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6/24/2020

Governor's Office of Planning & Research

Jun 22 2020

June 19, 2020

STATE CLEARINGHOUSE

Jaime Valdez, Principal Project Manager
City of Goleta
130 Cremona, Suite B, Goleta, CA 93117

Re: GOLETA TRAIN DEPOT PROJECT 27 S. La Patera Lane; APN 073-050-033

Respectfully, Mr. Valdez,

Thank you for the opportunity to comment on the above referenced project. My name is Frank Arredondo. I am of Chumash decent. I am a member of the Native American Heritage Commission Most Likely Descendants List (MLD) for the Chumash Territory and listed on the Native American Contact/Consultants list for Santa Barbara County. I have been working in Cultural Resource management for over 14 yrs. now. My comments today are of my own.

Being of Native American descendant, from the Chumash territory, I have a strong vested interest in the activities that take place in my ancestral homeland. Over the years I have provided comments on several projects in the surrounding areas that have/or have the potential to impact cultural resources. I've been an advocate for the preservation of those Cultural Resources as well as placing an emphasis on local governments adhering to policies and procedures and laws that have been established by all forms of Government. To this end, with my education and vast experience I've acquired under the subject, I have become a bit of an expert. I hope that you will take my comments seriously.

This project is located in an area that I have worked in a great detail, over the past 14 years. I hope that you find my comments relevant and pertinent and assist in the direction going forward.

I thank you for taking the time to review my comments.



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Introduction

This is a review of the Cultural resources Assessment report that was provided for public review by the City of Goleta in proposition of the Goleta Train Depot project. This review is contrasted against the Secretary of the Interior Standards of Archaeological Documentation.

(https://www.nps.gov/history/local-law/arch_stnds_0.htm)

The practice of CRM archaeology in California is lightly regulated through local agency policies and ordinances. The result has produced two types of studies to address the potential to impact Cultural Resources under CEQA. Studies that are deficient under CEQA and studies that are held to high standards found under Federal laws are often the two types that are produced in CRM Archaeology.

Typically, a study that is deficient will have inadequate documentation carried out by unqualified individuals for such criteria of work. Pre-fieldwork plans, field survey coverage that is inadequate, partite study's being carried out unnecessarily and not vetted for errors.

Inadequate consultation with Native American Tribes, other descendant groups and stakeholders not frequently consulted, or inadequately consulted during all phases of archaeological work often take place in deficient CRM-archaeology reports.

Often times this deficiency is allowed to be carried out when it is overseen by unqualified public officials who do not have the appropriate training to recognize deficient archaeological practices. These deficiencies tend to show up in the documents used to support the CEQA-mandated requirements for studies. They cover fieldwork, research, reporting and curation.

The public officials often lack the appropriate training especially when a local government agency has failed to implement ordinances or regulations that they are required to so that they can be in compliance with Federal and State laws that have passed.

Studies carried out to address CRM-archaeology result in the characterization of a region's cultural setting. The technique and level of effort that is made directly relate to the management needs and preservation goals. The stronger the effort put into the archaeological reporting process increases the potential for preservation of resources.

This report addresses several issues found in the City of Goleta review of Cultural Resources. It has been contrasted against the high standards found under federal law and has proven to be very deficient in its review of resources of the area. Not only the report but the activities or lack of qualified activities by the City of Goleta to adhere to State and Federal laws is a major part of this deficiency. A primary failing of the City of Goleta is the lack of ordinances in its review of cultural resources for this project. Several recommendations for improvement are provided throughout this document in the hope that they will be adopted.



AB 52, Initiation of Tribal Consultation.

“The Trigger”

Agency responsibility to notice Tribes when they embark on a project.

The City of Goleta was required to initiate AB52 consultation the moment that CEQA requirements applied to Government actions. Here is a breakdown of the events that took place before proper notice was issued.

In 2018 the Santa Barbara County Association of Governments (SBCAG) received a grant for the development of a new train station. It required that a Station Area Master Plan (SAMP) be carried out first. In January of 2019 the City of Goleta approved an agreement with Rincon Consulting for the preparation of the SAMP.

In December Rincon Consultants carry out a Cultural Resource Assessment for the City of Goleta. The first date listed in this document is December 10th, 2019 where Rincon Consultants submit a Sacred Lands File request with the NAHC, the next day December 11th a field survey and then on December 12th a records search request with the Central Coast Information Center (CCIC).

On February 4th 2020 the SAMP was adopted by the City council. Staff believed this was the time to initiate Tribal Consultation and on February 8th requested the official Tribal Consultation list from the NAHC. This list was received on February 11th and notices to Tribes were sent out on February 13th.

The rationale for initiating Tribal consultation in February 2020 was due to the belief that this proposal did not come with “a land use entitlement application”. In addition, the City of Goleta felt for this proposal to fit the criteria of a “project”, needed to be based on the support of the “goals, objectives, and desired amenities/features”, and that would be included in the SAMP. This is incorrect when the proposal is Government “initiated”.

Government-initiated proposals and the CEQA related requirements are embedded in numerous regulations and laws. This covers the activities and projects:

- 14 CCR § 15002(b)(1)-(2). CEQA requirements apply to government action including “activities directly undertaken by a governmental agency, activities financed in whole or in part by a governmental agency...”
- 14 CCR § 15378 § 15378. Project.(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.



Assembly Bill 52 (Chapter 532, Statutes 2014) Tribal Cultural Resources, aka, “AB52”.

Currently the way that AB52 is written it does not address “Government Initiated” activities directly it requires local governments to “build on” the already SB-18 Tribal Consultation and notification practices and ensure that local Governments comply with the requirements of both statutes.

AB52 TEXT – Applicability to both statutes & notification

- Since 2004, cities and counties have had to consult with California Native American Tribes before adoption or amendment of a general plan, specific plan or designation of open space. (Gov. Code, § 65352.4., "Senate Bill 18" (Burton, Chapter 905, Statutes of 2004).) The Tribal Consultation Guidelines explain those requirements in detail. The new requirements in the Public Resources Code do not change those ongoing responsibilities. In instances in which the requirements of both the Government Code and the Public Resources Code apply to a project, while there may be substantial overlap, the lead agency must ensure that it complies with the requirements of both statutes.
 - PRC 21080.3.1.(d) Within 14 days a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the Tribes listed on the NAHC contact list.

Senate Bill No. 18 CHAPTER 905 Burton. Traditional tribal cultural places. Aka “SB-18 TRIBAL CONSULTATION GUIDELINES”

What Triggers Consultation?

- Government Code §65352.3 requires local governments to consult with tribes prior to the adoption or amendment of a general plan or specific plan proposed on or after March 1, 2005. Local governments should consider the following when determining whether a general plan or specific plan adoption or amendment is subject to notice and consultation requirements:
 - In the case of a general plan or specific plan amendment initiated by the local government, any proposal introduced for study in a public forum on or after March 1, 2005 is subject to Government Code §65352.3. A legislative body must take certain actions to initiate, or propose, a general plan or general plan amendment. These actions must be taken in a duly noticed public meeting, and may include, but are not limited to, any of the following: **appropriation of funds, adoption of a work program, engaging the services of a consultant, or directing the planning staff to begin research on the activity.**

Admittedly the section cited above is based on General Plan or specific plan amendments but they clearly define what “actions” are triggers to initiate consultation when a proposal is Government initiated.



Based on the information obtained till now the best estimate of when “activities” were undertaken by the City of Goleta that would trigger “initiation” can be tied to the “appropriation of funds, adoption of a work program, engaging the services of a consultant, or directing the planning staff to begin research on the activity.”

. These Six (6) activities constitute the process of project development:

1. Government activity financed in whole, (Grant 2018)
2. A decision to undertake a SAMP, (2018 -2019?)
3. Whole of an action, (The concept SAMP to Train Depot)
4. Work program, (Planning & Organizing)
5. Engaging the services of a consultant, and (January 2019)
6. Directing staff to begin research on the SAMP. (2018/2019?)

The only certain date that can be established at this point is January 2019 when the City Council took action to approve an agreement for a consultant to be contracted, Rincon Consultants was contracted to carry out the preparation of the SAMP. This is the “*Trigger*” to initiate AB 52 Consultation. The City of Goleta delayed initiation notifications for over 13 months.

With regards to a Government initiated activity CEQA, AB52 SB-18 does not require the local government to have “goals, objectives and desired amenities/features” in place before they decide to initiate tribal consultation. Local Government is required to create ordinances to address the preservation of cultural resources. This brings up a most disturbing situation with this project and the local government inability to carry out the laws that have been passed to preserve cultural resources.

As noted in the Rincon Consultants Cultural Resource Assessment report section - 2.5 Local Regulations, the City of Goleta does not currently have “historic preservation/historic resources ordinance in place”.

If the City of Goleta had included ordinances to implement the requirements of “Senate Bill 18” (Burton, Chapter 905, Statutes of 2004) they would have been up to date on the use of the Tribal Consultation Guidelines and the process for Government Initiated proposals.



COMMENTS AND ISSUES RAISED

"The Report"

This covers the key points in the Cultural Assessment Report that are in contention. Comments are indicated with the ■ symbol. References that support comments are listed as "See Section..."

