Attachment 3: Archaeology and Paleontology Policies with Coastal Commission Staff Proposed Revisions in Underline and Strikethrough

California Coastal Commission Staff Recommended Archaeology and Paleontology Policy Revisions
OS 8: Protection of ~~Native American~~ Archaeological and Paleontological Resources [GP/CP] Objective: To identify ~~and protect prehistoric and historic cultural~~ archaeological and paleontological sites and resources and protect the from destruction or ~~harmful alteration~~adverse impacts.
OS 8.X: New Development [GP/CP] New development shall be sited and designed to avoid adverse impacts to archaeological and paleontological resources to the maximum extent feasible. If there is no feasible siting or design alternative that can eliminate all impacts to archaeological and paleontological resources, then the alternative that would result in the fewest or least adverse impacts shall be proposed. Reasonable mitigation measures shall be required for development where impacts to archaeological and paleontological resources cannot be avoided through siting and design.
OS 8.1: Definition. [GP/CP] Cultural resources include Native American archaeological sites and resources, paleontological sites and resources, and areas of the natural landscape that have traditional cultural significance. Archaeological sites include, but are not limited to, prehistoric sites that represent the material remains of Native American societies and their activities and ethnocentric 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. Paleontological sites include, but are not limited to, sites that contain the fossilized remains or indications of once-living plant and animal life that are found in geologic formations.
OS 8.2: Inventory of Sites. [GP/CP] The City shall coordinate with UCSB's Central Coast Information Center as well as agencies charged with the responsibility of preserving cultural resources and any other professional or cultural organization having a professional or cultural interest, to participation, in order to identify ~~archaeologically sensitive areas~~ archaeological and paleontological sites and resources within the ~~c~~City ~~boundaries~~. To prevent artifact gathering and other forms of destruction, the exact location of ~~sensitive sites~~ archaeological and paleontological sites and resources ~~may~~ shall remain confidential.
OS 8.3: Preservation in Place. [GP/CP] ~~The City shall protect and preserve cultural resources from destruction.~~ The preferred method for preserving ~~a recorded~~ archaeological or paleontological sites and resources shall be by preservation in place in order to maintain the relationship between the artifacts and ~~the archaeological~~ their historical 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. Where preservation in place is not feasible, partial or total recovery of archaeological and paleontological resources shall be undertaken along with adequate mitigation measures that are adopted and implemented as conditions of the permit.

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OS 8.4: Evaluation of Significance. [GP/CP] ~~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 qualified archaeologist or other qualified expert.~~ Development proposed in any area known or suspected to contain archaeological resources, shall require a Phase I cultural resources investigation conducted by a registered professional archaeologist or other qualified expert subject to the approval of the City. All sites determined through the~~a~~ Phase I investigation to potentially include cultural resources, must undergo subsurface investigation to determine the extent, integrity, and significance of the site. Where ~~Native American~~ archaeological or paleontological artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, research shall be conducted to determine the extent of the ~~archaeological~~ cultural significance of the site. Development proposed in any area known or suspected to contain paleontological resources shall require a Paleontological Evaluation Report. All sites determined through the Paleontological Evaluation Report to potentially include paleontological resources, must undergo subsurface investigation to determine the extent, integrity, and significance of the site. Where paleontological resources have been found, research shall be conducted to determine the extent of the paleontological significance of the site.
OS: 8.5 Mitigation [GP/CP] If research and surface reconnaissance shows that the project area contains cultural resources ~~a resource of cultural significance~~ that have the potential to be adversely impacted by proposed development and avoidance is infeasible, mitigation measures that are sensitive to either the cultural beliefs of the affected ~~population~~tribe(s) or the historical integrity of a paleontological site and would result in the least significant impacts to resources shall be required and implemented as conditions of the permit. 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~~ tribe(s),~~or~~ most-likely descendants, and Native American tribal groups approved by the Native American Heritage Commission for the area, 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. [GP/CP] On-site monitoring by a qualified professional shall be required for all grading, excavation, and site preparation that involves earth moving operations on sites containing cultural resources or when recommended by a qualified professional due to a likelihood of uncovering or otherwise disturbing unknown subsurface cultural resources. Qualified professionals include credentialed archaeologists and paleontologists, where appropriate. Additionally, ~~and,~~ where there is a potential to impact archaeological resources of a Native American culture, a~~n appropriate~~ qualified Native American observer ~~shall be~~ designated by the affected tribal group(s) shall also be required. ~~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 within 24 hours. b. A qualified archaeologist or paleontologist with qualifications and credentials acceptable to the City, shall prepare a report ~~assessing~~that assesses the significance of the find and ~~provide recommendations regarding appropriate disposition~~ evaluates feasible alternatives that would avoid or minimize impacts to these resources. c. Disposition will be determined by the City in conjunction with ~~the~~ any affected Native American ~~nation~~tribe(s). d. Where Native American remains have been discovered, consultation with the appropriate Native American tribal group(s) to obtain recommendations for treatments that are protective and respectful of the remains, shall be required. e. Construction may continue after the appropriate requirements and course of action has been implemented. Activities shall not resume without written authorization from the Director of Planning and Environmental Review.
~~**OS 8.7: Protection of Paleontological Resources [GP/CP]**~~ ~~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.~~

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OS 8.9 Vehicle use, unauthorized collecting of artifacts, or other activities that have the potential to destroy or disturb archaeological or paleontological resources shall be prohibited.
OS 8.X Native American Consultation Requirement. The City shall consult with Native American tribal groups and individuals approved by the Native American Heritage Commission for the area prior to amending its General Plan/Coastal Land Use Plan or adopting any specific plan, when designating any land as open space, when development may adversely impact Native American archaeological and/or cultural resources, during preparation of any mitigation plan to address adverse impacts to Native American archaeological and/or cultural resources, and prior to release of a negative declaration, mitigated negative declaration, or environmental impact report prepared for the project.