



*Ksen' SKu' Mu' Chumash*

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Frank Arredondo ~Chumash MLD  
Po Box 161  
Santa Barbara Ca, 93102

June 25, 2021

Honorable Chair Maynard, and Commissioners,

City of Goleta  
130 Cremona, Suite B, Goleta, CA 93117

Re: Archaeological and Tribal Cultural Resources Preliminary Regulations

Honorable Chair Maynard and Commissioners

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 list for Santa Barbara County. I also hold a MA. degree in Archaeology and have been working in Cultural Resource management for over 15 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.

I thank you for taking the time to review my comments. (This letter was put together at last min, so please forgive some format ramblings. 😊)

Before you are the draft document for the Archaeological and Tribal Cultural Resources ordinance. The intent of this document is to establish standards for the development that could impact sensitive and protected archaeological and Tribal cultural resources within the City. This document is a long time overdue. Since the authorization and adoption of SB18 Traditional Tribal cultural places in 2004, the city has been required under the law to implement an ordinance that addresses cultural resources. 17 years late is better than not being done at all.





This document does not address the requirements of SB-18 and only refers to the subject of “consultation” in general terms that are applied to the process used under AB52, but not under SB18. The section of Native American Consultation (17.43.050) needs further information to be added that identifies the laws and regulations that apply to “consultation”, what “consultation is, how it is performed, and what guidelines are to be used to carry out the process. How the City will define ‘Initiated’ project and the “triggers” of initiation when it is the City’s proposes a project itself.

Further information needs to be included that outlines the process of consultation under AB52. Which contains alternate triggers and applies to different types of projects.

Putting “consultation” and the process into a “catch-all” section will not be feasible during a permitting process because there are specifics to these steps that “staff” will not even know exist.

Permit Requirements- The statement that “some areas of Goleta have already been subject of archaeological studies.” is misleading in that it presumes the study carried out covered all aspect of all future project proposals. This can be far from the case. All studies are project and site specific. In order to streamline the focus of impacts the studies are more often targeted to those areas of the project that is due to be developed. This does not mean that 20 feet away from the past study is void of resources. Or that the current proposed development work is going to fit nicely within a previous study. Rarely this never takes place.

The second misleading points are that a phase 1 archaeological report or Preliminary Archaeological assessment is enough to determine the lack of sub-surface resources. A phase 1 study is just a field surface study and past reports carried out. If the parking lot has been covered by a parking lot for the past 50 years there is no way of knowing if resources are still in tact 18inches below the surface. Which a majority of cultural resources in the Goleta region are often found. Payment construction disturbance at most is 12 inches below the surface but most are at 8 to 10 inch. A Phase 1 will not tell you if any resources are void of the project. A Preliminary Archaeological Assessment is far worse in determining if subsurface resources are present because no one ever goes out to the field.

I do not agree with any project using a Preliminary Archaeological Assessment as the basis of exempting a project from review. The only criteria that would be plausible in exempting a project from review would document soil or previously grading plans that show the archaeological sensitivity does not meet the criteria of eligibility for inclusion the California Register of Historical Resources, however, under AB52 a Tribal Cultural Resource does not need to meet those same requirements. Any project that will come through the planning dept will need to be vetted through AB52 process in order to identify if the proposal should be designated as an EIR, MND, ND or Exempt.

The ‘timing’ of permit application and the review of a project under this document does not address the legal requirements of AB52, whereas, as soon as an application is deemed “complete” staff under internal review are to send notices to tribes listed on the AB52 contact list within 14 days of accepting a completed application. This is to afford the Tribes the ability to comment and make known of potential impacts at the earliest stage possible. And if the Tribe





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believes that the direction of the project should be more of an EIR as opposed to ND it is at this stage, they can make a difference. Not after the project has been defined as to what type of

permitting process to carry out. During the “consultation” process Tribes then can identify Tribal Cultural Resources that are to be impacted from the project proposal.

If an application for development is accepted and automatically deemed “exempt” before any consultation is to take place it would defeat the process of AB52 and negate its usefulness. The argument from a lead agency will be, we have already decided and you will need to show overriding evidence to over turn this decision.

A secondary impact also comes from the applicant conducting its own archaeological survey or report. The problem lies within who Archaeological specialist consult with about past developments or the area of resources. Often times now a days these professionals use the AB52 Tribal contact list that was to be used by the Local government for a different purpose. Thus, leaving out sources of knowledge about a resource. Unless the lead agency staff are able to request from a contracted archaeologist to seek additional sources of information (which they do not) the potential for lost information about a resource increase.

The main crux is how is the application process, exemption, and consultation laid out. Just posting the topics do not translate into how they apply in a permit process.

A sensitive Map is the worst possible idea proposed. The last review of Cultural Resources within the city of Goleta boundaries produced a list of sites with old and outdated information. Several sites were not listed and or missing from the review. Later after the review was posted publicly archaeologist came out to state that reports were missing. These reports were pulled from only 1 source the Central Coast Information Center. CCIC. The way the CCIC works is that professional Archaeologist gain access to past reports for a fee and when they have completed their own report, they are to submit the final report to the CCIC in return. Unfortunately, the actual process works a bit differently, once an archaeologist submits a report to a “client” it is considered to be a “draft” report until the proposed project is “approved”, the time between a field survey and final report stage can be years in between. Thus reports go forgotten and not sent to the CCIC.

In addition, the CCIC is not the end all final location for all Archaeological reports. Several other agencies that conduct internal review and permitting process like Army Core of engineers, Rail Road, SCE, water district all are not required to submit any survey reports to the CCIC. All these agencies all reside within the boundaries of the City of Goleta, with the RR cutting across the main lanes of the City and main archaeological sites. So for a PAA or Phase 1 to be at effective it would require access to all mentioned agencies to be useful. This document presented for review doesn't even address this topic.

In conclusion, the city cannot define as of yet if the proposed regulations regarding cultural resources is the “right-size” because not enough information is available to make that determination. The proposed cultural resource provisions/regulations do not protect several tribal cultural resources that are significant and under CEQA protected. The distance of 250 feet



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cannot be evaluated until the total number of sites within the City of Goleta is defined and an average distance found between known archaeological sites is calculated, and then find out what sites are known by all other agencies within the City of Goleta boundaries. And yes the typical ministerial activities listed is far too broad to make a statement about.

I suggest the regulations be revised to be in a format as originally presented in October 2019 release of regulations.

Thank you for your time and efforts in this matter.

*Best wishes, Frank Arredondo*

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Public Comment No. 2  
Item B.1 -Archelological and Tribal Cultural Resources  
Preliminary Regulations (6-28-21 PC Meeting)

**From:** [Inge Cox](#)  
**To:** [Kim Dominguez](#)  
**Subject:** Historic Resources  
**Date:** Monday, June 28, 2021 11:21:02 AM

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Dear Ms. Dominguez:

Please distribute my note to all the Planning Commissioners and I hope the City takes all the buildings in Table 6-1 into consideration.

Currently the Agenda is not accessible.

I hope that the Planning Commissioners were given the **List of Historic Resources** of the City of Goleta that was **released in September of 2006** as part of the Goleta General Plan/Coastal Land Use Plan **Chapter 6.0** Visual and Historic Resources Element page 6-18 and 6-19.

Table 6-1 cites 46 ( **Forty Six**) Addresses with names and year built being part of the City's Historic Resources.

I hope that all those addresses are being considered again.

Sincerely yours

Ingeborg Cox MD,MPH