Executive Summary – Goal is to Identify and Evaluate

- Purpose and Scope
 - The Cultural Resource Assessment states "This study includes...Assembly Bill 52 (AB 52) consultation,"
 - A Cultural Resource Assessments prepared by a consultant, does not have the responsibility or authority to carry out the requirements in this bill. It is strictly for Government to Government activities between Tribes and Local government. Inclusion of this bill in any reference to reports should not be included. Otherwise it makes an implication that Cultural Resource Assessments carried out by a contractor have something to do with AB 52. (See Section 2. "Needed Data" & Section 3. "Other Individuals")
- Dates of investigation
 - December 10 NAHC contacted & request for SFL & AB52 list
 - A consultant conducting a review of resources in a specified area is not limited to outreach to any and all "interested parties", an effective outreach will include multiple sources and many parties for information about a resource. Doing the due diligence in background research is always a good thing. (See Section 3. "Other Individuals")
 - December 11 Field survey conducted by Historian
 - Field survey conducted before records search. This is a practice that leads to negative finds, improper characterization of an area. Does not adhere to the best management practices of the Secretary of the Interior guidelines to proper production of the Archaeological record.
 - Field survey not carried out by a qualified Archaeologist
 - No archaeological survey carried out as stated in Rincon report
 - (See Section 1. "The Standards")
 - December 12 Archaeological records search requested
 - All records search and Background work should have been conducted first in order to follow the Secretary of the Interior' Guidelines for Archaeological Documentation. (See Section 1. "The Standards")
 - December 19 letter sent to contacts on AB52 list.
 - A consultant conducting a review of resources in a specified area is not limited to outreach to any and all "interested parties", an effective outreach will include multiple sources and many parties for information about a resource. Doing the due diligence in background research is always a good thing.



- Tribes understand that Government to Government consultation is not about responding to a consultant. A consultant does not have the authority that a local government agency has. To engage in any form of consultation would mislead the consultant, the local government that any form of consultation is acceptable. Consultation is now defined legally under public Resources Code § 21080.3, I (a) and with a cross-reference to Government Code § 65352.3, § 65352.4, Government Code § 65562.5, which applies when local governments consult with tribes. Under CEQA, the only other time consultation is used is between a Responsible and Trustee Agencies (PRC Sections 21080.3) Consultants contracted to carry out any cultural resources review should not use the word “consult” or “consultation” because they do not retain any legal authority to carry out the current defined meaning under CEQA or under the current laws relating to Tribes. They should use “confer” or something related to denote the outreach to “interested parties”. A cultural assessment report falls under the General direction of the Secretary of the Interiors guidelines to archaeological documents, and those standards rely on the Section 106 process for conducting archaeological review.
 - (See Section 3. “Other Individuals”)
- Summary of Findings
- “Background research identified 91 cultural resources within 0.5-mile search radius”
 - Actual count of the listings in “Table 1 Previously recorded Cultural Resources within 0.5-mile radius of the project site” is 68. The author has increased the amount of reports by 23 reports not listed in Table 1. (See Section 4. “Data”)
 - “No reply from Native American Contacts specific to SLF results”
 - As stated above- a consultant should not only seek information from Native American contacts specific to SFL search results. They should be doing outreach to all “Interested parties”. (See Section 3. “Other Individuals”)
 - “Ethnographic settlement patterns”
 - No descriptive information is presented, no time period referenced is presented. This is a vague statement and should not be the bases of a summary finding unless it is defined. Unless this statement is an argument that the Chumash only settled on the south sides of a hill side and not a norther side where the train depot is proposed? (See Section 1. “The Standards”)
 - “Existing level of ground disturbance”
 - Most of the parcel is paved with blacktop parking lot. Construction standards for parking lot pavement thickness is 6” below the surface with 4” inches of aggregate base. Overall surface disturbance is likely to be 10” at most. In this region cultural resources have been known to be found at depths 18” below the surface and up to 4feet below. Recently a burial ground was located 3 feet below a paved roadway and was dated to be over



6 thousand years old. The only meaningful ground disturbance observed for this project is the area of the loading docks which would have required extended depths to create. (See Section 1. "The Standards")

- "Results of records search"
 - Results of the records search is flawed. (See Section 4. "Data")
- "Pedestrian survey results"
 - Survey was not conducted by an archaeologist (Section 5.1-Methods, page 40),
 - Rincon admits no archaeological report carried out. (Section 5.1-Methods, page 40)
 - Survey done before background or records search was done- Does not adhere to the best management practices of the Secretary of the Interior guidelines to proper production of the Archaeological record.
 - (See Section 1. "The Standards")
- "Low potential for subsurface archaeological resources"
 - Basis for this conclusion is flawed due to previous steps and standards not followed. Approximately 98% of the property is covered and according to the best management practices of the Secretary of the Interior guidelines to proper production of the Archaeological record. Shovel test units should have been conducted to characterize the subsurface soil context. (See Section 1. "The Standards")
- Recommends mitigation measure
 - The report never states what the mitigation measure is they are suggesting.
- "The project is also required to adhere to regulations regarding the unanticipated discovery of human remains, detailed below."
 - This statement should not be included in this section or paragraph. It is misleading being so close to the CEQA guidelines 15064.5. to the uninformed this is misleading.
- Unanticipated Discovery of Cultural Resources
 - This section is not a Mitigation measure but a protocol required by law to follow in the event of a discovery. This section should be given its own section and not associated with mitigation measure cited just before this section.

1.Introduction

- "This assessment was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA) and includes...consultation with Native American groups..."
 - Contractors do not engage in the legal term under CEQA of "consultation". This should not be a part of the assessment report as stated above. Appropriate terms would be conferral with interested parties including Native Americans.
 - (See Section 3. "Other Individuals")



1.2 Project Description

- Offsite construction activities and improvements
 - The survey does not address these impacts or makes any discussion about it.
- Restroom, showers, sewage lines
 - None of these are discussed relative to the subsurface impacts they will cause and the potential for cultural resources.
- Turnaround location
 - No research material is provided that addresses the location of this work. Relevant field studies that indicate subsurface conditions in all potential locations should be used to determine the extent of resources.
- Roadway and Sidewalk improvements
 - Previous studies 1,065 feet (0.20) required these types of work be monitored for the potential of subsurface resources.

2.4 Assembly Bill 52

- The inclusion of this section is misleading. As required by ARMOR, reports need to include the laws that apply to the project. If the rationale was to make this section of the report follow those directives then it would seem more relevant to include laws and regulations that apply to this report and those activities that this consulting firm is associated with. AB 52 has nothing to do with the creation of a cultural assessment report. (See Section 2. "Needed Data")

2.4.1 Pertinent Federal and State laws

- This section is completely missing. (See Section 2. "Needed Data")

2.5 Local Regulations

- "The City of Goleta does not currently have historic preservation/historic resources ordinances in place."
 - In 2004, SB-18 was passed into law and its effective date was March 5th 2005. Since then the City of Goleta was required to comply with the new law. Local government typically create ordinances in order to assure that staff make this part of the review and verification of being followed according to the law. 14 years has passed and the City of Goleta has failed to pass ordinances that address cultural resources which fall under prehistoric/historic categories.

4. Background Research. The purpose was to identify and evaluate.

4.1 California Historical Resources Information System

- Previous Studies
 - "CCIC records search identified 124 previously conducted cultural resource studies within a 0.5-mile radius." (See Section 4. "Data" for all below)
 - That statement is not correct. The correct number based on review of CCIC "Report List", "Resources List" provided in Appendix A, is 141 previously



conducted cultural resource studies. A number count was done. (covered in extensive detail later in this report.)

- Using the CCIC “Resource List” which identify the reports associated with each “primary number” recorded site number. A total of 77 studies were counted. 9 more studies than the 68 studies listed in the Appendix A, “table 1 Previous Cultural Resources Studies with-in 0.5-mile radius of the project site” location. (covered in extensive detail later in this report.) This is an error in the Rincon report calculation of Table 1.
- Of the 77 reports identified, 17 reports listed on the “Resource list” are not listed in the “Table 1 Previous Cultural Resources Studies in 0.5-Mile radius.” These 17 reports have no description and do not provide any information about what the type of study was conducted, just a SR number. (1 exception is a report SR-01082 which does show up in Table 1 with a description of the type of study work but this report does not show up in the “Report List”. This report is associated with resource CA-SBa-57, it does appear as a report associated and listed in the “Resources List.”) appears to be a CCIC database error.
 - This section provides the corrected process of identifying resources and studies associated with those resources. A review of the 14 recorded resources and previous studies associated with them within the 0.5-mile radius was done and a new relevant list brought the number of recorded resources to 8.(listed below) The new list of previous studies associated with the 8 resources was compared to the “Reports List” and “Resource List”, this provided a grand total of 80 studies relative to the 8 Resources. 21 of those studies are missing from the “Resource List” and Table 1 but do appear on the “Report List”. This leaves 59 studies with some description to use as a starting point to characterize the cultural setting of the area.
 - To further narrow down which studies to use several key indicators were used. The study description in Appendix A “Table 1 Previous Cultural Resources Studies within 0.5-mile radius of the project site”, “the Report List” title description, the distance from project location
 - 30 studies out of the 59 studies are relevant for use to characterize the area. Ironically 16 of these studies are approximately 55 feet to 1,500 feet from the project site.
 - These 30 studies focus on reports that involve the exposure of subsurface profiles. They include Monitoring reports, Phase II, III reports. All involve the witnessing of subsurface soils. Most cultural resources of the area are often found at about 18” below the surface. They can be thin layers or thick layers expanding as much as 3 to 5 ft thick based on duration of habitation. This approach is contrary to use of phase 1 studies and work located in the utility ROW listed by Rincon Consultants.
 - The importance of reviewing reports that are close to the project site help to provide a glimpse into the character of the area. More importantly using reports that provide information of the subsurface soils help in guiding researcher as to the type of habitation sites in the area. This in turn can influence the review of the project site location. (See Section 1. “The Standards”)



