

4.4 CULTURAL RESOURCES

This section analyzes the Project's potential impacts to cultural resources. The analysis is based primarily on an *Archaeological Resources Assessment: North Willow Springs Project, City of Goleta, California* prepared by Dudek (May 2014) and on a peer review of this report by Rincon Consultants, Inc. in May 2015. This report considers a series of previous cultural resources investigations conducted for the Project site and adjacent properties: an original excavation in 1929, subsequent excavations in 1982, an intensive ground surface collection of artifacts in 1990, Extended Phase 1 excavations in 1996, a Supplemental Phase 2 investigation in 1999, and a Phase 3 Data Recovery Mitigation program in 2014. The technical report is on file at the City of Goleta.

4.4.1 Setting

a. Regional Setting. A summary of the prehistory and history of the general project area, excerpted from the Goleta General Plan FEIR, is provided below.

Prehistory. Evidence exists for the presence of humans in the Santa Barbara coastal area for more than ten thousand years. While some researchers (e.g., Orr, 1968) suggest that the Santa Barbara Channel area may have been settled as early as 40,000 years ago, only limited evidence for occupation much earlier than 9,500 years has been discovered. Even so, human prehistory along the Santa Barbara channel area coast may extend back as much as 12,000 years (Erlandson et al., 1987; Erlandson et al., 1996). Approximately 7,500 years ago, prehistoric human settlement in the region appears to have increased rapidly with a number of sites dating to approximately this time, and many more dating subsequent to it (Colten 1987, 1991; Erlandson, 1988, 1997; Glassow, 1997). At that time, people in the area practiced a mostly gathering subsistence economy, focusing mainly on natural vegetal resources, small animals, and marine resources such as shellfish. One of the major tool types evident in their assemblage was the milling stone and muller (also referred to as mano and metate). This two-part tool was used primarily to process (grind) various kinds of seeds, small animals, and vegetal foodstuffs. The large quantities of these tools found by archaeologists in the sites of these people resulted in the designation of this period as the Milling Stone Horizon (Erlandson, 1994).

Beginning at sites dating to approximately 5,000 years ago, archaeologists began to notice differences in some archaeological site assemblages. These differences involved changes in the tool inventory with new tool types indicative of new subsistence technologies. Most significant of these differences were projectile points indicative of hunting activities, and the mortar and pestle suggestive of the utilization of a new vegetal foodstuff, the acorn. Another change involved an increase in fishing and the procurement of marine mammals for food. The use of these new technologies increased during the next approximately 3,000 years, until approximately 2,000 to 1,500 years ago. During this period, prehistoric habitation increased considerably in the Goleta area.

The advent of new technologies and subsistence strategies again became evident approximately 2,000 to 1,500 years ago, signaling a distinctive change in the pattern of prehistoric culture in California. Included in these new technologies were the bow and arrow and, in some areas, ceramics. Burial practices also changed in some areas of California with cremation of the dead supplanting inhumation. The period is characterized as a time of cultural elaboration and increased sophistication including artistic, technological, and sociological changes (Erlandson and Torben, 2002).



Ethnographic Background. At the time of first European contact in 1542, the Goleta area was occupied by a Native American group speaking a distinct dialect of the Chumash language. Historically, this group became known as the Barbareño Chumash (Landberg, 1965); the name deriving from the Mission Santa Barbara under whose jurisdiction many local Chumash came after its founding in 1776. The Chumash were hunters and gatherers who lived in an area with many useful natural resources and were politically organized into chiefdoms. They had developed a number of technologies and subsistence strategies that allowed them to maximize the exploitation of these natural resources. Consequently, before a drastic change caused by disease and other forms of cultural disruptions introduced by the Spaniards, Chumash settlements were numerous, with some containing large residential areas, semi-subterranean houses, and large cemeteries. At the time of Spanish contact, the Goleta area and immediate vicinity was highly populated with at least ten Chumash villages (Johnson, et al., 1982). A number of these settlements were situated around what was in prehistoric times a much larger Goleta Slough. The slough, which may have resembled a bay in prehistoric times (Grenda, et al., 1994), contained an abundance of marine resources including shellfish, fish, birds, and marine mammals. Early Spanish explorers, missionaries, and administrators characterized the Chumash as having a strong propensity for trade, commerce, and craft specialization, as well as for intervillage warfare (Erlandson, 1994).

History. The first European contact to the Santa Barbara coastal region was by the Portuguese explorer Juan Rodriguez Cabrillo in 1542, whose voyage up the California coast under the flag of Spain was the first expedition to explore what is now the west coast of the United States. It was, however, Spanish explorer Sebastian Vizcaino, sailing though the region in December 1602, retracing Cabrillo's voyage, who christened the channel Santa Barbara in honor of Saint Santa Barbara (Guinn, 1907). After 1602, there is no verified documentation of European contact in the region until Portolá's expedition along the coast of California en route to Monterey Bay in 1769. Accompanying Portolá was Sergeant José Francisco Ortega, who would become the first comandante of the Santa Barbara Presidio, constructed in 1781–82 (Whitehead, 1996).

