site is a non-renewable resource. Future recovery techniques and research questions are likely to evolve such that additional information could be gained from the same resources that would be exhausted through current excavation. Such improvements in recovery techniques and analysis could increase the amount of scientific information gleaned from archaeological sites, while at the same time addressing the Native American community's desire to preserve and avoid disturbance to these resources. However, based on currently available methods, archaeologists with expertise in data recovery field work are best able to determine the specific locations, depths, intervals, samples, screening methods, etc., for field work excavations, which will provide a reasonable and representative sample to be obtained from the site before it is inaccessible for research (at least for the foreseeable future, given proposed construction). The goal of the data recovery program is to obtain scientific archaeological information from CA-SBA-58 before the site is substantially inaccessible due to proposed development.

Current Chumash archaeological research conducted by archaeologists at the University of Santa Barbara and other research institutions is focused on the Channel Islands, including Santa Cruz, Santa Rosa, San Miguel, Anacapa, and San Clemente. The reasons for this are simple. Archaeological sites on these remote island environments have been spared destruction associated with urban development, such that the full range of prehistoric occupation is accessible. This is in stark contrast to CA-SBA-58, the remaining portion of which is substantially disturbed by cuts and fills.

Therefore, to the extent that much of the site will become less accessible for future research, this will potentially reduce the amount and type of information that can be obtained and learned from such future investigations. Although the potential for meaningful research excavations at CA-SBA-58 is limited because of the site's prior disturbance, the site still contains intact archaeological soils with the potential to yield important information about prehistory. Therefore, substantial loss of access to the site as a result of the project would be a potentially significant impact.

Potentially significant impacts may result from erosion associated with soils exposed during construction and archaeological mitigation activities which may impact intact cultural resources. The collapse of unsupported trench walls, accidental severing of waterlines or other utilities may cause erosion or require unanticipated excavation to effect repairs. As identified earlier in this section, the November 2012 Dudek report identifies standard engineering practices, such as shoring of excavation trenches to support trench walls and to avoid collapse. In addition, the November 2012 report describes the site soils as comprising loam and fine sandy loams to

24 inches below surface, followed by clays and sandy clay loam, soils with characteristics that are less prone to collapse. Review of the final grading plans and the Phase 3 research design, as well as onsite monitoring of all earth work, will be necessary to ensure implementation of erosion control and archaeological mitigation during construction. Impacts from site earthwork would result in potentially significant impacts to intact cultural resources, subject to review and approval of the final grading and utility plans as well as the final Phase 3 research program details.

Potentially significant impacts may also result from an open construction site with a large and varied workforce as well as any exposed archaeological excavations as this may encourage unauthorized artifact collection or vandalism by construction workers and other site visitors.

If the grading and drainage plan, as well as the landscaping installation, utilities and other infrastructure improvements are revised due to conditions in the field or for any other reason, additional potentially significant impacts to cultural resources may result, particularly if City staff does not receive input from an archaeological expert regarding whether such changes have the potential to result in archaeological impacts and whether there are ways to avoid these impacts.

The current grading plan allows the soils engineer to determine the required depth for trenches at his discretion. Many of the project details have been designed to avoid cultural resources, including limitations on trenching depths. If the soils engineer were to have the discretion to change the required depth for trenches, this may result in significant impacts to cultural resources.

#### **4.4.4 Cumulative Impacts**

##### ***Impact CUL-4. Archaeological Resources<sup>7</sup>***

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. The spatial integrity of resources varies as a result of historic and recent earthwork. Such earthwork, onsite and in the project area, has involved, but is not limited to, agricultural activities, placement of fill material from properties to the north, development on surrounding properties, development of the adjacent Hollister Center building, construction and maintenance of Hollister Avenue, La Patera Lane and Robin Hill Road, and installation of various utilities and service mains within and alongside these same roadways. The history of CA-SBA-58 shows that a number of previous investigations were incomplete and did not result in obtaining optimum cultural resources information from the site. Agriculture and development have also impacted the integrity of this archaeological deposit, ~~which is currently~~ such that only approximately 17% of the original site area is considered intact and previously undisturbed. Additionally, the only known extensive area of intact midden associated with CA-SBA-58 is located within the bounds of the current project site. Other archaeological sites in the project area, particularly those near the current Goleta Slough, have similarly been greatly impacted by past development and agricultural activities and are likely to be impacted by new development. Previous development activities represent a significant cumulative impact on CA-SBA-58

<sup>7</sup> See Section 4.4.3.1, Thresholds a, b, d, and e.

archaeological resources. The proposed project design would greatly limit direct disturbances to this remaining intact CA-SBA-58 area by avoiding direct disturbance to most of the remaining Locus 1, intact soil areas. This is a statistically small contribution to this historical cumulative impact on CA-SBA-58, and on regional cultural resources (i.e., throughout the Goleta Slough area).