- “Ten studies include portions the project site and are summarized below”
 - These ten studies are poor examples used to characterize the area and the survey reports that have taken place. Other studies that include subsurface activities should have been used to characterize the area not surface surveys or where the majority of work is located in a utility ROW. It is misleading when a recorded site boundary is less than 400 feet away. Further more relevant studies should have been used. (See Section 4. “Data”)
- Previously Recorded Resources
 - “The CCIC records search identified 68 previously recorded cultural resources with-in a 0.5-mile radius of the project site, none of which were within or adjacent to the project site (Table1).”
 - As stated previously 14 resources were identified to be within 0.5-mile radius. After a closer review of the 0.5-mile radius 8 resources were more suitable and offer a relative example of characterization of the area. These 8 resources are: CA-SBA- 0056, CA-SBa- 0057, CA-SBa-58, CA-SBa-0059, CA-SBa- 002391, CA-Sba-01703, CA-SBa-0062, CA-SBa-1576. (See Section 4. “Data”)

4.3 Native American Outreach

- As stated previously, Rincon consultants had no limitation in using just the contact list obtained from the NAHC. They are not part of the AB52 process and have no requirement to provide any reference to that lay in this type of report. Of all the parties involved archaeologist goal is to adhere to the goals listed under the National Historic Preservation Act, in conducting outreach to sources of information that will assist in identifying potential resources as well as all parties of interest. In this area, the outreach they conducted was a failure. (See Section 2. “Needed Data” & Section 3. “Other Individuals”)

4.4 Archival Research Methods

- This activity was done after the field survey. This practice leads to limited skewed results when a surveyor goes out with no reference to what is known about the area.
- Historical review included the development and areas surrounding the APE, but why is this same methodology not applied to archaeological site?
- (See Section 1. “The Standards”)

5.1 Methods

- Survey method was carried out before the records search thus limiting the surveyor scope of review.
- Survey not conducted by archaeologist
- Rincon report states that No Archaeological sure was done.
- (See Section 1. “The Standards”)



5.2 Results

- Property Description (See Section 1. "The Standards" for all)
 - The property description is entirely focused on a historical building and its structure attributes. No focus on the type of foundation and depth potential of subsurface disturbance activities.
 - Concrete foundation
 - The building is only stated as having a concrete foundation. No detailed information from the survey as to the possible depth of the concrete slab. 2inch, to 8 inches...etc. given the structure that is described it appears to be a low-level load bearing building that wouldn't necessitate a very thick concrete slab to be used. This becomes an important factor when discussing subsurface resources at 18 inches below the surface.
 - Concrete loading dock
 - This loading dock would have required depths of soil disturbance that would meet or exceed 4 feet below the surface. This is only on one side of the property.
 - A photo of the area elevation would assist in determining the amount of disturbance through development of the hill and the surrounding area has taken place as opposed to viewing the structure asthenic designs. Most development projects tend to use the landscape as it than trying to reshape and reform it to meet its development project.
 - The parking lot was not discussed and the amount of subsurface potential was not mentioned.
- Development History
 - Developed in 1966
 - No further development on this parcel, no CEQA review in the original development and no CEQA review since. For this reason alone, subsurface investigations should have taken place.
 - The train track platform is never discussed in any of this report. No information of when it was constructed and what type of CEQA review took place.

6. Findings and Recommendations

- "The cultural records search...identified 70 cultural resources (14 prehistoric-era archaeological sites...)"
 - The reference is incorrect again. 68 cultural resources were identified.
 - 14 are prehistoric sites, 1 historic era archaeological site, 53 historic era buildings and structures.
 - Rincon recommends mitigation but never states what that mitigation is.
- (See Section 4. "Data")



1. Standards for Archaeological Documentation, “The Standards”

This section is provided as a baseline of the type of study that should be produced to meet these standards. Using this information, a reader should then review the Cultural Assessment under this scope of standards. The City of Goleta and all archaeological consultants should adhere and follow this approach when addressing archaeological survey reports. Comments are made along this description to show how the current Rincon Cultural Assessment report and the City of Goleta fail to meet this standard.

Secretary of the Interior's Guidelines for Archeological Documentation, (https://www.nps.gov/history/local-law/arch_stnds_7.htm) provides guidance and Standards for Archeological Documentation and include specific technical information. Archeological documentation is a series of actions applied to properties of archeological interest. Documentation of such properties may occur at any or all levels of planning, identification, evaluation or treatment. The nature and level of documentation is dictated by each specific set of circumstances.

Archeological documentation consists of activities such as archival research, observation and recording of above-ground remains, and observation (directly, through excavation, or indirectly, through remote sensing) of below-ground remains. Archeological documentation is employed for the purpose of gathering information on individual properties or groups of properties. It is guided by a framework of objectives and methods derived from the planning process, and makes use of previous planning decisions, such as those on evaluation of significance. Archeological documentation comes with several standards to help accomplish this goal. Standards I to IV are covered in abbreviated form here.

Standards I to IV

Standard I, requires documentation follow the objectives that are identified by in the planning process by local governments. The planning needs are articulated in a statement of objectives to be accomplished by the archeological documentation activities. The statement of objectives guides the selection of methods and techniques of study and provides a comparative framework for evaluating and deciding the relative efficiency of alternatives. Satisfactory documentation involves the use of archeological and historical sources, as well as those of other disciplines. This is found in the ordinances created to address cultural resources. Without this in place the direction of Archaeological Documentation is at risk of failure.

- COMMENT - *The City of Goleta does not have any ordinances in place that lay out the objectives for archaeological documentation. Even though they have been legally required to implement SB-18, Tribal Consultation Guidelines Since 2005 they have yet failed to incorporate any ordinances to carry out this law for 14 years. The same is true with regards to AB52 passed in 2015.*

Standard II. The methods and techniques chosen for archeological documentation should be ones that are the most effective, least destructive, most efficient and economical means of obtaining



the needed information. Methods and techniques should be selected so that the results may be verified, if necessary.

- COMMENT - *These methods are currently left to the discretion of the contracted archaeologist to decide on which are most effective. No apparent method or technique was used in the production of the Cultural Assessment report for this project.*

Standard III. The Results of Archeological Documentation are Assessed Against the Statement of Objectives and Integrated into the Planning Process. One product of archeological documentation is the recovered data; another is the information gathered about the usefulness of the statement of objectives itself. The recovered data are assessed against the objectives to determine how they meet the specified planning needs.

- COMMENT - *Without established Objectives created by the City of Goleta ordinances, the results can never be assessed. No viable data is provided in the Cultural Assessment*

Standard IV. The Results of Archeological Documentation are Reported and Made Available to the Public. Results must be accessible to a broad range of users including appropriate agencies, the professional community and the general public. Results should be communicated in reports that summarize the objectives, methods, techniques and results of the documentation activity, and identify the repository of the materials and information so that additional detailed information can be obtained, if necessary. The public may also benefit from the knowledge obtained from archeological documentation through pamphlets, brochures, leaflets, displays and exhibits, or by slide, film or multimedia productions. The goal of disseminating information must be balanced, however, with the need to protect sensitive information whose disclosure might result in damage to properties.

- COMMENT - *The City of Goleta has only started to deploy reports like this one for public review and hopefully they continue this practice. This Standard has been met.*

Archeological Documentation Objectives

The term "archeological documentation" is used here to refer specifically to any operation that is performed using archeological techniques as a means to obtain and record evidence about past human activity that is of importance to documenting history and prehistory in the United States. Historic and prehistoric properties may be important for the data they contain, or because of their association with important persons, events, or processes, or because they represent architectural or artistic values, or for other reasons. Archeological documentation may be an appropriate option for application not only to archeological properties, but to aboveground structures as well, and may be used in collaboration with a wide range of other treatment activities.

If a property contains artifacts, features, and other materials that can be studied using archeological techniques, then archeological documentation may be selected to achieve particular goals of the planning process, within the overall goals and priorities established by the planning process, particular methods of investigation are chosen that best suit the types of study to be performed.

