

**Cultural
Resources**

SECTION 4.4

4.4 CULTURAL RESOURCES

This section is based on the 2012 Update to the 2005 Phase I Cultural Resources Investigation conducted by McKenna et al. for the property. The 2012 Update was expanded to include the entire Component 1 boundary and to review records to determine whether any new findings have been recorded since the date of the 2005 report. This section incorporates the 2007 Investigation by reference. Both the Update and 2005 Phase I investigation included a review of previous cultural resource studies, an archaeological records search for known cultural sites within the Project area, as well as past cultural resource studies that had been conducted in the area. The literature review also searched the following databases for cultural resources: Register of Historic Places (NRHP); California Historical Landmarks (CHL); California Points of Historical Interest (CPHI); and California Register of Historical Resources (CRHR). The previous record searches also conducted supplemental historic research, incorporation of the results of consultation with Native Americans, a paleontological overview, field research and investigations, an analysis of data compiled, and the preparation of the cultural and paleontological resource reports. In addition, this evaluation of potential Project resources on the Project site referenced the *Results of the Extended Phase I/Limited Phase II Archaeological Investigation at CA-SBA-1203 Within Lot 6 of the Village at Los Carneros Phase II Project (APN 73-040-08)*, prepared in June 2008 by Compass Rose Archaeological on behalf of the prior site owner. This document references an earlier (1998) "Due Diligence Study" of the site, also performed by Compass Rose, and a "Supplemental Letter Report" (Romani 2001), which outlined recommendations for archaeological site CA-SBA-1203. The 2008 Study is included in the Appendix. Subsequent to receipt of the above referenced documents, Envicom also reviewed the *Summary of Archaeological Investigations of the Proposed Raytheon Industrial Development* prepared in 1993 by Jon Erlandson and submitted by Dr. Pandora Snethkamp of the office of Public Archaeology of UCSB. The Summary provided the most complete record of resources associated with site CA-SBA-1203, the only potentially remaining resource on the current Project site. Dr. Wayne Bischoff, Director of Cultural Resources at Envicom Corporation, has prepared an update to the McKenna Reports, summarizing this additional data. All of the above referenced documents are included as referenced in EIR Appendix D. The City of Goleta consulted with the Native American Heritage Commission (NAHC) in accordance with Government Code § 65352.3. The NAHC provided a letter response with a "Tribal Consultation List." Each of the Tribal Group representatives members on the list were subsequently notified and provided the opportunity to consult on the Project. The consultation list is included in Appendix D.

4.4.1 Existing Conditions

Historic Resources

There is no physical evidence remaining, and no historic information that suggests, the presence of historic-period structural improvements within the Project area other than minor improvements for flood protection within Tecolotito Creek, storm drains, wells, and the installation of an electric transformer. All major elements of a historic built environment are located adjacent to the Village at Los Carneros site (Component 1), which is an infill location surrounded by existing or approved development and transportation corridors, described in greater detail in the Project Description (Chapter 2.0). Section 4.5 (Geology) provides a detailed description of the Project's topography and Sections 4.1 (Aesthetics), and 4.3 (Biological Resources) provide a detailed description of the site's current appearance and the location of any non-cultural resources. There are, therefore, no identified, historically-significant grading built environment features or structures within the site.

Archaeological Resources

All areas of coastal Santa Barbara County and particularly the areas surrounding Goleta Slough are considered sensitive for archaeological resources. Evidence of long-term use and occupation, including artifact scatters, developed midden deposits, and the presence of human remains (isolated finds and formal burials) are/were present on or in the general area of the Project site. The 2005 Phase I Cultural Resource Investigation, prepared by McKenna Associates, identified at least 80 archaeological studies conducted within one mile of the site. The 2012 update identified an additional 22 studies or letter reports, which were reviewed. Approximately 33 archaeological sites are documented within a one-mile radius of the Project site. The Project area, therefore, is located within an area that is potentially high-density for cultural resources.

McKenna conducted its field investigation surveys on February 9, 2012 and February 10, 2012. A Phase I survey was also conducted on October 15, 2005, as part of the 2005 Phase I Cultural Resources Investigation. All surveys were conducted according to the Office of Historic Preservation (SHPO) Technical Assistance Bulletin No. 8¹ and Archaeological Research Management Reports (ARMR) Guidelines² and included walking transects averaging 10 and 15 meters in width. No studies or field research. The Project area pedestrian survey found no evidence of archaeological resources on-site. The Cultural Resources section of this EIR has been fully updated to respond adequately to questions raised by the Chumash Tribal Group following circulation of the DEIR.