In addition, project-specific cultural resource impacts have been mitigated to less-than-significant levels, including impacts associated with frontage improvements, hotel development, soil exposure and potential vandalism during construction, revisions to plans, loss of access for research purposes, and impacts if the soils engineer could determine trenching depths without regard to archaeological impacts.

Although minimized by the project design, the project's contribution to this cumulative impact on cultural resources is considered significant, given the sensitive nature of CA-SBA-58 and the substantial destruction that has already occurred to this site and other nearby village sites in the vicinity of the Goleta Slough.

As stated earlier, the Chumash Native American community considers CA-SBA-58 a prehistoric site significant to their heritage, which may provide ties to the lifeways of the ancestral Chumash and their predecessors. Past disturbances have resulted in substantial degradation to CA-SBA-58 and, although the proposed project would place a protective soil cap over the site, development on the last remaining undeveloped portion of CA-SBA-58 also contributes to the cumulative loss of prehistoric sites important to the Chumash Native American community. Given the sensitive nature of both intact and re-deposited CA-SBA-58 areas to the Chumash Native American community, the project's contribution is considered significant.

Covering of this last undeveloped area within the archaeological site would result in a related reduction in accessibility of the site for future archaeological research. The cumulative impacts to cultural resources in the project area from past, current, and anticipated future developments are considered significant and adverse, even though the project would avoid direct impacts to over 97% of the remaining intact CA-SBA-58 area, which would be preserved by capping the site as part of the development process. The project adds to this cumulative effect on cultural resources, and its contribution is considered a significant cumulative impact.

#### **4.4.5 Mitigation Measures**

##### ***MM CUL-3a. Phase 3 Archaeological Data Recovery Program***

The permittee will fund a City-approved archaeologist and Chumash Native American observer to conduct a pre-project Phase 3 Data Recovery Archaeological Mitigation Program (Phase 3 Program) directed at those portions of CA-SBA-58 that will be impacted by the project in order to recover, analyze, and document a representative sample of the deposits, pursuant to City Cultural Resource Guidelines.

Before issuance of any Land Use Permits for grading ~~or before recordation of the final parcel map (whichever occurs first),~~ the following is required:

- a. The permittee shall fund preparation of the Phase 3 Program Research Design, covering all components of the Phase 3 Program. The Research Design shall be prepared by a City-approved archaeologist and shall be reviewed and approved by the City and City-retained archaeologist.

- b. The permittee shall submit a contract for implementation of the Phase 3 Program between the permittee and a City-approved archaeologist and Chumash Native American observer (including a detailed scope of work) for review and approval by the City and City-retained archaeologist. The contract shall also be executed before issuance of Land Use Permits for grading or before recordation of the final parcel map, whichever occurs first. The Chumash Native American observer must maintain daily notes and documentation necessary and provide the observation notes and documentation to the archaeologist for inclusion in the Phase 3 Program Report.
- c. The permittee shall submit a bond and related documents covering all costs of the Phase 3 work components (and shall include a contingency to cover unanticipated finds and associated analysis) for review and approval by the City. The permittee shall ensure execution of the approved bond before Land Use Permits for grading are issued.
- d. Following completion of all necessary field work, the permittee shall submit a preliminary report, prepared by the archaeologist, summarizing the initial conclusions of all required field work. The preliminary report shall be reviewed and approved by the City and City-retained archaeologist before issuance of Land Use Permits for grading to ensure that no additional fieldwork is recommended before project grading is initiated, based on this review of the preliminary report.

Upon completion of all Phase 3 tasks, a Phase 3 Program Report documenting all aspects of the Phase 3 Program shall be reviewed and approved by the City and City-retained archaeologist. The Final Phase 3 Report shall be approved before issuance of any Certificate of Occupancy. Pursuant to City Cultural Resource Guidelines, the final report, archaeological collections, field notes, and other standard documentation will be permanently curated at the UCSB Repository for Archaeological Collections.