- COMMENT - *Currently this is left to the decision of the contracted Archaeologist. No Archaeological survey was conducted*



Documentation Methods

Archaeological Documentation involves several elements of activities that assist in the production of meaningful recommendations to support an operation using archeological techniques. In this review just the portions of a Phase 1 study documentation method are discussed since it is the only portion that is applicable to the current project report. They are broken down as follows:

STUDIES: Phase I – Inventory of Cultural Resources

- A Background Review Study
- A Records/Background search
- A Field Survey
 - A FIELD SURVEY (Techniques):
 - "Reconnaissance" and
 - "Intensive".
 - FIELD SURVEY (Methods):
 - Pedestrian,
 - STP's

RECOMMENDATIONS



STUDIES: Phase I – Inventory of Cultural Resources

Documentation methods fall under Three (3) Phases of studies. They are further defined through the implementation of Environmental Quality Act (CEQA). There are three studies phases of concern to the developer, landowner, and County or City Planning Agencies Only Phase 1 is covered here:

1. Phase I – Inventory of Cultural Resources
 2. Phase II – Evaluation of Cultural Resources
 3. Phase III – Treatment of Impacted, Significant Cultural Resources.
- *COMMENT - All of these phases should be implemented by a qualified professional archaeologist.*

Phase I – Inventory of Cultural Resources

This phase generally involves three steps:

- A Background Review Study & Records/Background search
- A field Survey
- A written report

In addition, conferral with local California Native Americans and “interested parties” is highly recommended.

Background Review Study:

Archeological documentation usually is preceded by, or integrated with historical research (i.e. that intensive background information gathering including identification of previous archeological work and; gathering relevant data on geology, botany, urban geography and other related disciplines; archival research; informant interviews, or recording of oral tradition, etc.)

Depending on the goals of the archeological documentation, the background archeological research may exceed the level of research accomplished for development of the relevant prehistoric contexts or for identification and evaluation, and focuses on the unique aspects of the property to be treated. This assists in directing the investigation and locates a broader base of information than that contained in the property itself for response to the documentation goals. This activity is particularly important for archeological resources where information sources other than the property itself may be critical to preserving the significant aspects of the property. (See the Secretary of the Interior's Standards and Guidelines for Historical Documentation for discussion of associated research activities.)

A Background Review study of archaeological documents may yield information on the specific locations of particular archaeological sites, but this is not its most important purpose. The major function of background research is to allow the development of expectations about:

- a. What kinds of sites may be expected in the study area?
- b. What environmental, social, and historical factors may have influenced their distribution, and hence in what sorts of locations can they be-expected?
- c. What they will look like if they are found?



- d. What cultural processes and patterns do they reflect, and hence what is their possible significance for research?
- e. What other social or cultural values may be attributed to them above and beyond their research value?
- f. What special kinds of expertise, or special methods, maybe required to locate, identify and evaluate them?

A basic understanding of the available ethnographic and archaeological literature on the area is vital to the success of the survey. Background documentary research is an essential part of any survey program, but unless it reveals that the area has been subjected to highly intensive archaeological survey, or that archaeological sites could not exist there, it cannot eliminate the need for some type of inspection in the field. (The Archaeological Survey: Methods and Uses, by Thomas F. King 1978)

Records/Background Search

A subset of a Background review is an archaeological Records search (aka, Records/Background search) This process is much more narrowed than the Background review and primarily focuses on the archaeological documents that may yield information on the specific locations of particular archaeological sites in the project area.

This records/background search will minimally determine the following:

- Whether a part or all of the project area has been previously surveyed for cultural resources;
- Whether any known cultural resources have already been recorded on or adjacent to the project area;
- Whether the probability is low, moderate, or high that cultural resources are located within the project area; and,
- Whether a field survey is required to determine whether previously unrecorded cultural resources are present.
- Identify Area of Potential Effect (APE).

Records/Background research is a necessary component to fieldwork and allows the researcher to form a basic understanding of the environmental, geological and cultural history of the region and project area. Preliminary records/background searches also serve as the basis for developing archaeological and historical contexts for the region under study. A thorough knowledge of previously recorded cultural resources and environmental characteristics of a region or project area allows the researcher to formulate predictions for the types of archaeological sites that might be encountered during fieldwork. Through a synthesis of this information, A Background Review study & Records/Background search aid in strategies for conducting fieldwork and how they may be developed and implemented. All consultants conducting archaeological investigations in review and compliance-related cultural resource inventory projects must conduct a Background Review study & Records/Background search PRIOR to initiating fieldwork for this to be successful.

- *COMMENT - Rincon Consultants carried out the field survey first then submitted a records search after the field study was done. The field study was not an archaeological field study, neither "reconnaissance" or "intensive" in techniques since it was not carried*



out by a professional trained archaeologist. The focus appears to be on historical building structure than archaeological. The Rincon Cultural Assessment report states (5.1 Methods) "a separate archaeological survey of the project site was not undertaken".

A FIELD SURVEY (Techniques)

"Reconnaissance" and "Intensive"

The implementation of the research design in the field must be flexible enough to accommodate the discovery of new or unexpected data classes or properties, or changing field conditions. Survey techniques may be loosely grouped into two categories, according to their results. "Reconnaissance and Intensive". The terms "reconnaissance" and "intensive" are sometimes defined to mean particular survey techniques, generally with regard to prehistoric sites.

First are the techniques that result in the characterization of a region's historic/prehistoric properties. Such techniques might include "windshield" or walk-over surveys, with perhaps a limited use of sub-surface survey. This kind of survey is termed a "reconnaissance."

Reconnaissance survey might be used when gathering data to refine a prehistoric context—such as checking on the presence or absence of expected resource types, to define specific prehistoric resource types or to estimate the distribution of prehistoric resources in an area. The results of regional characterization activities provide a general understanding of the prehistoric resources in a particular area and permit management decisions that consider the sensitivity of the area in terms of prehistoric preservation concerns and the resulting implications for future land use planning. In most cases, areas surveyed in this way will require resurvey if more complete information is needed about specific resources.

A Reconnaissance survey should document:

- The kinds of resources looked for;
- The boundaries of the area surveyed;
- The method of survey, including the extent of survey coverage;

The second category of survey techniques is those that permit the identification and description of specific resources in an area; this kind of survey effort is termed "Intensive." Intensive survey describes the distribution of resources in an area; determines the number, location and condition of resources; determines the types of resources actually present within the area; permits classification of individual resources; and records the physical extent of specific resources. An intensive survey should document:

- The kinds of resources looked for;
- The boundaries of the area surveyed;
- The method of survey, including an estimate of the extent of survey coverage;
- A record of the precise location of all resources identified; and
- Information on the appearance, significance, integrity and boundaries of each resource sufficient to permit an evaluation of its significance.



- COMMENT - *Due to the abundance of resources and studies located in close proximity to this project proposal an “intensive” survey technique should have been carried out even if the City of Goleta is lacking a statement of objectives to accomplished suitable archeological documentation activities. This was not done by Rincon Consultants and this was not vetted by the City of Goleta staff. No viable professional techniques could be observed with the report provided.*

FIELD SURVEY (Methods)

Planning Fieldwork, Pedestrian, STP's

Planning Fieldwork

In most instances, a field survey by a professional archaeologist will be required. The purpose of the field survey is to survey the entire property for cultural resources. A Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes. The use of specific field methods and techniques is dependent upon the type of ground cover present, the topographic setting, and the amount of observed disturbance in a given situation.

Five basic points should be kept in mind in planning fieldwork:

1. Fieldwork should make maximum use of background information.
2. The field team should include persons trained to recognize all the types of archaeological phenomena that are likely to occur.
3. It is often most effective to conduct the fieldwork in several stages of increasing intensity.
4. Field methods should be planned carefully to allow for environmental diversity.
5. Within reason, all ground surfaces should be inspected and subsurface exploration should be done if the surface is obscured or if buried sites are thought to be present.

It is a mistake to assume that the mere fact of urbanization means that no archaeological sites can possibly survive. The survival of archaeological sites in an urban environment depends on the construction history of the city itself. If the building has been constructed on shallow foundations, preservation of subsurface remains may be quite good. Background research is of crucial importance in an urban survey. (The Archaeological Survey: Methods and Uses, by Thomas F. King 1978)

- COMMENT - *This project current development status (completely paved lot from 1967) would have afforded two survey methods to be employed. Pedestrian and Shovel Test Probes. It is highly probable shallow foundation work took place here.*

Pedestrian Survey

A pedestrian survey is conducted over the entirety of the project area in order to determine the locations of above-ground resources and to determine the nature of physical and environmental aspects of the project area. Pedestrian survey transects shall be spaced at 10-15m intervals to



ensure proper ground surveillance. As survey is conducted, photographs of the survey area should be taken, and any above ground resources should be mapped.

- COMMENT - *In this project, specifically documentation of the building footprint against the contours of the existing slopes of the property would assist in determining the amount of 'cut' that has taken place during original construction activities. This is crucial to determining the extent of subsurface disturbances and what is know in the area about buried resources. For example, 6inch of surface disturbance would not be enough to impact subsurface resources 18" below the surface. The photos provided in the public document are focused at the building structure 'facing upwards'. This focus would support further investigations since approximately 98% of the parcel is covered by pavement.*

Shovel Test Probes

When ground cover exceeds 25%, shovel test probes (STPs), must be used to locate cultural resources. Shovel tests are used to define areas of low, moderate and high artifact densities in order to guide the placement of excavation units.