Mission Santa Barbara was founded on December 4, 1786, and in the first year of commission, 186 Chumash people were baptized, 83 of which were from the Goleta region (Johnson, et al., 1982:20). In 1803, a proportionally large number of baptisms occurred throughout the five missions located within the Chumash territory, putting such a strain on the missions that the newly baptized were allowed to remain in certain native villages which were renamed after saints (Johnson, et al., 1982). In the Goleta area, there were at least two of these communities, San Miguel and San Francisco, the native villages of Mescaltitan (S'axpilil) and Cieniguitas (Kaswa's), respectively (Johnson, et al., 1982:21).

In the time between the establishment of the Santa Barbara Mission and Presidio and the end of Spanish rule in California in 1822, the Goleta area was primarily used by the Franciscan fathers for grazing cattle and sheep (County of Santa Barbara, 1993). In 1806, a measles epidemic took many lives and marked the beginning of the decline of both the Mission Santa Barbara and the native population (Johnson, et al., 1982). In 1822 and 1823, the most severe drought in mission history occurred, resulting in two very poor harvest years. A Chumash revolt occurred in 1824, possibly influenced by the lack in food supply (Johnson et al., 1982:25). Many of the Chumash population dispersed into the mountains and to the southern San Joaquin Valley. After two Mexican expeditions into the interior, many of them were persuaded to return to Santa Barbara (Blakley and Barnette, 1985).

Although Mexico had gained independence from Spain in 1822, it was not until 1835 that secularization of the missions occurred, the mission became a parish church, and the Chumash were made free citizens



(Johnson, et al., 1982). The policy of the Mexican government was to grant the mission lands and other unclaimed property to prominent citizens who were required to develop the properties and to build homes on them (EIP Associates, 2004). The City of Goleta encompasses parts of two of these land grants: Los Dos Pueblos Rancho, granted to Nicholas Den in 1842, and La Goleta, granted to Daniel Hill in 1846 (Tompkins, 1960; King, 1982). The ranchos were used by Den and Hill primarily to raise cattle for hide and tallow production (Tompkins, 1960; King, 1982; EIP Associates, 2004).

The American period began in 1848, when Mexico signed a treaty ceding California to the United States. Santa Barbara County was one of the original counties of California, formed in 1850 at the time of statehood. In 1851, a land act was passed that required the confirmation of ownership of Spanish land grants, although the process took many years to complete. Daniel Hill received a patent for La Goleta on March 10, 1865, and Los Dos Pueblos was patented to N. A. Den on February 23, 1877, 15 years after his death (California Secretary of State, 2000).

The 1870s saw the characterization of the Goleta area began to shift from sparsely populated cattle ranches to farmsteads and towns. The area of La Goleta north of Hollister Avenue was subdivided into 38 parcels, ranging from 31 to 258 acres each (King, 1982:51), and a town taking on the name of Goleta was established in the southwestern portion of the old La Goleta land grant. Early pioneers during this time include J. D. Patterson, Richard Sexton, B. A. Hicks, Ira A. Martin, John Edwards, and Isaac Foster (King, 1982). By 1890, the population of Goleta had grown from 200 in 1870 to 700 people (King, 1982:51).

In 1887, the Southern Pacific Railroad connected Santa Barbara County to Los Angeles and in 1901 to San Francisco, bringing with it the expansion and growth of ranching and agriculture in the Goleta Valley (Grenda, et al., 1994). Goleta in the early 1900s was described by J. M. Guinn as “a small village eight miles to the northwest of Santa Barbara. The country around to a considerable extent is devoted to walnut-growing and olive culture” (1907:422). Joseph Sexton, who had developed the softshell walnut, inspired many additional area farmers to plant their land with walnuts and a grower’s association was formed (King, 1982). In the early 1870s, Sherman Stow planted lemon, walnut, and almond orchards; the lemon orchards were the first commercial lemon planting in California (Tompkins, 1966; Grenda, et al., 1994). The lemon industry continued to develop, and in the 1930s, a lemon packing plant was constructed. Today agriculture in the Goleta foothills consists mainly of lemons and avocados (King, 1982; Goleta Valley Urban Agriculture Newsletter, 2002).

Oil production along the Goleta coast began in the 1920s and boomed in 1928 with the discovery of the Ellwood oil fields. After 1937, oil production began to decline; however, natural gas was also discovered along the coast and is still being tapped today (County of Santa Barbara, 1993). Suggestions that the Goleta slough be turned into a harbor first originated in the early 1920s and persisted into the 1960s, although this plan eventually disintegrated with the infilling of marshlands in 1930s and 1940s in order to accommodate an airport. In 1941, the City of Santa Barbara bought Mescalitan Island and the surrounding tide flats (King, 1982; County of Santa Barbara, 1993). The 1950s and 1960s brought tremendous change to the Goleta area, as the construction of Cachuma dam provided a relief to the area’s problem of a reliable water source and fueled rapid growth and commercial and residential development (Grenda, et al., 1994; County of Santa Barbara, 1993).

b. Project Site Setting. The Project site is located on a coastal terrace on the lower edge of the coastal foothills of the Santa Ynez Mountains, part of an east-west trending Transverse Range Province. The origin of these rolling foothills is marine Pleistocene terrace (City of Goleta General Plan FEIR, 2006;



Dibblee, 1950). The Project site is near Tecolotito Creek, which flows into the Goleta Slough. Soil in the Project site is mixed varying from Goleta fine sandy loam, 0% to 2% slopes, Milpitas-Positas fine sandy loam, 2% to 9% slopes, and Xerorthents cut and fill areas (United States Geological Survey, 1982).