**Plan Requirements:** Except where specific circumstances require a smaller excavation, the minimum size for an archaeological excavation will be 1- by 1-meter units. These units will be expanded as needed to expose and record features or to clarify the stratigraphy. The Research Design will address:

**Site Function:** Based on the artifact assemblage thus far recovered, the archaeological site appears to be a large habitation site with possibly multiple occupations over time. The most common artifacts are various species of shell fish processed at this location but bone, chipped and ground stone artifacts, beads and mortuary items have all been recovered from this site. Consequently, CA –SBA-58 has the potential to address a variety of research questions.

**Cultural Chronology:** Temporal placement of archaeological sites and components is integral to the comparative analysis of assemblages to measure culture change. Archaeological measures of chronology such as projectile point typologies, obsidian hydration and sourcing studies, and/or dating of organic carbons will be used to identify the age of occupation at CA-SBA-58.

- a. Questions to be addressed:
  - i. What is the period(s) of occupation at site CA-SBA-58?
  - ii. Is this a temporally multi-component site?
  - iii. Is there any evidence to confirm or dismiss Rogers' contention that this site was occupied during the historic period?

- b. Data requirements:
  - i. Temporally diagnostic artifacts (shell beads and projectile points).
  - ii. Obsidian tools or flakes large enough to provide material for hydration studies.
  - iii. Materials within a well-defined context that are suitable for obtaining radiocarbon dates.

Settlement Organization: An important research domain is the understanding of how the immediate vicinity was used within a broader settlement system in terms of economic organization and degree and type of mobility.

- a. Questions to be addressed:
  - i. Did these subsistence strategies change over time, and if so, how?
  - ii. How does this site fit into the local environment?
  - iii. Can we identify the likely location where local resources, lithic, caloric, and others, were obtained?
  - iv. How does this site fit into the overall picture of the region?
- b. Data requirements:
  - i. Faunal and floral remains that can be analyzed with respect to season.
  - ii. Faunal and floral remains that can be analyzed with respect to location.
  - iii. Artifact assemblage that can be correlated with specific activities.

Subsistence: Data pertaining to changes in subsistence patterns through time can be related to several important regional research questions that are appropriate for the construction of regional research designs. Direct evidence of subsistence activities (faunal and floral materials and residues), in conjunction with indirect evidence such as tools, provide the basis for analysis of diet (e.g., relative importance of vegetal vs. faunal products), processing activities, procurement technologies, and season(s) of occupation. These data lend themselves to the interpretation, in part, of site function and economic organization. Identification of subsistence activities can be used to assess established models of economic organization for this and surrounding regions.

- a. Questions to be addressed:
  - i. What was the dietary strategy employed at CA-SBA-58?
  - ii. How did it change over time, both seasonally and longer term?
  - iii. Can these changes be correlated with either population or environmental pressures?
- b. Data requirements:
  - i. Faunal and/or floral remains that can be identified and quantified by environmental and seasonal availability.
  - ii. Food procurement and processing tools.

Cultural Affiliation: Genetic data can be related to several important research questions. This information would provide direct evidence of the extent and nature of contacts and marriage between various groups. This data could provide greater insight into the level of integration and intermarriage between various groups within the Chumash as well as groups outside the

Chumash cultural dominion. Questions about sex identification demographics, paleo-pathology, kinship relationships, and social organization could be potentially addressed by collecting human DNA from CA-SBA-58.

- a. Questions to be addressed:
  - i. What was the extent of marriage among the Chumash?
  - ii. What was the extent of marriage to cultural groups outside of the Chumash cultural grouping?
  - iii. Can changes in marriage practices be correlated with either population or environmental pressures?
- b. Data requirements:
  - i. Human remains from either intact or redeposited soils from CA-SBA-58. These materials ~~should~~ may be collected after consultation with the appropriate representatives of the Chumash Native American community.

**Excavation Methodology:** In order to better define the areas of intact cultural deposits, the archaeologist will employ grading equipment to remove the fill and redeposited midden soil in those areas that will be excavated to a depth of 18 inches (46 centimeters) to the east and south of the currently defined archaeological site boundaries (CRMS 2011: Figure 7). This grading will be done in appropriate increments so that when intact midden is encountered grading can be halted. This grading will not go deeper than the depths that will result from construction, exclusive of the maximum depth of the pilings. If significant areas of intact midden are discovered during this activity, the data recovery portion of the archaeological mitigation will be expanded to incorporate these areas of intact cultural deposits.