The Project area reviewed examined by the earliest available cultural resource study associated specifically with the Raytheon Specific Plan site locates the Project at the northern margin of the ancestral Goleta Slough, consisting of a 64-acre parcel located immediately south and west of the intersection of the then Southern Pacific Railroad right of way (now UPRR) and Los Carneros Road. The railroad right of way delineates the northern parcel boundary, as is still the case, with Tecolotito Creek and Los Carneros Road marking the west and east boundaries, respectively. At the time that this report was published, Los Carneros Road was about to be realigned through the Raytheon property, and so the report covers the area of realignment as well as the Raytheon parcel.

This report notes that David Banks Rogers made the first reference to archaeological research within the immediate Project vicinity in 1929, when he recorded the presence of CA-SBA-55, portions of which were located within the Raytheon site and were characterized as “dense beds of camp refuse only slightly above the former level of the slough.” A few fragments of human bones were also identified at CA-SBA 55, though no subsurface investigations were conducted at that time.

The majority of the identified archaeological sites in the immediate Project vicinity are limited activity sites. One of these sites, CA-SBA-52, described as a village site with a cemetery, is eligible to be listed on the National Register of Historic Places. Four of the previously identified archaeological sites located closest to the Project site are: CA-SBA-55, a habitation site with shell midden that extended into the site (the site was largely effaced by the original alignment and construction of Los Carneros Road); CA-SBA-56, a habitation site with shell midden southwest of the Raytheon property; CA-SBA-1203, a small village site with midden deposits;

¹ California State Office of Historic Resources – Department of Parks and Recreation, Technical Assistance Bulletin No. 8, User's Guide to the California Historical Resource Status Codes and Historic Inventory Directory, 2004

² California Office of Historic Preservation, ARMR Guidelines, 1990.

and CA-SBA-3636, lithic scatter along the railroad right-of-way immediately north of the Project site; and CA-SBA-1203, a small Middle Period village site with midden deposits that was occupied between A.D. 400 and 600. CA-SBA-55 appears to have been destroyed by modern activities, but the other three are still present with various degrees of disturbance.

In 1981, Phase I archaeological investigations of the adjacent University Exchange properties were conducted in the course of which two archaeological sites were identified: CA-SBA-55 and a previously unrecorded site, CA-SBA-1203. Portions of both sites were believed to extend into the Raytheon property. Field reconnaissance and subsurface testing of CA-SBA-55 were conducted on the University Exchange property immediately south of the Raytheon property (Serena, 1981). The location of CA-SBA-55 is still ambiguous, but its mapped location was revised from where it was initially identified to be in 1929. The field investigation indicated that an extremely low density and dispersed scatter of shellfish and occasional artifacts were visible on the ground surface corresponding to the documented location of CA-SBA-55; however, grading history maps of the Raytheon and University Exchange parcels indicated that most of the former site area had been removed during cut and fill operations conducted ca. 1962. Following subsurface exploration of the area, the 1981 Phase I investigation concluded that CA-SBA-55 had been completely obliterated and was without integrity and research potential. The formal site record for this resource reflects the extensive damage and grading that was visible at the time of investigation, and notes that the site no longer exists.

Three episodes of research preceded the 1981 Phase I investigation at CA-SBA-1203, including two excavations and a program of radiocarbon dating. At least two test pits were excavated within a portion of the Project site between the original Tecolotito Creek channel alignment and the realigned channel, where the majority of materials with archaeological value were found. The 1981 Phase I and II archaeological study of CA-SBA-1203, conducted by the Office of Public Archaeology in connection with the development of the University Exchange Corporation Development project, located south of the Project site, consisted of systematic surface reconnaissance to establish a preliminary boundary of the CA-SBA-1203 site. Seventeen shovel test pits (STPs) were created to provide subsurface confirmation of site boundaries. Backhoe trenches were used to define the southwestern site boundary and to delineate the former channel of Tecolotito Creek.