A summary of historic use of the Project site and its archaeological resources is provided below.

History. Agricultural, grading, and construction activity have disturbed the soil of the Project site. Before 1928, the Project site was used for agriculture and grading, and portions of orchard remained fallow in the eastern portion of the site until the 1980s. In 1986 a mass grading plan for the entire site was approved and initiated. Initial grading consisted of clearing and grubbing of orchard trees and root structures. Surface material was scraped and placed in windrows. At this time, investigations of prehistoric cultural resources were undertaken, and grading resumed outside of fenced sensitive archaeological areas. In 1997 the Project site served as a staging area for fill during construction of the Los Carneros Road/U.S. 101 interchange. Ongoing activity associated with two stockpile permits first issued in 2002 has occurred outside of a 50-foot buffer from the fenced archaeological site CA-SBA-56 (this archaeological site is discussed in greater detail below).

Archaeological Resources. The prehistoric archaeological site CA-SBA-56 was originally documented directly south of the Project site, within what is today the Willow Springs II site (Willow Springs Apartments). David Banks Rogers first recorded this archaeological site in 1929, based on the excavation of 46 trenches, as a residential “midden” associated with a village site. This site was characterized by very dense deposits of shellfish, stone tools, and grinding stones, and fragments of a human skeleton. Beginning in the 1980s, various archaeological investigations within and around the known site area were conducted mostly to define and refine the boundaries of CA-SBA-56 and to obtain enough archaeological data to determine its significance with respect to dates of occupation and function. These studies have resulted in refinements of site boundaries, identification of areas of intact and/or disturbed or destroyed components, and confirmation that the midden deposits represent a multi-occupational site (at least two major periods of occupations and each spanning hundreds of years of use). Excavations conducted in 1982 (Gerstle and Serena, 1982) resulted in a determination that the main residential midden at CA-SBA-56 was eligible for listing on the National Register of Historic Places (NRHP). Because CA-SBA-56 has been deemed NRHP-eligible, it is also a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5(a)(3).

Following removal of the fallow orchard on the Project site, archaeological monitoring of brushing and grading operations in 1989 identified a “low density artifact scatter” within the Project site, along the ridgeline north of the main residential midden area at CA-SBA-56. A human bone fragment was collected in this area and reburied outside of the Project site. In 1990, an intensive ground surface collection conducted by Science Applications International Corporation (SAIC) and the ISERA Group revealed chipped stone flakes, ground stone, hammerstones, shellfish, animal bone, and ochre within the Project site. Extended Phase 1 excavations conducted by SAIC and the ISERA Group in 1996 identified intact archaeological deposits between six and 24 inches below the ground surface on the Project site, consistent in nature with those that had been collected on the surface. In addition, these excavations revealed an intact human burial. Upon identification of the burial, excavations in the vicinity were halted and the burial remains undisturbed at the location of discovery in the southern portion of the Project site. Such human remains are protected by State law (see Codes Governing Human Remains, below).



The Extended Phase 1 excavations (SAIC and ISERA Group 1996) resulted in the extension of the CA-SBA-56 boundary northward along and beyond the elevated knoll in the Project site. The low density artifact scatter in CA-SBA-56 within the Project site constitutes a significant archaeological resource under the CEQA Guidelines. The boundary of the archaeological area and a 50-foot buffer have been fenced to ensure that no disturbance to the resource occurred during placement of stockpile soils on the Project site that occurred during a period from approximately 1998 to 2014. Cultural materials within the elevated knoll area have sufficient densities and varieties of prehistoric food and artifacts to address research questions about past Native American occupation of the area.

Carbon Dating of Cultural Materials. It is believed that the archaeological site CA-SBA-56 was occupied during the Early Period (“Oak Grove,” 8,000 to 3,350 years before present [B.P.]) and Late Period “Canalino,” 800 to 150 B.P.) of Chumash prehistory (SAIC, 1999). A series of investigations provided an age of 6,600 and 6,700 B.P. for deposits within the main residential midden area. Radiocarbon dating of shellfish collected from the low density artifact scatter has indicated that this area was occupied from 6,930 to 7,080 years B.P., within the Early Period. There is also ample evidence for major gaps in occupation, likely the result of environmental conditions that would have affected accessibility of the site area, such as higher water levels.