- a. A series of ten 10.8-square-foot (1-square-meter) units will be initially located so as to best establish the horizontal and vertical variation and density of cultural materials within the intact CA-SBA-58 midden. Excavation units within the intact midden will be excavated by hand, in 8-inch (20-centimeter) levels. Excavated soil will be water-screened in the field through 1/8-inch wire mesh. Within this collected material, however, 25% of the excavated soil will be screened through 1/16-inch mesh to allow for more specific analyses of food remains and to recover very small artifacts, as discussed below. Column samples will be taken from no less than five of the most productive units.
- b. An additional ten excavation units will be excavated, with at least two units placed within the pool area and one unit within the southern excavation pit on the eastern sewer line, if intact cultural deposits are encountered. The remaining seven units will be placed beneath the footprint of the building to mitigate the loss of access to CA-SBA-58 as well as provide baseline data needed to assess the efficacy of the archaeological site preservation strategy. Any other units needed to more fully expose any features or other significant sources of data encountered during the course of this Phase 3 data recovery will be in addition to, not at the expense of, these 20 excavation units.
- c. A Chumash Native American representative will be retained as an observer during all Phase 3 field excavations. ~~The observer will satisfy the requirement as a most likely descendant of any human remains identified within CA-SBA-58, as required by the~~ City of Goleta Cultural Resource Guidelines Native American Heritage Commission.

**Plan Requirements and Timing:** The permittee shall submit the Phase 3 Program Research Design prepared pursuant to City Cultural Resources Guidelines, a copy of a contract between the permittee and a City-approved archaeologist and Chumash Native American observer for

implementation of all components of the Phase 3 Program, and a bond to the City for completion of all Phase 3 Program components and requirements approved by City and City-retained archaeologist before a Land Use Permit for grading is issued. The bond may be returned upon City determination of completion of all contract requirements. All field work associated with the Phase 3 Program and a Preliminary Report, summarizing the findings of the field work, shall be completed before issuance of Land Use Permits for Grading ~~or before recordation of the Final Parcel Map, whichever occurs first.~~ The subsequent Final Phase 3 Report shall be reviewed and approved by the City and City-retained archaeologist (funded by the permittee) and all curation requirements met before issuance of any Certificate of Occupancy. In no case All curation requirements shall the bond be released prior to completion be met within 60 days following City approval of curation and all other the final Phase 3 components Report.

**Monitoring:** City staff and the City-retained archaeologist shall approve the Phase 3 Program contract before issuance of a Land Use Permit for grading or Final Parcel Map recordation (whichever occurs first) and shall periodically inspect the site to verify completion of the Phase 3 field work, including presence of the City-approved archaeologist and Chumash Native American observer. The City-retained archaeologist shall review and approve the Phase 3 component submittals. The permittee shall provide the City with a letter from the UCSB Repository for Archaeological Collections indicating that all required materials have been accepted for curation before release of the bond.

#### **MM CUL-3b. Construction Monitoring**

All site preparation, ground disturbing, grading, and/or construction activities (onsite and Hollister Avenue and South La Patera Lane improvements) will be monitored by a City-approved archaeologist and Chumash Native American observer. These monitor(s) will have the following authorities:

- a. The monitors will be on site on a full-time basis during any site preparation, ground disturbing, and/or grading activities (whether within or outside of the assumed intact soil areas). The monitors will remain on site until it is determined through consultation with the applicant, City staff, and archaeological consultant, and Native American consultants representative that full-time monitoring is no longer warranted. At such time, an alternate monitoring schedule will be identified and agreed upon.
- b. Project grading, drainage, landscape plans and other plans have been designed to minimize the potential for impacts to cultural resources. No changes to project plans involving earth disturbance (e.g., depth of utility trenches, pilings, earthwork for parking lot, etc.) which could otherwise impact cultural resources shall be approved prior to review and input by the City ~~approved~~ retained archaeologist and City approval.
- c. The monitors will have the authority to halt any activities impacting known or previously unidentified cultural resources and to conduct an initial assessment of the resources.
- d. In the event potential human remains (including a single bone fragment of unknown origin) are uncovered ~~at any time, mitigation requirements established under Mitigation Measure CUL-3e 4.4-5 below,~~ procedures identified in Public Resources Code 5097.98 must will be carried out.
- e. If an artifact is identified as an isolated find, the artifact(s) will be recovered with the appropriate location data and the item will be included in the overall inventory for the site.