The site is geo-located immediately northwest of the confluence of the original Tecolotito Creek channel and the now-effaced, northerly extension of the Goleta Slough. The site represents two temporally discrete cultural components: a small, Middle Period village (AD 400-600) and a minimally defined Late Period encampment (after AD 1000). Most of the archaeological remains at the site are associated with the earlier occupation. The central feature of CA-SBA-1203 is a dense deposit of faunal remains, artifacts, and industrial debris measuring about 30 meters by 60 meters in extent, with an average depth of about 40 cm. The midden is partly surrounded by a fairly large (60x90m), relatively sparse deposit of archaeological remains primarily composed of lithic detritus from chipped stone tool maintenance and use.

A Phase III mitigation investigation of CA-SBA-1203, completed for the site in 1983, recovered two burials and a number of artifacts located outside the Raytheon property, which contains the current Project site. The Raytheon unit was described as within the "low intensity" area of the site and not within the portion of the site where studies demonstrated factors consistent with dense human habitation, burials, and high numbers of artifacts.

Such peripheral zones around cultural sites are often referred to as non-contributing areas to the significance of a cultural site. In this case the “low intensity” area of CA-SBA-1203 would not significantly contribute eligibility to the site for listing to the National Register of Historic Places under Criteria A, B, C, or D, with the assumption that no additional information would be yielded through further study of the area, and that there is no observable chance of the site having extensive subsurface deposits or features. This conclusion was later reiterated in the Compass Rose report.

Examination of a number of site maps from the 1981 and 1983 studies show a small corner of CA-SBA-1203 located adjacent and slightly northeast of the intersection of the current alignment of Tecolotito Creek and the current alignment of Los Carneros Road. When compared to the mapping contained in the 2008 Compass Rose study, the earlier maps show agreement with the “sensitivity area” outlined on the current site plan for the Village at Los Carneros site. Previous adverse direct impacts to the CA-SBA-1203 site include destruction of parts of the primary archaeological deposit by earthmoving associated with the realignment of the Tecolotito Creek channel, the placement of utilities associated with the development of the University Exchange site and the construction of a v-ditch and culvert that parallels the realignment of Los Carneros Road (now complete) across the east side of the site, terminating in a culvert to be built on the east bank of Tecolotito Creek. The realignment of Los Carneros Road passed directly through CA-SBA-1203.

According to records review, the perimeter site boundaries of CA-SBA-1203 may extend within a portion of the Project site (Snethkamp, 1983).³ The site was described as “... midden probably representing a small late middle period village, and perhaps additional minor components” (Serena, 1984).⁴ Studies of this sensitive site indicate document scatters of fire-affected rock and significant quantities of lithics, ground stone, shell, and bone.

The goal of the Compass Rose 2008 Phase I/Limited Phase 2 excavation was to determine whether intact subsurface deposits existed within the “low intensity” peripheral region of CA-SBA-1203 that extended into the Project area. Five hand excavated shovel test pits (STPs) within the remaining site boundaries were conducted. The portion of CA-SBA-1203 subject to potential impacts is generally located in an area that is covered by low grasses and native vegetation along Tecolotito Creek, between the creek access road and the subject property. The test pits were excavated within and south of the current location of the podium flats proposed for construction on Lot 6 and covers the area designated as “sensitive resources” on the current site plan, over which no building is proposed. Approximately 68 flakes, 7.6 grams of shell and trace amounts of animal bones were recovered. Approximately 51 percent of the lithics were recovered from the 20-40 cm level, which roughly corresponds to the first level below the disturbed fill zones. Most of the modern material and marine shell comes from the disturbed/fill 0-20 cm level. The most important findings from this effort was that, Native American artifact density fell off dramatically away from the original epicenter of CA-SBA-1203, indicating that the protection efforts at the Project are reasonable and are supported by the evidence from multiple surface and subsurface investigations of the area in question. Although resources were not discovered on-site at this time, given the previous mapping efforts, and sensitivity for resources in the general area, the potential for resources to exist undetected at the site cannot be ruled out since vegetative cover constrained ground visibility.

³ Given the sensitivity of these resources, the report is not included with this EIR, but is on file at the University of California, Santa Barbara, Central Coast Information Center, Santa Barbara, California.

⁴ Ibid.