Cultural Material Distributions. CA-SBA-56 is a relatively large site with a dense, central residential midden deposit, an area of intermediate artifact density within the Project site, a low density artifact scatter to the north, and peripheral low-lying areas. The Supplemental Phase 2 work completed by SAIC (1999) and Phase 3 Data Recovery Mitigation program completed by Dudek (Stone and Victorino, 2014) produced an understanding of the density and diversity of cultural materials recovered from these areas in CA-SBA-56. By collectively assembling all documented investigations, the following generalizations of deposit distributions and diversity in CA-SBA-56 were determined:

- **Main Residential Midden.** *This area of the site, now protected as open space under 18 inches of fill in Lot 20 of the Willow Springs I project, has substantially greater densities of shellfish (over 5,000 percent) and chipped stone flakes resulting from stone tool manufacturing (200-300 percent greater than the remainder of CA-SBA-56). Concentrations of animal bone are also 100 percent greater than areas to the north. Intact resource deposits still remain within the main residential midden. This is the area of CA-SBA-56 that was determined NRHP-eligible in 1982.*
- **Intermediate Artifact Scatter.** *This area of CA-SBA-56, located along the ridgeline within the Willow Springs II site to the south, has moderate amounts of chipped stone flakes and low amounts of fragmented animal bone, but nearly no shellfish. As these remains have been dated to either the late Early to Early Middle Period, they appear to be later than the main residential midden occupation of CA-SBA-56 within Lot 20 of the Willow Springs I project. They represent specialized activity areas peripheral to the main residential midden to the south in Lot 20 (Stone and Victorino, 2014). Intact resource deposits remain within the intermediate artifact scatter.*
- **Low Density Artifact Scatter.** *This low density shell midden deposit, located within the Project site, along the ridgeline north of the main residential midden area, is comprised of chipped and ground stone (mano and metate fragment) artifacts associated with the Early and Middle Periods. The artifact densities appear to have been considerably lower than those in the central midden area (1/20th of the shellfish and bone densities, and 1/6th of the chipped stone flake and tool density),*



though the extent of stone tool manufacturing/resharpening appears to be higher than the intermediate artifact scatter located along the ridgeline within the Willow Springs II site to the south. An intact undisturbed human burial was identified in the southern portion of the Project site at the low density artifact scatter during the Extended Phase 1 excavations in 1996. Excavations within the low density artifact scatter within the project site revealed that the soils have been previously disturbed a depth of four inches below the ground surface.

- **Low-Lying Areas Surrounding the Knoll.** The low-lying areas peripheral to the main residential midden and intermediate artifact scatter have extremely sparse densities of cultural material or none at all. The cultural deposits on the project site have been disturbed up to 12 inches below the ground surface as a result of past agricultural grading activities. Nearly all of the cultural materials encountered in this area were recovered from the top eight inches of soil, and animal bone recovered was highly fragmented. This suggests that most of these materials have been previously disturbed and little, if any, intact deposits remain within the low-lying areas. Although some sparse materials recovered during the Phase 2 excavations and previous Extended Phase 1 trenching and shovel test pits were recovered below the disturbance zone, they are thought to represent very sporadic temporary activity adjacent to Carneros Creek. Therefore, the shellfish and flakes recovered in this area generally lack stratigraphic integrity, and provide little information about the prehistoric activities that occurred at CA-SBA-56, particularly when compared to the intermediate artifact scatter along the raised knoll.

Extent of Prior Data Collection and Evaluation. The larger CA-SBA-56 site, including portions of the Project site, has been subjected to extensive archaeological field surveys, which have included:

- *Geomorphological analysis;*
- *Analysis of historic land uses and disturbances through historic photograph analysis;*
- *A minimum of ten surface surveys resulting in the recovery of 591+ artifacts;*
- *The identification of one human femur at the Willow Springs II site;*
- *Disking for better visual inspections;*
- *A minimum of 29 Shovel Test Pits (STPs);*
- *A minimum of 56 controlled trenches and examination of one looter's trench;*
- *Excavation of 14 controlled excavation units (four were located within the intermediate artifact scatter and 10 were placed in the low-lying areas);*
- *Recovery of column samples;*
- *Hundreds of artifacts from subsurface contexts;*
- *One human burial (left in situ);*
- *Reports of at least two possible hearths; and*
- *Carbon-14 dates confirming the two major periods of occupation (Early Period and Late Period).*

CA-SBA-56 has been subjected to a high level of testing and evaluation, resulting in a relatively large body of data that, to date, has not been synthesized.

c. Native American Scoping. The Coastal Band of the Chumash Nation representative (members of the Chumash Native American Community) have been actively involved in past archaeological



investigations at CA-SBA-56. Along with other contemporary Chumash, they consider all prehistoric archaeological sites to be important heritage resources. Contemporary Chumash in many cases consider that the integrity or intactness of archaeological deposits does not affect their heritage significance. However, the heritage significance of a resource does not directly correlate to the archaeological significance of a resource. The City sent a certified letter on November 23, 2015 to Michael Cordero representing the Coastal Band of the Chumash Nation per their request pursuant to SB 18. The City made numerous attempts to arrange a meeting with the tribe. The City sent a letter on November 23, 2015, requesting the tribe respond within 30 days or they would assume the tribe was no longer interested in meeting with the City. The City did not receive a response, but will notify the Native Americans on the City's Native American contact list of the release of this Draft EIR.

d. Regulatory Setting.