- f. If a feature or concentration of artifacts is identified, the monitors will 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 additional study to avoidance, depending on the nature of the find(s).
- g. The monitors will prepare a comprehensive archaeological technical report documenting the results of the monitoring program and including an inventory of recovered artifacts, features, etc.
- h. The monitors will prepare the artifact assemblage for curation with an appropriate curation with the UCSB Repository for Archaeological Collections.
- i. The monitors will file an updated archaeological site survey record with the UCSB Central Coast Information Center.

**Plan Requirements and Timing:** The permittee will prepare a Construction Monitoring Plan for review and approval by the City's archaeologist and the City. Plan specifications for the monitoring will be printed on all plans submitted for any site preparation, ground disturbing, grading, and/or construction activities. The permittee will enter into a contract with a City-approved archaeologist and Chumash Native American observer and will fund the required monitoring. The permittee will provide the Construction Monitoring Plan and signed contract for review and approval by the City prior to Land Use Permit issuance. The permittee will provide evidence of contract prior to issuance of a Land Use Permit for any site preparation, ground disturbing, grading, and/or construction activities the permittee must provide evidence of an effectuated contract for the archaeologist(s) and Native American observer(s) to cover all required archaeological monitoring responsibilities, which must be acceptable to the City.

**Monitoring:** The City must review contract before Land Use Permit issuance and will conduct periodic site inspections to verify compliance during any site preparation, ground disturbing, grading, and/or construction activities.

### ***MM CUL-3c. Pre-construction Workshop***

A pre-construction workshop, funded by the permittee, will be conducted by a City-approved archaeologist and Chumash Native American observer.

**Plan Requirements and Timing:** Attendees will include the permittee, archaeologist, Chumash Native American observer, construction supervisors, and heavy equipment operators to ensure that all parties understand the Construction Monitoring Plan and their respective roles and responsibilities. All construction and/or landscaping personnel who would work on the site during any phase of ground disturbance within the documented boundary of CA-SBA-58 will be required to attend. The names of all personnel who attend the workshop will be recorded and will be issued hardhat stickers identifying that they have received workshop training. This workshop will be videotaped and shown to any new personnel who may be added during ground disturbing activities. Names of newly trained personnel will be recorded, and they will be issued the identifying hardhat stickers.

The workshop will include the following:

- a. Review of the types of archaeological resources that may be uncovered.
- b. The provision of examples of common archaeological artifacts and other cultural materials to examine.

- c. An explanation of why monitoring is required and identify monitoring procedures.
- d. A description of what would temporarily stop construction and for how long. For example, per CUL-3b, no changes are permitted to project plans that could impact cultural resources without prior review by the City approved archaeologist and prior City approval.
- e. A description of a reasonable “worst case” new discovery scenario such as the discovery of intact human remains or a substantial midden deposit.
- f. An explanation of reporting requirements and responsibilities of the construction supervisor.
- g. A discussion of prohibited activities, including unauthorized collecting of artifacts.

The permittee will provide workshop specifications, date/time, and list of attendees to the City prior to Land Use Permit issuance. The workshop will be held prior to the start of any site disturbance.

**Monitoring:** City staff will attend the workshop and will periodically site inspect for compliance during any site preparation, ground disturbing, grading, and/or construction activities.

#### ***MM CUL-3d. Fill Soils Requirements***

All fill soils used within the project site will be chemically compatible with the existing native soils in the area of CA-SBA-58 within the project site. Soil samples of existing native soils and proposed fill soils and associated lab testing results will demonstrate compatibility.

**Plan Requirements and Timing:** Prior to bringing fill to the site, lab results for the specific fill soils to be used on site will be provided to City staff and the City-approved archaeologist.

**Monitoring:** City staff will ensure receipt of lab tests demonstrating chemically compatible soils for use as fill on site.

#### ***MM CUL-3e. Discovery of Human Remains***

Procedures will be prepared and followed in the event human remains are discovered.