Based on the subsurface findings and maps from the 1981, 1983, 2000, 2001, and 2008 studies of CA-SBA-1203, the Village at Los Carneros site identifies the boundaries of an archaeologically sensitive area that extends from Los Carneros Road west of the proposed Village Way driveway and continues northeast to the proposed storm drain connection point on the east side of Tecolotito Creek. Though no buildings will be constructed within the delineated sensitive area, (and given that the top 20-centimeters of soil has been identified as disturbed by previous modern activities) some grading is expected to occur to raise the pad for the most southerly podium flat building that has the potential to impact undisturbed native soils in the “low density” area of CA-SBA-1203. Mitigation Measures C.1-1, C.1-2, and C.1-3 require, among other things, continuous monitoring of the sensitive area and extending 100 feet beyond the boundary of the sensitive area during any ground clearing, grading, and excavation activity. Continuous daily monitoring by both a qualified archaeologist and a Chumash representative are required in this area while these activities are underway.

Paleontological Resources

No evidence of paleontological resources was found in the course of the 2012 Update to the 2005 Phase I Cultural Resources Investigation. Research provided by the Natural History Museum of Los Angeles County (NHM) characterized the Project area as consisting of:

“... surficial deposits derived from Carneros Creek on the east side and Tecolotito Creek on the west side of the project area. The NHM ... indicated that these surficial deposits are unlikely to contain significant vertebrate fossils, at least in the uppermost layers although deeper excavations that extend into the underlying older sedimentary deposits could uncover significant vertebrate fossil remains.”

The fill soils and the intermediate (Qia) and younger alluvium at the Project site that would be disturbed by the Project are not considered sensitive for fossil-bearing (paleontological) deposits at the depths that would be affected by development.

Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act addresses the protection of archaeological, cultural, and historic resources. In addition, the American Religious Freedom Act directs regulators to protect sacred sites for all Americans, including American Indians.

State

California Environmental Quality Act

The CEQA Guidelines provide a framework for the analysis of impacts to Archaeological Resources. In considering impact significance under CEQA, the significance of the resource itself must first be determined. At the State level, consideration of significance as an important archaeological resource is determined by reference to the cultural resource provisions of CEQA Guidelines §§ 15064.5 and 15126.4, and the draft criteria regarding resource eligibility to the California Register of Historic Resources (CRHR). Under CEQA a historical resource including built-environment historic and prehistoric archaeological resources would be considered significant if it meets the criteria for listing on the CRHR as set forth in CEQA § 15064.5:

- a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- b) Is associated with lives of persons important in our past.
- c) 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) Has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines § 15064.5 of also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed under California Public Resources Code (PRC) § 5097.98.

Impacts to unique archaeological resources and unique paleontological resources are also considered under CEQA as required by 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 or historic event or person.

A non-unique archaeological resource indicates 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.

Under CEQA Guidelines § 15064.5, a project would potentially have significant impacts if it would cause substantial adverse change in the significance of one of the following:

- a) A historical resource (i.e., a cultural resource eligible for the CRHR).
- b) An archaeological resource (defined as a unique archaeological resource which does not meet CRHR criteria).
- c) A unique paleontological resource or unique geologic feature (i.e., where the project would directly or indirectly destroy a site).
- d) Human remains (i.e., where the project would disturb or destroy burials).

If an important resource cannot be avoided, then the resource must be examined pursuant to the provisions of CEQA Guidelines §§ 15064.5 and 15126.4 and the eligibility criteria of important or unique archaeological resources. No mitigation measures are required unless previously undiscovered cultural resources are detected. Mitigation under CEQA must address impacts to the values for which a cultural resource is considered important. To mitigate adequately, it must therefore be determined what elements make a site eligible for the CRHR. The first line of mitigation is complete avoidance, when feasible, of all cultural resources.

Local**City of Goleta General Plan****VH 5.7 New Construction**

Development approved in proximity to an identified historic resource shall respect and be aesthetically compatible with the structures or sites in terms of scale, materials, and character.

OS 8.1 Definition

Cultural resources include Native American archaeological sites and areas of the natural landscape that have traditional cultural significance. Archaeological sites include prehistoric sites that represent the material remains of Native American societies and their activities and ethno-historic sites that are Native American settlements occupied after the arrival of European settlers in California. Such archaeological sites may include villages, seasonal campsites, burial sites, stone tool quarry sites, hunting sites, traditional trails, and sites with rock carvings or paintings. Areas of traditional cultural significance include Native American sacred areas where religious ceremonies are practiced or which are central to their origins as a people, as well as areas traditionally used to gather plants for food, medicinal, or economic purposes.