- COMMENT - *Since no ground disturbance activity has taken place on this parcel since 1967, and a majority of the parcel is only paved with blacktop parking lot which has a typical disturbance impact of up to 8' to 12" below the surface. The potential for subsurface resources are typically found 18" to 3' ft below the surface based on previous subsurface excavations located in the site record reports, is supported by the proximity of a recorded site boundary no more than 500 ft away and numerous recorded sites and survey reports that have been ignored in this review. Had Rincon conducted the records search and background review first this method may have been employed.*

RECOMMENDATIONS

Phase I Investigation

If data generated during a Phase I investigation clearly document the absence of cultural resources, or if identified cultural resources do not meet the criteria for eligibility to the National Register of Historic Places, then a recommendation of no additional work is appropriate. In order to reach this conclusion, reasons for the determination of ineligibility must be clearly stated. The recordation and documentation of such a site exhausts its research potential, therefore the project will have no effect on the site. If the research potential for a particular site has not been exhausted at the Phase I level, further archaeological investigations may be necessary. A number of factors and questions may be considered at this point, including site integrity, presence/absence of intact stratigraphic deposits, subsurface features, site location, and topographic setting. If the eligibility of an archaeological resource cannot be determined upon completion of Phase I investigations, then Presence/ Absence Phase 1.5 testing may be recommended. If avoidance is not a viable option, then Phase II investigations must proceed.



- COMMENT – *The research potential for a particular site has not been exhausted, the study conducted does not clearly document the absence of cultural resources.*
- *The Background Review Study was conducted sometime after the field study*
- *The Records/ Background search was done after the field survey*
- *The Field Survey (techniques) was not existent, no Reconnaissance, no Intensive*
- *The Field Survey (Methods) not carried out since no archaeological survey was done*
- Pedestrian, not carried out since no archaeological survey was done
- STP's, not done

Based on the faulty steps in the production of the Phase 1 survey, neither a reconnaissance, or intensive survey was ever conducted, the process of Archaeological Documentation is not evident.



2. AB 52 CITATION & PERTINENT LAWS

“Needed Data”

AB 52 Citation in this cultural assessment report.

The Office of Historic Preservation (OHP) developed some guidelines for the preparation and review of archaeological reports. They are called Archaeological Resource Management Reports (ARMR). (<https://ohp.parks.ca.gov/pages/1054/files/armr.pdf>).

These guidelines were developed to aid in the in the preparation of an archaeological report and review. The focus was on “needed data” to provide efficiency and utility. (They are just guidelines and do not come with any strict requirements under current law to be used.)

The guidelines were created to improve the quality of archaeology in California. Under ARMR, the recommended contents and format are provided as a guideline for preparation and review of archaeological reports. Several sections of ARMR outline the need for identification and indication of the pertinent laws should be included in a report.

- Cover letter D - To identify the law, regulation or agreement which document was prepared.
- Cover letter G - Indicate which actions are being requested under applicable laws
- V. Undertaking Information/Introduction, B - Explain why a study was undertaken and citing relevant Federal, State, and local laws

The inclusion of AB52 data in the Rincon Cultural Assessment report does not align with ARMR guidance. It is not classified as “Needed Data” since the law falls under requirements by a government body and not by a contracted consultant. (“Needed Data” refers to information required by regulatory or review agencies) AB52 does not require a cultural assessment report carried out by contracted consultant to be included in any review. It is the Local Government that is required to include AB 52 in its documents. The inclusion of this reference is not relevant and does not provide efficiency or utility.



Pertinent Laws

The appropriate and pertinent laws that a cultural assessment report that is carried out by a contracted consultant and follows the ARMR guidelines are Included below. This list includes relevant citations of Federal, State laws that should have been used to explain why this study was undertaken.

- National Historic Preservation Act 1966. Public Law 89-665: STAT. 915; U.S.C. 470, as amended by Public Law 91-243, Public Law 94-458, Public Law 96-199, Public Law 96-244, and Public Law 96-515.
- Protection of Historic Properties (36 CFR Part 800). Federal Register, Vol. 51, No.169. September 1986
- National Register of Historic Places (36 CFR part 60).
- National Register of Historic Places (35 CFR part 60 and 63). Proposed Rule. Federal Register, Vol 51, No. 150. August 5, 1986.
- Curation of Federally-owned and Administered Archaeological Collections (36 CFR 79). Proposed Rule. Federal Register, Vol, 52, No. August 28, 1987.
- Uniform Rules and Regulations: Archaeological Resources Protection Act of 1979(43 CFR Part 7). Federal Register, Vol. 43, No. 4. January 6, 1984.
- CEQA: California Environmental Quality Act Statues and Guidelines. Office of Planning and Research, Office of Permit Assistance, Sacramento, Ca 1986.
- California Health and Safety code, section 7050.5
- California Public Resource Code, Section 5097, PRC 5097.9 – 5097.96, PRC 5097.97, PRC 5097.98, PRC 5097.99, PRC 5097.993, PRC 5097.994, PRC 21083.2, PRC 218084.1.
- The National Environmental Policy Act (NEPA)



3. “C”onsultation, “c”onsultation,
“other individuals”

Various federal and state laws and regulations define the term “consultation” slightly different, but common among them is that consultation is a means between interested parties to obtain and consider views and to exchange ideas and information. Often consultation is a defined process to reach an agreement, a consensus, and/or an informed decision.

The Interaction between the federal government and federally recognized Indian tribes is referred to government-to-government consultation, or in the vernacular as “Consultation” with a capital “C”. Consultation, particularly for historic preservation issues under the Section 106 regulations, often is referred to as consultation with a small “c”, since it is in reference to consultation with all parties not just tribes.

Since the definitions of consultation are found in the federal regulations for complying with section 106 of the National Historic Preservation Act (NHPA) they fall between the work of the “agency official” (5 U.S.C. 551.) and SHPO/THPO. This is officially carried out by the Government body.

Since the introduction of SB-18 and AB 52 the process of “Consultation” with Tribes has been further defined and is strictly between local government and the tribal government. The process of “consultation” is often interwoven between tribes and the outreach work done in an archaeological report.

Archaeological reports carried out by parties that meet the Secretary of the Interiors professional qualifications, are tasked with caring out reports that meet the goals of the Act (NHPA). This is an informal process and not governed by any law. The task of an Archaeological report working under the guidance of NHPA will work towards meeting both of these goals:

- (36 CFR 800.4 [a] (3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties.
- (36 CFR 800.4 [b] (1) Level of effort. The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey.

When an archaeological report is produced it should address both of the goals above in its identification efforts.

In the Rincon Cultural Assessment report refers to “consultation” and Tribes in association with each other. As stated previously this is incorrect. Maybe the mistake was in the report preparation to make this distinction. Given the time and efforts of California Native American tribes to work for countless years to get these laws in place it seems disingenuous to conflate the different laws under one meaning. Lead agencies, local government and planning staff should



recognize this and require consultants to correct this mis-step than allowing them to pass a report into public view.

Meanwhile, an archaeological report should be clear that it attempted to full fill the criteria evidenced above. (36 CFR 800.4 [a] (3) & (36 CFR 800.4 [b] (1)). In this case, neither the City of Goleta or Rincon Consultants attempted to contact me, other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties. I have been working on cultural resources in this specific neighborhood for the past 14yrs. The City of Goleta has always known this through the repeat oversight review I have done on numerous projects in this neighborhood.



4. RECORDS/ BACKGROUND

“Data”

The RINCON CONSULTANTS Cultural Resources Assessment, Jan 2020 report uses five (5) sources of information to support its conclusions and recommendations and summary findings for this proposed project. They include:

1. **Ten studies include portions the project site and are summarized** (report page numbered 23 – 25)
2. **Table 1 Previously Recorded Cultural Resources within 0.5 mile of the Project Site** (report page numbered 26 – 37)
3. **Table 1 Previous Cultural Resources Studies within 0.5-Mile of the Project Site.** Appendix (Document page 68/117 to 76/117)
4. **“Report List”** report page numbered 1 – 13
5. **“Resources List”** report pages numbered 1 – 7

Each of these documents are used to support RINCON CONSULTANTS Cultural Resources Assessment, Jan 2020 report findings falsely. Each source of information has been reviewed and compared and contrasted against each report as well detailed inspection of the appropriateness of each report and conclusions.

A detailed breakdown is covered for each source of information and includes appropriate reports for the proper characterization of the area with regards to Cultural resources.

1. **Ten studies include portions the project site and are summarized** (report page numbered 23 – 25)

Each study presented to characterize the area and setting for the potential of cultural resources in the area. Having a list of 10 reports provides the reader a sense of an abundance of data to help make a conclusion that plenty of information is known about the area to make an informed decision. A closer look at the source material and setting to an informed party this appears to be a diversionary tactic used to present limited information and appear to have provided relevant data.



SR- 01082 Proposed fiber optic line. This is a records search and surface survey- These reports are often broad and cover long distance surveys. (Found on pg. 70/77 of RINCON CONSULTANTS Cultural Resources Assessment, Jan 2020 report.) A general report.

- This report was NOT listed on the “Reports List” pg. 3/13.

If the CCIC database has some miss entry, it raises questions as to further error potential to all its database entries. If the CCIC is in error for not including this report on the “Report List”. Rincon consultants also failed to adequately review the material they had received for completeness or to cross reference the source.

Since this report is only a surface survey it is not a high-ranking choice to properly characterize the area for cultural resources when there are dozens of other better reports to draw from. It is a report in close proximity to the project location. This is number 1/8 reports found in the ROW area of the utility agency.