State of California.

California Environmental Quality Act (CEQA). Section 15064.5 of the *CEQA Guidelines* states that a resource is "historically significant" if it meets one of the criteria for listing in the California Register of Historical Resources (CRHR) (Public Resources Code § 5024.1; 14 CCR § 4852). A resource may qualify for CRHR listing if it:

- (A) *Is associated with events that have made a significant contribution to the broad patterns of California's history of cultural heritage;*
- (B) *Is associated with the 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; or*
- (D) *Has yielded, or may be likely to yield, information important in prehistory or history.*

Cultural resources meeting one or more of these criteria are defined as "historical resources" under CEQA. Included in the definition of historical resources are prehistoric archaeological sites, historic archaeological sites, historic buildings and structures, traditional cultural properties important to a tribe or other ethnic group, cultural districts and landscapes, and a variety of other property types.

Impacts to "unique archaeological resources" are also considered under CEQA as described under Public Resources Code § 21083.2. This section defines a "unique archaeological resource" as:

"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 any of the following criteria:

- 1. Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.*
- 2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.*
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (Public Resources Code § 21083.2(g)).*

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 CEQA Guidelines 15064.5 and 15126.4 and pursuant to the eligibility criteria as an “important” or “unique archaeological resource.”

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the above criteria. Impacts to non-unique archaeological resources and resources that do not qualify for listing on the CRHR receive no further consideration under CEQA.

Codes Governing Human Remains. Section 15064.5 of the *CEQA Guidelines* also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. The disposition of human remains is governed by Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 and 5097.98, and falls within the jurisdiction of the NAHC. If human remains are discovered, the County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the County Coroner to be Native American, the County Coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to Public Resource Code § 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native Americans so they can inspect the burial site and make recommendations for treatment or disposal.

City of Goleta. Cultural resources information and policies applicable to the Project are found in the Open Space Element (Chapter 3) and the Visual and Historic Resources Element (Chapter 6) of the Goleta General Plan. The following selected policies would apply:

- *Open Space Element Policy 8.1.*
- *Open Space Element Policy 8.2.*
- *Open Space Element Policy 8.3.*
- *Open Space Element Policy 8.4.*
- *Open Space Element Policy 8.5.*
- *Open Space Element Policy 8.6.*
- *Visual and Historic Resources Element Policy 5 Objective.*

4.4.2 Impact Analysis

a. Methodology and Significance Thresholds. The significance of a cultural resource and impacts to the resource is determined by whether or not that resource can increase the collective knowledge regarding the past. The primary determining factors are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the *CEQA Guidelines* and the *City’s Environmental Thresholds and Guidelines Manual*. Pursuant to the Appendix G of the *CEQA Guidelines*, potentially significant impacts would occur if development of the Project site would:

1. *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5;*
2. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5;*
3. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and/or*
4. *Disturb any human remains, including those interred outside of formal cemeteries.*



Impacts related to Thresholds 1 and 3 were found to be less than significant, and are discussed in Section 4.15, *Effects Found Not to Be Significant*. Therefore, the analysis in this section focuses on Thresholds 2 and 4.

According to the *City of Goleta Cultural Resource Guidelines*, a project would have a significant impact on a cultural resource 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.

b. Project Impacts and Mitigation Measures.

Impact CR-1 Based on archaeological investigations conducted on the Project site, there is evidence that an intact archaeological deposit (associated with CA-SBA-56) is present. Construction activities for the Project could potentially have a significant impact on CA-SBA-56. This would be a Class II, *significant but mitigable impact [Thresholds 2 and 4]*.

Proposed grading activities on the Project site have been designed to avoid disturbance of the low density artifact scatter (refer to Section 2.5.3 of the *Project Description*), which is a significant archaeological resource pursuant to CEQA Guidelines Section 15064.5(a)(3). To prevent disturbance of the soil, existing vegetation within the boundary of CA-SBA-56 is proposed to be removed by hand, remaining root balls and masses would be sprayed with a topical herbicide to ensure no further growth, and the resulting dead masses of vegetation would be left in place. A geotextile tensor fabric (Tensor BX1200 or equivalent) would be placed on top of the existing ground surface to reduce the force of compaction from overlying fill soils and redistribute the compaction load force over a wider area, thereby minimizing the disturbance of friable cultural remains such as shellfish and animal bone. No remedial grading, subgrade preparation, or scarification would occur prior to placement of the geotextile fabric. Then the CA-SBA-56 site and a 50-foot buffer would be covered in a minimum of two feet of protective fill soil to prevent direct impacts to archaeological resources. Fill soils would be spread from the outside in no greater than eight-inch lifts with rubber-tired equipment, such that equipment only operates on top of the fill soils. This protocol would follow the previously approved measures implemented in the protection of CA-SBA-56's intermediate artifact scatter resources within the Willow Springs II project.