OS 8.3 Preservation

The City shall protect and preserve cultural resources from destruction. The preferred method for preserving a recorded archeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. Preservation in place may be accomplished by deed restriction as a permanent conservation easement, avoidance through site planning and design, or incorporation of sites into other open spaces to prevent any future development or use that might otherwise adversely impact these resources.

OS 8.4 Evaluation of Significance

For any development proposal identified as being located in an area of archaeological sensitivity, a Phase I cultural resources inventory shall be conducted by a professional archaeologist or other qualified expert. All sites determined through a Phase 1 investigation to potentially include cultural resources must undergo subsurface investigation to determine the extent, integrity, and significance of the site. Where Native American artifacts have been found or where oral traditions indicate that Native Americans used the site in the past, research shall be conducted to determine the extent of the archaeological significance of the site.

OS 8.5 Mitigation

If research and surface reconnaissance shows that the Project area contains a resource of cultural significance that would be adversely impacted by proposed development and avoidance is infeasible, mitigation measures sensitive to the cultural beliefs of the affected population shall be required. Reasonable efforts to leave these resources in an undisturbed state through capping or covering resources with a soil layer prior to development shall be required. If data recovery through excavation is the only feasible mitigation, the City shall confer with the affected Native American nation or most-likely descendants, as well as agencies charged with the responsibility of preserving these resources and organizations having a professional or cultural interest, prior to the removal and disposition of any artifacts.

OS 8.6 Monitoring and Discovery

On-site monitoring by a qualified archaeologist and appropriate Native American observer shall be required for all grading, excavation, and site preparation that involves earth moving

operations on sites identified as archaeologically sensitive. If cultural resources of potential importance are uncovered during construction, the following shall occur:

- a. The grading or excavation shall cease and the City shall be notified.
- b. A qualified archeologist shall prepare a report assessing the significance of the find and provide recommendations regarding appropriate disposition.
- c. Disposition will be determined by the City in conjunction with the affected Native American nation.

OS 8.7 Protection of Paleontological Resources

Should substantial paleontological resources be encountered during construction activities, all work that could further disturb the find shall be stopped and the City of Goleta shall be notified within 24 hours. The applicant shall retain a qualified consultant to prepare a report to the City that evaluates the significance of the find and, if warranted, identifies recovery measures. Upon review and approval of the report by the City, construction may continue after implementation of any identified recovery measures.

4.4.2 Thresholds of Significance⁵

The City of Goleta's *Environmental Thresholds and Guidelines Manual* state that a project would result in a significant impact on a cultural resource (historical and archaeological) if it results in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of such a resource would be materially impaired. This significance threshold for a project impact on resources is also described in CEQA Guidelines § 15064.5(b)(1) and is the basis for determining the project's potential to impact historical or archaeological resources in the analysis below in subsection 4.4.3, *Project Impacts*.

4.4.3 Project Impacts

Historical Resources

Significance Before Mitigation: No Impact

As there are no historic structures at or in the immediate vicinity of the Project site the Project would not result in impacts to historic resources (**Class III**).

Impact CR 1: Would the Project result in the potential to degrade archaeological resources?

Significance Before Mitigation: Potentially Significant

As described in Existing Conditions, no potentially significant archaeological resources were identified at the Project site in prior studies dating to 1983 and continuing through 2008. The results of the 1983 study recovered two burials and a number of artifacts from outside the current Project area as part of CA-SBA 1203. However, as Native Americans historically used the area examined in the 1981 Phase I and Phase 2 study, the 1983 Phase III study and 2008 Phase I/Partial Phase II study there remains a potential that previously unmapped cultural material could be uncovered in the course of development in the area illustrated in the 2008 Report and designated as a resource setback area within the current Project site. The 2008

⁵ The City's Environmental Thresholds and Guidelines Manual for evaluating the significance of historical resources was not included as there are no historical structures or grading features on-site.

study and mapping associated with the 1981 and 1983 studies determined that a portion of CA-CA-SBA-1203 exists within Lot 6 of the Project site as defined on the site plan but the area has been identified as a low intensity peripheral area to the main or high intensity portion of the site that was identified as outside of the subject property. The 2008 field study has served as a representative inventory of the cultural materials to be preserved under the recommended site capping program as outlined in Mitigation Measure CR 1-3.