SR- 01419 This is a consolidated report of previous studies for a proposed pacific pipeline project. This report summary on the surface shows potential for characterizing the project area since it discusses a recommendation to do a phase 2 text excavation program. It also includes burials, house pits, ground stones all the things to watch out for. However, a closer look at the details shows this is more likely to be at beyond the 0.5-mile radius of the current proposed project. It does state the authors focused the report on 0.6 miles to east of the current project. Using a report that is out of the 0.5-mile radius to characterize cultural resources for this project seems misleading meant to thwart the average reader. This report is adjacent to the project location but lacks any specifics as to any work done next to the parcel only suggesting information is about either end of the 0.5 mile-radius. This is number 2/8 reports found in the ROW of the utility agency.

SR- 01446 This report is about the fiber optics cable line that goes from Salinas to Los Angeles. This is a records search and surface survey- Tells us noting about what lies underneath the surface. This report does not provide quality information for characterizing the area for cultural resources. This is number 3/8 reports found in the ROW area of the utility agency.

- This report is not in the “Report List” (report pg. 4/13.) or the “Resource List”. Another CCIC missed entry error?

SR- 01447 This is a broad report that involves a record search and surface resurvey covering three counties, Santa Barbara, Ventura and LA county. It mentioned 24 shovel test pits but not at 57/60. A recommendation for trenching was suggested but the summary does not indicate if it was ever done at 57. The closest site to the project. This resurvey does not provide any relevant information to support the characterization of cultural resources of the area. It only provides an introduction for the next report. SR-01449. This is number 4/8 reports found in the ROW area of the utility agency.

SR-01449 This report is on backhoe work to define the boundaries of two sites located at opposite ends of this project proposal. One site is 0.2 miles, while the other is 0.6 miles away from the project location. It does not identify how many trenches or how close they came to the



project proposal. Information about the subsurface conditions would be useful in assisting on describing the soil conditions of the area. This in itself is helpful for characterizing the area for cultural resources but that focus of information was not used here. This report is relevant but not used to characterize the area. This is number 5/8 reports found in the ROW area of the utility agency.

SR-01811 This general overview report on “place-names” is a secondary use report to support recorded and identifiable data in the record. Of the 124 reports available to characterize the area for cultural resources any other report would have been primary. This is number 6/8 reports found in the ROW area of the utility agency.

SR-02142 A Management and preservation plan. Another report that does not support the concept of characterizing the area for cultural resources when dozens of actual subsurface reports are available for this project location.

SR-04058 This report is another repeat of work in an area where previous studies have taken place. It includes SLF search, surveys and maintenance work which tends to be isolated to specific points. Appears to be mostly cursory information that attempts to consolidate and redefine previous site records. Very little characterization information can be gleaned from this report.

SR-04111 Another project that takes place in the ROW north of the project site. This is a survey, monitoring and testing but further details are where testing took place or the outcome are not listed. Not a useful report to characterize the area for cultural resources. This is number 7/8 reports found in the ROW area of the utility agency.

SR-04985 This is a letter report of the roadway and is the only report that is documented in this list that is not part of the previous ROW projects and includes subsurface exposures that are leading up to the project parcel. Unfortunately, letter reports generally lack any real detailed useful information, this report appears to be the only relevant report that has yet to be referenced.

- COMMENT In Summary, 7 of the 10 reports used to characterize the area for cultural resources take place in the ROW of the aforementioned utility agency. They are either a compilation of past reports, survey reports or subsurface exposures at or beyond 0.5-mile radius of the project site. Or reports that lack relevance. The only report that has the potential to offer information about the subsurface characterizations of resources in the area is a letter report and just by the type of report these are they lack any viable information for characterizing an area.
- COMMENT Since 1967 when this project location was developed it has remained the same till now. CEQA was not enacted till 1970, and typically the archaeological survey reports we have on file are project driven in accordance with CEQA. Since it has remained the same development since origin than it would be futile to prepare a summary of reports that emphasize “the study identified no cultural resources within the proposed project site.” It would have been far more honest to admit from the start that no surveys



would be on the project site and then focus on the reports and records that provide an insight into what we do know about the area on cultural resources. Providing a valid characterization of cultural resources for the area is important to the discipline of archaeology. Producing a summary of reports that lack primary information that would adequately characterize the potential of cultural resources but meets the requirements of the “checklist” under CEQA is a text book example of a report that is deficient under CEQA and to the discipline of archaeology.

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- 2. **Table 1 Previously Recorded Cultural Resources within 0.5 mile of the Project Site**
(report page numbered 26 – 37)

Previously Recorded Cultural Resources within 0.5 mile of project site.

The Rincon Consultants Cultural Assessment report states “The CCIC records search identified 68 previously recorded cultural resources within a 0.5-mile radius.” This is presented on Table 1 and listed on report page number 26 – 37. 14 of those resources are listed as prehistoric resources.

Alternate Recommendation

A closer look of the 0.5-mile radius shows 4 resources are beyond the 0.5-mile radius and 2 of the reports associated with these resources are unidentifiable because they have no summary information that indicate their location. This leaves 8 recorded sites are suitable for review.

Using the CCIC “Resource List” (report page numbered 1 – 7) a list of associated “reports” was created from the 8 recorded sites list defined as being under the 0.5-mile radius of the proposed project site. They offer relative examples of characterizing the area for cultural resources. These sites include:

CA-SBA- 0056	CA-SBa- 0057	CA-SBa-58	CA-SBa-0059
CA-SBa- 00 2391	CA-Sba- 01703	CA-SBa-0062	CA-SBa-1576

This list was then cross referenced against the “Table 1 Previous Cultural Resources Studies within 0.5-Mile of the Project Site. Appendix (Document page 68/117 to 76/117)”.



3. Table 1 Previous Cultural Resources Studies within 0.5-Mile of the Project Site.

Appendix (Document page 68/117 to 76/117)

As stated previously in the Rincon consultants Cultural Assessment report “The CCIC records search identified 124 previously recorded cultural resource studies within 0.5-mile radius of the project site.”

- **COMMENT-** Appendix A provides the results of the records search. The exact count of Table 1 is 124, but this number does not match what is found in the “Report List” in Appendix A of 141 studies.

17 reports listed under the CCIC “Resource Listing” are not found on Table 1, or “Report Listing” This is outlined in the **Missing Reports** Table below.

To address the refined list of 8 recorded resources with-in the 0.5-mile radius and reports associated with them, a new list of possible studies needed to be identified.

This was done by using the SR number listed on the CCIC “Resource List”. The CCIC “Resource List” identified 141 Survey reports associated with the 8 recorded resources that are within 0.5-mile radius of the project site. Unfortunately, the new 17 reports discovered are missing from the Table 1 on Document page 68/117 to 76/117. They did not come with any summary information.

This new discovery means that there is some issue with the CCIC database is leaving out reports in its summary Tables 1, assuming they are the ones producing the summary Table 1. Or it means that Rincon Consultants failed at transposing the report list they were issued from the CCIC center and adding it to their summary table 1. The absence of 1 or 2 reports from a records search might be acceptable but to have 17 reports missing could lead towards an unfavorable outcome of a review of a project proposal. At the very least Rincon Consultants should have been aware of the missing reports prior to the display of the information publicly and made a notation of it.

- **COMMENT** The list of reports found on Table 1, Document page 68/117 to 76/117 is listed first in order and numbered 1 to 124. I have included the 17 missing reports and the SR number. As stated previously these missing reports can be seen in the “Detailed Site Report Review.” They are simply identified as “Missing”. 6 of the 8 recorded sites have reports missing from the Table 1 summary review.



Table 1 Previous Cultural Resources Studies within 0.5-mile of the Project site (Appendix A, 68/117. RINCON CONSULTANTS CR Assessment, Jan 2020/ **Missing Reports**)

1. SR-00101	40. SR-01447	79. SR-02997	115. SR-04891
2. SR-00103	41. SR-01449	80. SR-03002	116. SR-04895
3. SR-00104	42. SR-01491	81. SR-03060	117. SR-04985
4. SR-00110	43. SR-01492	82. SR-03112	118. SR-04993
5. SR-00113	44. SR-01530	83. SR-03118	119. SR-05025
6. SR-00116	45. SR-01554	84. SR-03215	120. SR-05101
7. SR-00123	46. SR-01620	85. SR-03234	121. SR-
8. SR-00124	47. SR-01672	86. SR-03235	05101b
9. SR-00125	48. SR-01673	87. SR-03524	122. SR-05101c
10. SR-00127	49. SR-01676	88. SR-03556	123. SR-05109
11. SR-00132	50. SR-01711	89. SR-03599	124. SR-05109a
12. SR-00133	51. SR-01730	90. SR-04014	
13. SR-00135	52. SR-01746	91. SR-04058	
14. SR-00136	53. SR-01763	92. SR-40581	
15. SR-00137	54. SR-01811	93. SR-04111	
16. SR-00140	55. SR-01812	94. SR-04111a	
17. SR-00151	56. SR-01822	95. SR-	
18. SR-00158	57. SR-01967	04111b	
19. SR-00160	58. SR-02094	96. SR-04111c	
20. SR-00164	59. SR-02128	97. SR-04397	
21. SR-00180	60. SR-02142	98. SR-04443	
22. SR-00181	61. SR-02272	99. SR-04543	
23. SR-00217	62. SR-02278	100. SR-04555	
24. SR-00228	63. SR-02280	101. SR-04588	
25. SR-00239	64. SR-02355	102. SR-04598	
26. SR-00243	65. SR-02361	103. SR-04630	
27. SR-00246	66. SR-02433	104. SR-04638	
28. SR-00470	67. SR-02462	105. SR-04644	
29. SR-00710	68. SR-02473	106. SR-04670	
30. SR-00726	69. SR-02507	107. SR-04696	
31. SR-00731	70. SR-02523	108. SR-04715	
32. SR-00782	71. SR-02524	109. SR-04715a	
33. SR-01063	72. SR-02596	110. SR-	
34. SR-01068	73. SR-02655	04715b	
35. SR-01082	74. SR-02661	111. SR-04715c	
36. SR-01181	75. SR-02802	112. SR-	
37. SR-01194	76. SR-02829	04715d	
38. SR-01419	77. SR-02886	113. SR-04715e	
39. SR-01446	78. SR-02969	114. SR-04724	