~~**Plan Requirements and Timing:** Prior to any site preparation, ground disturbing, grading, and/or construction activities, the permittee and construction crew will meet on site. The following actions must be taken immediately upon the discovery of human remains, consistent with the local Chumash representative(s), identified as the Most Likely Descendant (MLD) by the State Native American Heritage Commission. The MLD, permittee, the Lead Agency, and City approved archaeologist will discuss procedures. Public Resources Code 5097.98:~~

- Stop work in the affected area.
- Notify the coroner.
- Fence off the area.
- Leave all items in the area as is.

~~In some situations (as determined appropriate by the City, the site archaeologist, and Native American observer), work may be allowed to continue in another part of the parcel. City staff shall also be notified of the discovery of human remains. Public Resources Code 5097.98 also addresses specific timing and other criteria with regard to MLD recommendations for the disposition of human remains. These procedures will include those identified by California~~

~~Public Resources Code 5097.98, State CEQA Guidelines Section 15064.5, and the City's Cultural Resource Guidelines. The coroner will be contacted if human remains are discovered. Satisfactory disposition of the remains will be agreed upon by all parties so as to limit future disturbance. Procedures will be reviewed and approved by the City prior to Land Use Permit issuance.~~

**Monitoring:** City staff will periodically site inspect monitoring activities and will respond according to procedures in the event human remains are discovered.

### ***MM CUL-3f. Improvements and Construction Limitations***

Final plans for Parcel 1/Parcel 2 Hollister Avenue frontage improvements and Hollister Avenue median improvements will include the list of improvements and construction limitations described in Dudek's September 14, 2010, *Marriott Residences Inn, Archaeological Resource Impacts, Hollister Avenue Improvements*, included in Appendix D of the Marriott Residence Inn and Hollister Center Project EIR (11-EIR-00412-EIR-001). These limitations are designed to avoid disturbance to intact soils. With regard to installation of improvements for a sidewalk for South La Patera Lane, earth disturbance shall be limited to 18 inches below existing grade.

**Plan Requirements and Timing:** The final plans for Parcel 1/Parcel 2 Hollister Avenue and La Patera Lane frontage improvements and Hollister Avenue median improvements which identify no disturbance below fill soils will demonstrate the required compliance and will be reviewed and approved by City staff and a City-approved archaeologist prior to Land Use Permit issuance. Archaeological monitoring is required for installation activities.

**Monitoring:** City staff will site inspect to ensure construction of Parcel 1/Parcel 2 Hollister Avenue frontage improvements and Hollister Avenue median improvements according to plan.

### ***MM CUL-3g. Landscape Plan Requirements***

The final landscape plan will include plant material placed within engineered fill soils.

**Plan Requirements and Timing:** The final landscape plan will include details regarding installation depth of plant material and root zone depth of mature vegetation for new plantings on Parcels 1 and 2 and will demonstrate that landscape disturbance will be confined to the depth of engineered fill soils. The final landscape plan will be reviewed and approved by City staff and a City-approved archaeologist prior to Land Use Permit issuance. Archaeological monitoring is required for installation activities.

**Monitoring:** City staff will site inspect to ensure installation of landscaping according to plan.

### ***MM CUL-3h. Swimming Pool***

The hotel swimming pool shall be redesigned (which may involve relocation) to avoid disturbance to intact soils. This may involve placing the swimming pool within engineered fill soils or otherwise above the level of intact soils.

**Plan Requirements and Timing:** Project plans shall be revised as necessary to ensure installation of the swimming pool will not result in intrusion into intact soils onsite. Project plans which include the swimming pool shall be submitted to Planning and Environmental Services for review and approval in consultation with a City retained archaeologist, prior to submitting project

plans for Preliminary DRB review and therefore also prior to approval of a Land Use Permit for grading. Archaeological monitoring is required for installation activities.

**Monitoring:** City staff will site inspect to ensure installation according to plan.

#### ***MM CUL-3i. Pre-Construction Hand-Excavate Pilings***

Subsequent to conclusion of the Phase 3 Program excavations, the permittee, at its sole expense, shall retain a City-qualified archaeologist and Chumash Native American observer to hand-excavate all piling locations not evaluated as part of the Phase 3 Program data recovery. The remaining piling locations shall be excavated until the depth of CA-SBA-58 site deposits is exceeded, as determined by the project archaeologist and Chumash consultant observer. The soils shall be dry-screened in the field to identify any unknown, but potentially isolated, prehistoric human remains. The City-qualified archaeologist and Chumash Native American observer shall have the authority to temporarily halt excavation if any potentially significant discovery is identified, to allow for adequate Phase 3 data recovery recordation, evaluation, and mitigation.