~~The Project is designed to avoid subsurface grading or placement of permanent structures above within the potentially sensitive area of CA-SBA-10231203; however, some grading to establish a pad for the most southerly podium flat building would intrude into the area, consisting of placement of fill soil and its compaction to ensure soil slope stability. Most the sensitive area would be completely avoided. Construction of the most southerly podium flat building and excavation of its semi-subterranean garage will occur in proximity to the boundary of the sensitivity area. A relatively small portion would receive fill soil to create the finished grade. Placement of fill would require vegetation removal, scarification of the surface layer, and compaction of fill in lifts for soil stability. Surface soil preparation could result in impacts to previously unidentified resources located near the surface, and compaction could create loading effects that could damage any unknown underlying resources. It would be speculative to discuss the presence or absence of subsurface resources that could not be uncovered or identified in the course of construction. Therefore, potential impacts due to soil compaction would not be considered as part of this analysis. Subsurface construction activities extending beneath previously disturbed areas at the site could result in potentially significant but mitigable impacts on archaeological resources but would be mitigated by Mitigation Measure CR 1-1, requiring monitoring of soil disturbing activities occurring within 100 feet of the designated sensitive area by both a qualified archaeologist and a Native American monitor. Mitigation Measures CR 1-2 and 1-3 deal with the potential impacts associated with uncovering any possible burial sites and the capping of any resource area. With these Mitigation Measures, impact would be reduced to a less-than-significant level (Class II).~~

Impact CR 2: Would the Project result in the potential to uncover paleontological resources?

Significance Before Mitigation: Less Than Significant

As described in Existing Conditions, there are no known paleontological resources at the Project site. The Project grading and subsurface disturbances would occur within fill deposits and young alluvium, which are relatively recent geologic units that are not likely to contain paleontological resources. Therefore, the potential for the Project to result in an adverse effect on such resources would be considered less than significant (**Class III**).

4.4.4 Cumulative Impacts

Impact CR 3: Would the Project result in the potential to cumulatively degrade archaeological resources?

Significance Before Mitigation: Potentially Significant

Previous development within Santa Barbara County resulted in the loss of much of the evidence of the prehistoric occupation and use of the area. Current development projects within the City of Goleta, listed in Section 3.0 *Related Projects*, include a substantial number of projects. Of these, the Marriot Residence Inn and Willow Springs II are known to involve impacts to cultural resources. However, all of the project sites are considered sensitive for archaeological

resources due to their location in the Goleta Slough watershed. Current existing City regulations and Mitigation Measures required for sites with potential resources would be applied to projects in such locations. Existing regulations would protect any unknown resources that might be uncovered in the course of project development. Therefore, while While there is potential for cumulatively significant impacts to cultural resources as a result of cumulative development within the Goleta Slough area, given that the very small area of CA-SBA-1203 located within the Project site and the limited activity within that area associated with Project development make it unlikely that the Project would make a cumulatively considerable contribution to any adverse cumulative impacts to existing sites due to past, current and future development. The proposed Project ~~contains no known resources,~~ and would mitigate for any resource in the unlikely event that they may be are uncovered, through appropriate monitoring, mandated curation, and capping (Class II).

4.4.5 Mitigation Measures

Historic Resources

Significance Before Mitigation: No Impact

The Project would not result in the potential for significant impacts on historic resources and therefore mitigation measures are not required.

Impact CR 1 3: The Project has potential to degrade cultural resources

CR 1-1: A City-approved archaeologist and local, qualified Chumash observer monitor must monitor Project implementation during the initial grading and excavation activities until such time as sufficient subsurface soil is uncovered/excavated to confirm that no prehistoric archaeological/cultural resources are located on the Project site and through the capping process required within the identified sensitive area. In accordance with local guidelines, the monitor(s) have the following authority:

- a. The archaeological monitor(s) and Native American monitor(s) must be on-site on a full-time basis during any earthmoving activities, including preparation of the area for capping; grading; trenching, vegetation removal, or other excavation activities. The monitors will remain on-site until it is determined through consultation with the Permittee, Planning and Environmental Services Review Director, or designee, archaeological consultant, and Native American representative that monitoring is no longer warranted;
- b. The monitor(s) have authority to halt any activities impacting previously unidentified cultural resources and to conduct an initial assessment of the resource(s);
- c. If an artifact is identified as an isolated find, the monitor(s) must recover the artifact(s) with the appropriate locational data and include the item in the overall inventory for the site;
- d. If a feature or concentration of artifacts is identified, the monitor(s) must halt activities in the vicinity of the find, notify the Permittee and the City, and prepare a proposal for the assessment and treatment of the find(s). This treatment may range from additional study to avoidance, depending on the nature of the find(s);

- e. Prepare a comprehensive archaeological technical report documenting the results of the monitoring program and include an inventory of recovered artifacts, features, etc.;
- f. Prepare the artifact assemblage for curation with an appropriate curation facility (e.g. UCSB or local Native American facility). The monitor(s) must include an inventory with the transfer of the collection; and
- g. The monitor(s) must file an updated archaeological site survey record with the UCSB Central Coastal Information Center.
- h. The Native American Monitor must be qualified based on criteria provided by the California Native American Heritage Commission Cultural Resource Guidelines for Monitors.⁶

Plan Requirements and Timing: This requirement shall be printed on all plans submitted for permitting of land-disturbing or ground clearing activities any LUP including, without limitation, building, grading, or demolition permits. The Permittee shall enter into a contract with a City approved archaeologist and Native American representative before the City issues a permit for any ground disturbing or land clearing activity within the area LUP. The Permittee must pay for all monitoring required by this condition.

Monitoring: Planning and Environmental Review Director, or designee, will conduct periodic field inspections to verify compliance during ground disturbing activities.

CR 1-2: Before initiating any staging areas, vegetation clearing, or grading activity, the Permittee and construction crew must meet on-site with the archaeological consultant and local Chumash representative(s) and review the procedures to be followed in the ~~unlikely~~ event human remains are uncovered. These procedures include those identified by Public Resources Code § 5097.98, and the City's Archaeological Guidelines. Per CEQA Statute and Guidelines Section 15064.5(e), ~~the County coroner must be contacted should human remains be discovered. In addition, a satisfactory disposition of the remains must be agreed upon by the stakeholders so as to limit future disturbance.~~ If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours. Upon notification by the County coroner of the discovery, the NAHC is required to notify the Most Likely Descendants (MLD), who then may inspect the site and make recommendations to the landowner within 48 hours regarding the means of treatment of the remains and any associated grave goods. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment as provided in Public Resources Code § 5097.98. If the NAHC is unable to identify the MLD or the MLD fails to make a recommendation within 24 48 hours of notification by the NAHC, or the landowner and MLD cannot reach an agreement with mediation by the NAHC, then the landowner shall rebury the Native American remains with appropriate dignity on the property in a location not subject to further disturbance.

⁶ <http://www.nahc.ca.gov/guidelines4mon.html>

Plan Requirements and Timing: Before vegetation clearing or grading and/or excavation, the Permittee must provide the City with the contact information of the Native American representative and the agreed upon procedures to be followed. If the human remains are found, the County coroner must be contacted. If the coroner determines the remains to be of Native American origin, the Coroner will notify the Native American Heritage Commission and the Commission will name the Most Likely Descendant (MLD). The MLD and the landowner or the landowner's authorized representative consulting archaeologist, proponent, and City will consult as to the disposition treatment of the remains per the requirements of Public Resources Code Section § 5097.98. If the remains are identified as non-Native American, the coroner will take possession of the remains and comply with all state and local requirements in the treatment of the remains.

Monitoring: The archaeological monitor(s) must maintain daily field notes and prepare weekly summaries. Upon completion of the program, a technical report must be prepared. Planning and Environmental Services Review Director, or designee, must conduct periodic field inspections to verify compliance during ground disturbing activities.