List of 17 reports missing from this table but found in the CCIC "Reports List." (pg. 77/117 of this report)

1. **SR-00282**
2. **SR-01584**
3. **SR-02022**
4. **SR-02041**
5. **SR-02249**
6. **SR-02268**
7. **SR-03092**
8. **SR-03249**
9. **SR-04539**
10. **SR-04700**
11. **SR-04852**
12. **SR-04874**
13. **SR-05132**
14. **SR-05173**
15. **SR-05215**
16. **SR-05371**
17. **SR-05405**



4. “Report List” report page numbered 1 – 13

The CCIC produces a “Report List” when a records search is requested. This “Report List” is comprised of a geographical distance (in this case 0.5-mile radius) of all reports they have documented in that given area. It includes the Report number, Year, Author, Title, and resources associated with that record. The Title provides a brief description of the type of work and location. The information found here are just cursory and require further investigations to determine if the report is pertinent to a review.

5. “Resources List” report pages numbered 1 – 7

The CCIC produces a “Resource List” when a records search is requested. This “Resource List” is comprised of a geographical distance (in this case 0.5-mile radius) of all resources they have documented in that given area. It includes a Primary Number, Trinomial Number, Type, Age, recorded by and the Reports associated. (a few other criteria are listed by used for internal CCIC work) The “resource List” provides the Report numbers that the CCIC has recorded for that resource. A SR number has been assigned and listed in association with the resource. If a SR number has been assigned it should be included in a “Report List”.

17 reports listed under the CCIC “Resource Listing” are not found on Table 1, or “Report Listing” This is outlined in the **Missing Reports** Table.



Available reports

No.	Site #	DISTANCE MI/FEET		REPORTS			Human remains	STUDY
		MILES	FEET	Poss.	Missing	Use		
1.	P-42-000056	0.38	2,006	17	4	4	YES	I.5,II,III
2.	P-42-000057	0.19	1,020	5	1	1	YES	M
3.	P-42-000058	0.08	400	24	3	16	YES	I.5,II,III,L
4.	P-42-000059	0.20	1,300	15	4	5	?	I.5,II,III,L
5.	P-42-000060	0.51	2,667	39	?	0	YES	
6.	P-42-000062	0.32	1,681	2	0	0	YES	0
7.	P-42-001574	0.55	2,900	1	?	0	NO	
8.	P-42-001575	0.54	2,864	0	0	0	NO	
9.	P-42-001576	0.5	2,621.33	0	0	0	NO	N/A
10.	P-42-001577	0.59	3,100	0	0	0	NO	
11.	P-42-001703	0.45	2,386.93	14	7	3	YES	M,II
12.	P-42-002391	0.42	2,216.81	3	2	1	?	M
13.	P-42-003822	?	?	0	0	0	?	
14.	P-42-003944	?	?	1	0	0	YES	
				*	*	30		

This chart above identifies the 14 Recorded Cultural resources that are Prehistoric based off the RINCON CONSULTANTS Cultural Resources Assessment, Jan 2020. It also identifies for easy reference the amount of possible reports available for each recorded resource and what was listed in the Appendix A of the same report. The distance from the project site and the resource. One column identifies the report count that are useful for proper characterization of cultural resources of the area. (* A few of the reports are duplicated between 2 resources, so the number totals under POSS & Missing are different. The count of 17 missing took this in to consideration)

The Study Type focused on the possibility of ‘witnessing’ any subsurface ground disturbances or exposures of subsurface soils.

Detailed Site Report Review

A detailed review of each of the 8 resources located with-in the 0.5-mile radius was crossed with the “reports list” and “resource List”. The amount of reports, the summary information, the rational for use and the distance to the project location. The recommendation to use a report and which reports are ‘missing’ is listed.

**CA-SBa- 56**

No.	CA-SBa-56	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00151	Undetermined	Yes	No	No info	N/A
2	SR-00246	Report	Yes	No	Surface	N/A
3	SR-01730	Summary	Yes	No	Summary report	N/A
4	SR-01746	Stream report	Yes	No	Surface survey	N/A
5	SR-02128	Summary	Yes	No	Summary report	N/A
6	SR-02142	Plan	Yes	No	Management plan & summary. Surface work	N/A
7	SR-02249	MISSING	NO	NO	No info- missing from Table1 & Reports List	
8	SR-02462	Phase ii	Yes	YES	Phase ii, subsurface	0.38 Mi. / 2,006
9	SR-02969	Report	YES	No	Boundary defined, typically surface survey and report review	
10	SR-03118	Phase 1.5	Yes	YES	Subsurface investigation for presence or absence	0.32 Mi. /1,683
11	SR-04111	Monitor	YES	No	Monitor report for long haul- often broad report	
12	SR-04539	MISSING	No	NO	No info	
13	SR-04543	Assessment	Yes	No	Could be relevant but distance makes this isolated to this site	
14	SR-04715A	Survey	Yes	No	Surface survey	
15	SR-04874	MISSING	NO	NO	No info	
16	SR-05109	Data recovery	Yes	Yes	Phase III, date recovery	0.38 Mi./2,006
17	SR-05109a	Data, Geo.	Yes	Yes	Phase III, Geomorphology	0.38 Mi./2,006

CA-SBa- 56

- 17 reports possible
- 3 reports missing from Table 1 - SR-02249, SR-04539, SR-04874
- 4 recommended to use SR-02462, SR-03118, SR-05109, SR-05109A



CA-SBa-57

No.	CA-SBa-57	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00246	Report	Yes	No	Overall report, often general for flood plain uses surface studies	N/A
2	SR-01082	MISSING	No	No	No info	N/A
3	SR-01419	Report	Yes	No	Summary report	0.24 Mi./1,275
4	SR-01447	Report	Yes	No	Summary report	0.24 Mi. /1,275
5	SR-02272	Monitoring	Yes	Yes	Exposure & Observation of subsurface context	0.26 Mi. /1,386

CA-SBa-57

- 5 reports possible
- 1 report missing from Table 1, SR-01082
- 1 recommended report to use SR-02272

**CA-SBa-58**

No.	CA-SBa-58	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00101	Tech report	Yes	Yes	Report about area past disturbances	0.21 Mi. /1,085
2	SR-00103	Tech report	Yes	Yes	Report about area past disturbances	0.21 Mi. /1,085
3	SR-00116	Monitoring	Yes	Yes	Exposure & Observation of subsurface context	0.22 Mi. /1,152
4	SR-00123	Proposal	Yes	Yes	Phase II – Resource found & evaluated.	0.16 Mi. /832
5	SR-00124	Phase II	Yes	Yes	Phase II – Resource found & evaluated.	0.11 Mi. /555
6	SR-00125	Phase III	Yes	Yes	Phase III – DATA RECOVERY od resource.	0.11 Mi. /555
7	SR-00127	Sewer line	Yes	Yes	Exposure & Observation of subsurface context	0.10 Mi. / 510
8	SR-00136	Phase I	Yes	No	Surface survey	?
9	SR-00137	Evaluation	Yes	No	Report	0.08 Mi. /400
10	SR-00140	EIR	Yes	No	Report	0.32 Mi. /1,689
11	SR-00164	Tech Report	Yes	Yes	Report about area past disturbances	?
12	SR-00180	?	Yes	Yes	Investigations are location- unknow if subsurface activity	0.15 Mi. /794
13	SR-00228	Letter Report	Yes	Yes	Report about area past disturbances	0.27 Mi. /1,400
14	SR-01491	EA	Yes	Yes	Report about area past disturbances	0.27 Mi. / 1,400
15	SR-01492	DEIR	Yes	No	Summary	
16	SR-01554	Phase II	Yes	Yes	Phase II – Resource found & evaluated.	0.28 Mi. /1,490
17	SR-01584	MISSING	No	No	Missing	
18	SR-02022	MISSING	No	No	Missing	
19	SR-02655	Phase I & II	Yes	Yes	Phase II – Resource found & evaluated.	0.20 Mi. /1,076
20	SR-03060	Phase I	Yes	No	Surface survey	
21	SR-04744	Assessment	Yes	Yes	Report about area past disturbances	0.25 Mi. /1,300
22	SR-04891	Phase 1.5	Yes	Yes	Phase 1.5 – subsurface investigation for presence or absence	0.25 Mi. /1,300
23	SR-04895	Phase 1.5	Yes	Yes	Phase 1.5 – subsurface investigation for presence or absence	0.10 Mi. /600
24	SR-05215	MISSING	No	No	Missing	