**Plan Requirements and Timing:** A Pre-Construction Controlled Piling Excavations Work Plan shall be submitted as a component of the Phase 3 Program, including identification of the City-qualified archeologist and Chumash Native American observer. It shall be submitted to the City for review and approval before issuance of any Land Use Permit for the project.

**Monitoring:** City staff shall periodically perform site inspections to verify compliance with the approved Pre-Construction Controlled Piling Excavations Work Plan.

### **4.4.6 Residual Impacts**

#### **4.4.6.1 Project Specific**

Mitigation Measure CUL-3a, which requires implementation of a Phase 3 Program, would provide for reasonable investigation and analysis of the remaining undeveloped portion of SB-58. This investigation would provide information about the larger archaeological site and area, in the event that the site remains inaccessible or substantially less accessible for future research or that upon future removal of the project development, site resources are unexpectedly compromised with regard to research value. The Phase 3 work is required to be prepared prior to reducing the site's accessibility due to project related earth disturbance and over-covering of the site.

Mitigation Measures CUL-3b through CUL-3d require specific monitoring personnel, input regarding earth work activities and requirements, implementation of a pre-construction meeting with site workers to explain responsibilities and development limitations relating to cultural resource measures, soil testing to ensure proper pH of fill soils that could impact underlying resources, and procedures to follow in the event that human remains are encountered.

Mitigation Measures CUL-3e and Cul-3f identify specific criteria for frontage improvements and landscape installations to avoid impacts to cultural resources.

Mitigation Measure CUL-3h requires redesign of the swimming pool to avoid disturbance of intact soils.

Mitigation Measure CUL-3i requires hand excavation of pilings within intact soil horizons to facilitate recognition, preservation, and study of any materials encountered during installation of the foundation pilings.

Section 21083.2(e) of the Public Resources Code provides limits for the amount of money that an applicant is responsible for, with regard to implementing archaeological mitigation measures. The maximum cost for the applicant is identified as one-half of 1% of the projected cost of the project. However, limiting mitigation based on the cost of the project would not ensure impacts could be mitigated and City staff would not recommend approval of the project if the identified mitigation measures are not fully implemented. Therefore, notwithstanding the allowance in Section 21083.2(e) of the Public Resources Code that provides limits for the cost of archaeological mitigation, the applicant has indicated their intention to pay all costs associated with the archaeological mitigation measures identified in the Final EIR (Appendix W). The applicants' waiver of the 21083.2(e) cost limitation ensures adequate funding to fully implement the archaeological mitigation program.

Therefore, ~~W~~with implementation of the mitigation measures included above (CUL-3a through CUL-3i), residual project-specific impacts on cultural resources would be reduced to less-than-significant levels (Class II).

#### **4.4.6.2 Cumulative**

With regard to cumulative impacts, the project site is associated with the last remaining undeveloped portion of larger CA-SBA-58. Given the extent to which cultural resources associated with CA-SBA-58 have been lost or impacted by past agricultural and development activities, nearly any project on the project site would result in covering much of the remaining archaeological site with fill soil to address drainage requirements, structural development and more paved areas. This project would similarly result in either mid-term to long-term loss of access to the site for archaeological research purposes. In addition, of the many prehistoric villages that once ringed the general area of the current Goleta Slough, few sites remain accessible, undeveloped, and/or include intact soils valuable for future research activities that can provide important information about the prehistory of the area. The project site is one of the few remaining sites near the slough and the last remaining portion of CA-SBA-58 with the potential to yield important information about the prehistory of the area from future research. The project design is expected to result in direct disturbances to only a small percentage of the remaining intact soils within CA-SBA-58 and the identified data recovery program will provide a reasonable and representative sample of site materials to address important research questions. However, given the sensitive nature of CA-SBA-58, the project's contribution to this cumulative impact, although minimized by project design, is considered ~~to be~~ to this significant cumulative impact to cultural resources.

Therefore, the project's contribution to cumulative cultural resources impacts is significant and unavoidable (Class I).

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