

From: David Stone <stone@es.ucsb.edu>

Sent: Monday, August 23, 2021 2:45 PM

To: Lisa Prasse <lprasse@cityofgoleta.org>

Cc: chumashangels@aol.com

Subject: Re: FW: The Agenda for the August 23, 2021 Planning Commission Meeting is Available Now

Lisa:

Thank you for your excellent noticing of this hearing. I have been and still am on vacation, such that an earlier response was challenging.

Please forward these minor comments to the Planning Commission.

The proposed Historic Preservation Ordinance provides important thresholds for identifying projects that are reasonably exempt for archaeological review. Exempt project criteria, however, must acknowledge that previously disturbed archaeological and/or tribal cultural resources (artifacts that reflect ancestral Chumash occupation) maintain their significance to the Chumash community, as they still represent a spiritual link to their ancestors. In addition, previously disturbed areas of prehistoric activity can include isolated human burials or remains. Therefore, in order to ensure that any of these previously disturbed resources are appropriately assessed and that state law regarding the proper assessment and disposition of ancestral human remains to the most likely descendant, the following revisions (in underlined text) to the proposed Ordinance are necessary:

#### 17.43.020 Applicability

Unless exempted, new development that requires earth-disturbing activities shall be subject to the regulations and reporting requirements of this Chapter. This Section outlines the Exempt and Non-Exempt project types.

A. Exempt Development. The following development is exempt from the requirements of this Chapter unless development is determined to be subject to 17.43.020(B):

1. Earth-disturbing activities affecting four cubic feet or less of native soils unless located within a recorded archaeological site and/or tribal cultural resource.

2. Earth-disturbing activities that will not disturb native soils, unless located within a recorded archaeological site and/or tribal cultural resource, including:

a. Ongoing, active agricultural operations in areas continuously used for crop cultivation.

b. A City infrastructure project that does not involve earth disturbance beyond the footprint of the existing facility.

c. The proposed earth disturbing area is located within a previously disturbed area where evidence, as documented in as-builts plans, previous grading plans, or other documentary evidence, is provided that the previous earth disturbance affected depths equal to or greater than the development being considered; or

B. Non-Exempt Development. The following development is not exempt and shall comply with the requirements of this Chapter.

11. Any development subject to ministerial or discretionary review involving earth disturbing activities of more than four (4) cubic feet of native soils, or if located within a recorded archaeological site and/or tribal cultural resource, or that does not meet the exemptions listed above in subsection 17.43.020(A). that does not meet the exemptions listed above in subsection 17.43.020(A).

I have discussed this recommendation with Barbara Lopez, Secretary and Elder of the Barbareno Band of Chumash Indians, who concurs and supports these revisions.

Thank you.

David Stone, RPA