CA-SBa-58

- 24 reports possible
- 3 report missing from Table 1, SR-01584, SR-02022, SR-05215
- 16 Recommended report to use SR-00101,103,116,123,124,125,127,164,180,228,1491,1554,2655,4644,4891,4895



CA-SBa- 59

No.	CA-SBa-59	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00116	Monitor	Yes	No	Observation of subsurface context- already used on 58	0.22 Mi. /1,152
2	SR-00160	Proposal	Yes	No	Report	0.20 Mi. / 1,300
3	SR-00180	Report	Yes	No	Report – Surface survey	0.20 Mi. / 1,300
4	SR-00217	Phase I	Yes	No	Surface survey	0.20 Mi. / 1,300
5	SR-00243	Report Eval	Yes	Yes	Evaluation - Report about area past disturbances	0.20 Mi. / 1,300
6	SR-00782	Report Letter	Yes	No	Report – Surface survey	0.20 Mi. / 1,300
7	SR-01194	Phase II, III	Yes	Yes	Resource found Evaluated Data recovery	0.20 Mi. / 1,300
8	SR-01530	Phase 1.5	Yes	Yes	Subsurface investigation for presence or absence	0.20 Mi. / 1,300
9	SR-01554	Phase II	Yes	Yes	Phase II – Resource found & evaluated.	0.20 Mi. / 1,300
10	SR-01584	Missing	No	No	No data	0.0
11	SR-02268	Missing	No	No	No data	0.0
12	SR-02280	Phase 1.5, II	Yes	Yes	Subsurface investigation for presence or absence & Evaluation	0.20 Mi. / 1,300
13	SR-02997	Report	Yes	No	Report – Surface survey	0.20 Mi. / 1,300
14	SR-04852	Missing	No	No	No Data	0.0
15	SR-05173	Missing	No	No	No Data	0.0

CA-SBa-59

- 15 reports possible
- 4 report missing from Table 1, SR-01584, SR-02022, SR-05215
- 5 Recommended report to use SR-00243, 1194, 1530, 1554. 2280



CA- SBa-2391

No.	CA-SBa-2391	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-001584	Missing	No			
2	SR-004852	Missing	No			
3	SR-001711	Monitor	YES	Yes	Observation of subsurface context	0.42 Mi. /2,216

CA-SBa-2391

- 3 reports possible
- 2 report missing from Table 1, SR-01584, SR-004852,
- 1 Recommended report to use SR-01711

CA-SBa-1576

No.	CA-SBa-1576	Study	Table 1	Use	Reason to use or not use	Distance to project
1	No report				Only a Site record	

Nothing to recommend. Distance is at edge of 0.50-mile radius.

CA-SBa-1574,1575,1577 at 0.60+ of radius.



CA-SBa-62

No.	CA-SBa-52	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00246	Report	Yes	No	Report – Surface survey	0.33 Mi. / 1,763
2	SR-01746	Report	Yes	No	Report – Surface survey	0.33 Mi. / 1,763

Nothing to recommend.

CA-SBa-1703

No.	CA-SBa-1703	Study	Table 1	Use	Reason to use or not use	Distance to project
1	SR-00158	Report	Yes	No	Report – Surface survey	
2	SR-00239	Phase II	Yes	Yes	Phase II – Resource found & evaluated.	
3	SR-01082	Report	Yes	No	Report – Surface survey	
4	SR-01419	Report	Yes	No	Report – Surface survey	
5	SR-01620	Monitoring	Yes	Yes	Observation of subsurface context	
6	SR-02041	Missing	No	No	No Data	0.0
7	SR-03092	Missing	No	No	No Data	0.0
8	SR-03249	Missing	No	No	No Data	0.0
9	SR-04555	Report	Yes	No	Report – Surface survey	
10	SR-04696	Phase II	Yes	Yes	Phase II – Resource found & evaluated.	
11	SR-04700	Missing	No	No	No Data	0.0
12	SR-05132	Missing	No	No	No Data	0.0
13	SR-05371	Missing	No	No	No Data	0.0
14	SR-05405	Missing	No	No	No Data	0.0

CA-SBa-1703

- 14 reports possible
- 7 report missing from Table 1, SR-02041,3092,3249,4700,5132,5371,5405
- 3 Recommended report to use SR-00239, SR-01620, SR-00496



Report Use Recommendation

These 30 reports should be used to provide a realistic characterization of the area. They all include some form of subsurface disturbances that allow for the exposure of buried soils.

1.SR- 00101	11. SR- 02272	21.SR- 02272
2.SR- 00103	12. SR- 00239	22.SR- 02280
3.SR- 00116	13. SR- 00243	23.SR- 02462
4.SR- 00123	14. SR- 00496	24.SR- 02655
5.SR- 00124	15. SR- 01194	25.SR- 03118
6.SR- 00125	16. SR- 01491	26.SR- 04644
7.SR- 00127	17. SR- 01530	27.SR- 04891
8.SR- 00164	18. SR- 01554	28.SR- 04895
9.SR- 00180	19. SR- 01620	29.SR- 005109
10..SR- 00228	20. SR- 01711	30.SR- 005109A

These reports should be inspected for potential subsurface exposure. The study description does not have enough information that was allow for that determination. Due to the proximity and the nature of the work to the project site they were included.

- SR-00180 SR-00228 SR-01491 SR-4644



Summary

Based on the Standards of the Secretary of the Interior on Archaeological documentation, including the Data, techniques and methods I have determined that this review of Cultural Resources review carried out by the City of Goleta is not in line with acceptable review under CEQA. They have failed to identify impacts to cultural resources.

The City of Goleta has failed to provide any oversight of this cultural resources section review by allowing a flawed report that does not adhere to the Secretary of the Interior Archaeological documentation standards to be accepted in to the public record. The issue does not stem from the work carried out by its staff but rather the City's planning program as a whole. The City of Goleta has failed to enact any ordinances that address Archaeological assessment review, no ordinances to properly fulfill the requirements of state laws such as SB-18 & AB52 for the past 14years. So it comes with very little surprise that this review of cultural resource impacts is so flawed with errors and that the City did not notice.

The City of Goleta failed to initiate AB52 Tribal consultation for over a year on this project. The trigger for initiating tribal consultation is outlined in the Tribal consultation guidelines and discussed in detail in this report review. Because the City of Goleta has failed to adopt ordinances to carry out the laws under SB-18 & AB52 this has left the City of Goleta to "make up" a concept of what qualifies as when to initiate consultation. The "trigger" is cited in detail in this review for Government initiated proposals.

The only recommendation going forward is an Archaeological review by a 3rd party archaeologist. A new archaeological assessment report must be done that properly characterizes the area and demonstrates the proper methods and techniques expected of a high standard federal document. It should include a new records search from the CCIC and rectify the missing records discussed in this review. After the background review a new "intensive" filed survey needs to be done by a qualified professional in the field of Archaeology. In addition, due to the lack of development on the project location a phase 1.5 presence/absence program needs to be carried out to properly characterize the subsurface status for cultural resources since the whole lot is covered by asphalt. Outreach to "interested parties" that may have information pertaining to this project must also take place, not just those listed on the NAHC list. A qualified Archaeologist will have alternate sources of contacts list than what is listed on the NAHC contact list.

Any new archaeological report carried out must have an actual Mitigation measure that is defined by CEQA **Code** § 21002.1(a).] not actions that have been common only used to justify as a mitigation measure in the past.

Oversight review of this project by the OHP State Clearing House needs to take place due to the lack of ordinances to implement the cultural resources laws by the City of Goleta to ensure proper compliance with all CEQA related actions.

The Office of Planning and Development should conduct oversight and provide direction to the City of Goleta to bring its ordinance program to current standards with regards to SB-18 & AB52 in the next 60 days. The City of Goleta was presented with a full detailed ordinance text that



would be legally bring it compliant with the law on October 2019 during public comment to its zoning ordinance modifications. Since then, they have had no reason not to adopt the changes suggested.

State Clearing House has been sent this report with a request to provide comment on this accuracy of this report ad this project.

Over 120 hours was put into this review. It is long and it is detailed in order to provide accurate and focused detailed comments on this project. Some factors were left out regarding the past year input by the Train depot to make the City of Goleta aware of this proposal. Various suggestions seem to imply as early as January 2019 notices were made. The first I heard of this project was at a City of Goleta special meeting for Platform Holly in Nov. 2019. Where I was told specifically by staff that no work had been started with this proposal. Only to find out those statements to me were false.

The area for this proposal is highly sensitive for cultural resources and this project needs further review to assure under CEQA, that all impacts to Cultural Resources have been identified and appropriate mitigation measures have been recommended in order to reduce the impacts to less than significant. Cultural resources are non-renewable so we never get a second chance to make it right.

Thank you for your time and efforts in this matter.

Best wishes, Frank Arredondo
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