CR 1-3: Within the sensitive archaeological boundary of CA-SBA-1203 4023, the Project must incorporate grading designed to cap in place any underlying archaeological deposits that may be discovered, thereby preserving the deposits in place and minimizing or avoiding impacts. Capping and placement of fill soils over the archaeological area of the Project site must include the following surface preparation and fill placement measures:

- a. Remove all organic material from the archaeological site surface by hand (including brushing, raking, or use of power blower). Use of motorized vehicles for vegetation removal is prohibited. All vegetation must be removed at ground surface such that no soil disturbance results.
- b. Remaining root balls and masses in the ground after hand removal of vegetation stems/trunks must be sprayed with topical pesticide per manufacturers specifications to ensure no further growth. The resulting dead vegetation masses must be left in place. Complete surface vegetation removal and die-off of root massing must be achieved before geogrid placement.
- c. No remedial grading, sub-grade preparation or scarification must occur before placement of the geogrid fabric.
- d. A bioaxial geogrid (Tensar TX 160 or equivalent) must be laid over the ground surface throughout CA-SBA-1203 56 site boundaries and a 50 foot buffer area. A qualified geotechnical engineer must provide the City with the proposed geogrid type, and verification of its technological capability.
- e. Placement of fill soils on top of the geogrid fabric must be done in no greater than 8-inch lifts with rubber-tired equipment.
- f. The first six inches of fill must be yellow sand that signals to any future sub-surface activity (e.g. landscaping activity) that excavation must not extend deeper.

- g. Geogrid fabric must be capable of preventing compaction and load impacts on underlying archaeological resources.
- h. Fill soils must have a pH ranging from 5.5 to 7.5 only.
- i. Fill soils must be free of archaeological resources.
- j. Fill soils must be spread from the outside with rubber track heavy equipment, such that the equipment must only be working on top of the fill soils. The fill soils must be placed ahead of the loading equipment so that the machine does not have contact with the archaeological site surface.
- k. The fill soils must be sufficiently moist so that they must be cohesive under the weight of the heavy equipment as the material is spread out over the archaeological site and buffer area.
- l. The Project soils engineering report must be revised to include the above measures with respect to site preparation with the archaeological area to ensure consistency in requirements.

Plan Requirements and Timing: Before the City issues ~~any LUP~~ a permit for any grading, land clearance, and/or excavation, the ~~Applicant~~ Permittee must prepare a Construction Monitoring Plan. Plan specifications for the monitoring must be printed on all plans submitted for grading, landscaping, and building permits. The Permittee ~~applicant~~ must enter into a contract with a City approved archaeologist and Chumash Native American observer and must fund the provision of on-site archaeological/cultural resource construction monitoring during initial grading, and excavation activities before the City issues a LUP grading permit. A qualified geotechnical engineer must provide the geogrid type and verification of its technological capability as part of the grading plan review and approval in consultation with City Public Works Director, or designee. ~~Community Services~~

Monitoring: Planning and Environmental ~~Services~~ Review Director, or designee, must approve Construction Monitoring Plan and ensure there is a valid contract with an archaeologist and a Chumash Native American observer, and must conduct periodic field inspections to verify compliance during ground disturbing activities.

CR 1-4: In the event that archaeological remains are encountered during grading, work must be stopped immediately, or redirected, until a City of Goleta qualified archaeologist and a Native American representative are retained by the Applicant to evaluate the significance of the find by completing a Phase 2 investigation as set forth in the City's *Environmental Thresholds and Guidelines Manual*. If remains are found to be significant, they are subject to the Phase 3 mitigation program consistent with the guidelines set forth in the *Thresholds Manual*. If human remains are uncovered, the County Coroner must be notified and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) must be notified and permitted to identify the Most Likely Descendant (MLD). The disposition treatment of the remains and associated funerary items will be coordinated between the Coroner, NAHC, MLD and the landowner or the landowner's authorized representative per the requirements of Public Resources Code Section § 5097.98, and archaeological

consultant. All non-funerary materials recovered from this property must be curated in a federally recognized repository. In this case, the Department of Anthropology, University of California, Santa Barbara, would be the most likely repository. The Project applicant will be responsible for the curation costs.

Plan Requirements & Timing: This condition must be printed on all building and grading plans.

Monitoring: The Planning and Environmental Review Director, or designee, must approve plans before the City issues any grading permit LUP to verify compliance and must spot check in the field.

4.4.6 Residual Impacts

With implementation of the mitigation measures identified above, the Project's impacts on cultural, and archaeological and/or paleontological resources would be reduced to a less than significant level (**Class II**).