The Project has also been designed to avoid physical disturbance of the low density artifact scatter. A two-acre public park would be located over this area in the south-central portion of the site, while proposed buildings would be placed away from the archaeological site to the southwest, north, and east. All proposed features above the low density artifact scatter, including landscaping, irrigation, a decomposed granite trail, a permeable concrete parking area, a picnic area, and a lodgepole perimeter fence, would be placed on top of fill soils and would not require disturbance of the existing ground surface. Therefore, the Project would not have direct impacts on significant archaeological resources at the low density artifact scatter.

Although the site layout proposed and placement of protective fill over the low density artifact scatter would avoid direct impacts to this significant archaeological resource, the preservation of cultural deposits by intentional burial would result in a significant indirect impact on the research values of the cultural resource. Placement of overlying fill would preclude the opportunity for future investigations to determine the way in which the portions of CA-SBA-56 to be buried are related chronologically and



functionally to the central midden area and the intermediate artifact scatter to the south. This indirect impact can be mitigated through implementation of a limited Phase 3 Data Recovery investigation to obtain a systematic sample of prehistoric remains from the low density artifact scatter. The physical extent of this investigation would be limited by the lower density of cultural remains in this area, relative to that of the central midden at CA-SBA-56, and by the availability of previous research from the Phase 3 Data Recovery Program for the Willow Springs II project immediately to the south.

Mitigation Measures. The following measures would address areas of intact CA-SBA-56 deposits where proposed ground disturbances cannot be feasibly avoided. These measures are consistent with conditions of approval for the Willow Springs II project, where relevant.

CR-1(a) Limited Phase 3 Data Recovery. The applicant must provide a Phase 3 Data Recovery Program Plan developed by a City-approved archaeologist for excavations at the low density artifact scatter at CA-SBA-56.

Plan Requirements: The Phase 3 plan must be prepared in accordance with the City of Goleta's *Environmental Thresholds and Guidelines Manual*, Open Space Element Policy 8.5, the California Office of Historic Preservation's (1990) *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*, and CEQA § 21083.2 and CEQA Guidelines § 15126.4(b). The plan must include:

- *Research design;*
- *Discussion of relevant research questions that can be addressed by the CA-SBA-56 resources;*
- *Methods used to gather data, including data from previous studies;*
- *Laboratory methods to analyze the data;*
- *An assessment of artifacts recovered and any corresponding field notes, graphics, and lab analyses; and*
- *Results of investigations.*

The plan must provide for a systematic sample of the area to be capped, such that the research value of the deposit is adequately characterized.

The Phase 3 must be funded by the applicant and must be prepared by a City-approved archaeologist. The Phase 3 must be documented in a draft and final report and must be reviewed and approved by a City-retained archaeologist. Pursuant to City Cultural Resource Guidelines, the final report, archaeological collections, field notes, and other standard documentation must be permanently curated at the UCSB Repository for Archaeological Collections.

The Phase 3 must specify that a Chumash Native American observer must be retained by the applicant to observe all excavation activity associated with the Program. The observer must maintain daily notes and documentation necessary, and provide the observation notes and documentation to all interested Chumash representatives who request to be informed of the Phase 3 excavation progress.



Timing: A Phase 3 research design prepared pursuant to City of Goleta's *Environmental Thresholds and Guidelines Manual*, and a copy of a contract (including a detailed scope of work) between the applicant and a City-approved archaeologist and Chumash Native American observer for the Phase 3 program, and the subsequent draft and final Phase 3 report, must be reviewed and approved by the City and City-retained archaeologist (funded by the applicant) before recordation of the final map. The applicant must provide a bond subject to City approval to the City for completion of the Phase 3 program that must be released upon completion of the Phase 3 mitigation and all contract requirements as determined by the City in writing. All excavation and curation requirements must be met prior to issuance of any Land Use Permit for grading. The Phase 3 excavation must be undertaken before placement of fill over the low density artifact scatter.

Monitoring: The Phase 3 Data Recovery Program must be submitted for approval by the City and City-approved archaeologist before the applicant records a final map. City staff and the City-retained archaeologist must periodically site inspect to verify completion of the Phase 3 field work. The City-retained archaeologist must review and approve the draft and final Phase 3 reports. The applicant must provide the City with a letter from the UCSB Repository for Archaeological Collections indicating that all required materials have been accepted for curation.

CR-1(b) Surface Preparation and Fill Soils within CA-SBA-56. Preparation of the ground surface and the placement of fill soils within the CA-SBA-56 boundary must adhere to the following requirements:

- *Systematically collect all diagnostic artifacts on the ground surface;*
- *Remove all organic material from the archaeological site surface by hand (including brushing, raking, or use of power blower);*
- *Place a layer of geotextile fabric over all archaeological site areas to receive fill;*
- *Use fill soils within 1 pH of that identified in the low density artifact scatter soils, as evaluated in the field prior to construction;*
- *Use a contrasting color for the lower six inches of fill soils, signaling to any future sub-surface activity (e.g., landscaping activity) that excavation shall not extend deeper; and*
- *Place the fill soils ahead of the loading equipment so that the machine does not have contact with the archaeological site surface.*
- *Moisten fill soils sufficient so that they are cohesive under the weight of the heavy equipment as the material is spread out over the archaeological site and buffer area.*

Plan Requirements and Timing: Before the City issues any grading permit, the Planning and Environmental Review Director must approve a Construction Monitoring Plan prepared by the applicant. Plan specifications for the monitoring must be printed on all plans submitted for grading, landscaping, and building permits. The applicant must enter into a contract



with a City-approved archaeologist and an applicant selected Chumash Native American observer(s) and must fund the provision of on-site archaeological/cultural resource monitoring during initial grading and excavation activities prior to any LUP issuance for grading.

Monitoring: The Planning and Environmental Review Director, or designee, must approve the 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(c) Excavations within Low Density Artifact Scatter. Excavations for all landscaping and recreational improvements within the low density artifact scatter cannot encroach within six inches of the existing ground surface.

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any LUP for grading. The area where excavations would not encroach on the low density artifact scatter as specified herein must be clearly marked on the plans.

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

CR-1(d) Monitoring. Before initiating any staging areas, vegetation clearing, or grading activity, the applicant and construction crew must meet on-site with a City-approved archaeologist and appropriate local Chumash consultant(s) and present the procedures to be followed in the unlikely event that cultural artifacts are discovered on site. If cultural resources of potential importance are uncovered during construction, the following must occur per the Goleta General Plan Open Space Policy 8.6:

- 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 appropriate Chumash representatives.

A City-approved archaeologist and local Chumash consultant must monitor all ground-disturbing activities on the Project site, including surface vegetation removal and the Phase 3 Data Recovery Program. The monitor(s) must have the following authority:

- 1) The archaeological monitor(s) and Chumash 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 continue their



duties until it is determined through consultation with the applicant, City Planning and Environmental Review Director or designee, archaeological consultant, and Chumash consultant that monitoring is no longer warranted;

- 2) The monitor(s) may halt any activities impacting previously unidentified cultural resources and conduct an initial assessment of the resource(s);
- 3) 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;
- 4) If a feature or concentration of artifacts is identified, the monitor must halt activities in the vicinity of the find, notify the applicant and the Planning and Environmental Review Director or designee, 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);
- 5) The monitor must prepare a comprehensive archaeological technical report documenting the results of the monitoring program and include an inventory of recovered artifacts, features, etc.;
- 6) The monitor must prepare the artifact assemblage for curation with an appropriate curation facility (e.g., UCSB or local Chumash facility) and include an inventory with the transfer of the collection; and
- 7) The monitor must file an updated archaeological site survey record with the UCSB Central Coastal Information Center.

Plan Requirements and Timing: This requirement must be printed on all plans submitted for any land use, building, grading, or demolition permits. The applicant must enter into a contract with a City-approved archaeologist and applicant-selected Chumash consultant and must fund the provision of on-site archaeological/cultural resource monitoring during initial grading and excavation activities before issuance of a land use permit. Plan specifications for the monitoring must be printed on all plans submitted for grading, and building permits.

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

CR-1(e) Continued Chumash Consultation. Previous Chumash consultation with the City of Goleta and Project applicant resulted in the archaeological site CA-SBA-56 being identified as important to the Chumash community. Continued Chumash consultation must occur throughout the remainder of the Project including any design changes, alternatives analysis, or mitigation measure implementation to ensure that impacts to CA-SBA-56 are mitigated in a manner that would be respectful of the site's Chumash heritage.

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



Monitoring: The Planning and Environmental Review Director or designee must check plans before the City issues a land use permit and must spot check in the field throughout grading and construction.

CR-1(f) Human Remains. Before initiating any staging areas, vegetation clearing, or grading activity, the applicant and construction crew must meet on-site with a City-approved archaeologist and appropriate local Chumash consultant(s) and present the procedures to be followed in the unlikely event that human remains are uncovered. These procedures must include those identified by Public Resources Code § 5097.98. In addition, a satisfactory disposition of the remains must be agreed upon by the City-approved archaeologist and appropriate local Chumash consultant(s) so as to limit future disturbance. If the remains are determined to be of Chumash descent, the County Coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Chumash, who will then help determine what course of action should be taken in dealing with the remains.

Plan Requirements and Timing: Before the City issues grading permits, the applicant must provide the City Planning and Environmental Review Director or designee the contact information of the Chumash consultant and the agreed upon procedures to be followed. In the event that remains are found and if the remains are found to be of Chumash origin, the County Coroner will notify the Native American Heritage Commission and the Commission will name the Most Likely Descendant (MLD). The MLD, consulting archaeologist, applicant, and City Planning and Environmental Review staff will consult as to the disposition of the remains. If the remains are identified as non-Chumash, the County Coroner will take possession of the remains and comply with all state and local requirements in the treatment of the remains.

Monitoring: The Planning and Environmental Review Director or designee must confirm that the County Coroner is notified in the event human remains are found, and that the Native American Heritage Commission is contacted if the remains are of Chumash origin.

Residual Impact. With implementation of the above mitigation measures, potential impacts to known and as-yet undetected archaeological resources would be reduced to a less than significant level.

Impact CR-2 **The Project would result in a permanent reduction in the heritage value associated with a known undisturbed human burial site located at the low density artifact scatter. This would be a Class I, significant and unavoidable impact [Threshold 4].**

As described above, an intact undisturbed human burial was identified at the low density artifact scatter in 1996. The area in which the human burial was identified is located within the proposed native plant landscape located in undulating hummocks, to avoid future foot traffic over this particularly sensitive location.



The heritage value of a resource is dependent on the values placed on the resource by culturally affiliated descendent communities. These values will vary based on the descendent community but may include the resource's ability to expand traditional knowledge, contribute to religious practices, or represent a sacred location. Other values placed on a resource may include aesthetic value, artistic value, or scientific/research value. Burial sites are often considered sacred to traditional communities, including Native Americans. Descendent communities may view disturbances to a known burial site as diminishing the heritage value of the site. The City sent a certified letter on November 23, 2015 to a representative of the Coastal Band of the Chumash Nation pursuant to consultation under SB 18. The City made several attempts to contact the tribe and arrange a meeting regarding the Project and its potential effects on CA-SBA-56. The November letter requested a response from the tribe within 30 days (December 23, 2015) and no response was received during this period. However, a previous project (Willow Springs II) also had the potential to impact site CA-SBA-56. During the Willow Springs II project, the Coastal Band of the Chumash Nation and the Santa Ynez Band of Chumash Indians stated that CA-SBA-56 was important to their heritage and that the integrity of CA-SBA-56, or lack thereof, does not affect the heritage value of a resource to the Chumash community (Envicom Corporation 2012). The Chumash community also stated during the Willow Springs II project, that a single reburied femur bone contained heritage value to their community (Envicom Corporation 2012). Based, on these past consultation efforts, the Project's intent to permanently cap CA-SBA-56 would unavoidably alter the setting of the resource, causing a significant impact to the heritage value of this resource.

Mitigation Measures. Mitigation Measures CR-1(a) through CR-1(f) would reduce the Project's impact on the research value of this cultural resource. However, the heritage value of CA-SBA-56 would be unavoidably impacted through alteration of the setting.

Residual Impact. Because of the direct impacts to a Native American site with a known human burial, there is a potential to impact the heritage value of this known resource. Therefore, Impact CR-2 would remain significant and unavoidable.

Impact CR-3 **Excavations in the low-lying areas surrounding the elevated knoll have low potential to contribute to the understanding of CA-SBA-56 occupations. This would be a Class III, less than significant impact [Threshold 2].**

Proposed improvements would result in ground disturbance in the low-lying areas surrounding the elevated knoll. Excavations would extend up to five feet below grade for two bioretention basins and three feet below grade for two bioswales. Four residential buildings with two-foot-deep foundations would also encroach on the low-lying area soils. In addition, landscaping with ornamental trees, shrubs, and turf, as well as irrigation, would require excavations up to two feet deep. However, the low-lying areas have sparse or no cultural remains, based on the findings of Extended Phase 1 and Phase 2 archaeological investigations. Any cultural remains in the low-lying areas have been determined from the Extended Phase 1 and Phase 2 archaeological investigations to have low potential to contribute to the understanding of CA-SBA-56 occupations and are not significant cultural resources pursuant to the CEQA Guidelines and the City's Environmental Thresholds and Guidelines Manual.

Mitigation Measures. Mitigation is not required because this impact would be less than significant.

Residual Impact. This impact would be less than significant without mitigation.



c. Cumulative Impacts. Cumulative development in the Goleta Valley would continue to disturb areas that may potentially contain cultural resources, including archaeological resources. Two approved projects, the Marriott Residence Inn and Cortona Apartments, are known to involve impacts to cultural resources. However, all potential development sites in the City are considered sensitive for archaeological resources due to their location adjacent to the Goleta Slough. Existing City policies and regulations would protect any unknown resources that might be uncovered in the course of project development. As discussed in Section 4.4.1, *Setting*, City policies require protection of cultural resources through, among other techniques, appropriate site design, monitoring of grading activities in archaeologically sensitive areas, avoidance or/ or capping of identified resources, and coordination with Chumash representatives. While there is the potential for significant cumulative impacts to cultural resources within the Goleta Slough area, it is anticipated that potential impacts associated with individual development projects will be addressed on a case-by-case basis in accordance with City requirements.

CA-SBA-56 has been subject to previous impacts resulting from the development of the Willow Springs I and Willow Springs II projects. While environmental review of these previous projects determined that impacts to this resource were reduced to a less than significance level through mitigation, the cumulative impact to the heritage value of CA-SBA-56 as a whole is potentially significant. Pursuant to CEQA Guidelines § 15355, cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. As discussed above, the Project's impacts to cultural resources related to CA-SB-56 would be significant and unavoidable. Therefore, cumulative cultural resource impacts would be significant and unavoidable.

