

From: [Gillian Fennessy](mailto:Gillian.Fennessy)
To: [Gillian Fennessy](mailto:Gillian.Fennessy)
Subject: FW: Cultural Resources chapter in City new Zoning Ordinance. Oct 7th Planning commission meeting.
Date: Friday, October 04, 2019 2:37:50 PM
Attachments: [Ksen_Stock_Comment_Ltr_Chpt_17.43_Cultural_Resources_General_Plan_Amendments.pdf](#)

From: Chumash People <ksen_sku_mu@yahoo.com>
Sent: Friday, October 04, 2019 12:03 PM
To: Anne Wells <awells@cityofgoleta.org>
Cc: Peter Imhof <pimhof@cityofgoleta.org>; Lisa Prasse <lprasse@cityofgoleta.org>; Jay Ritterbeck <jritterbeck@cityofgoleta.org>; Andy Newkirk <anewkirk@cityofgoleta.org>
Subject: Re: Cultural Resources chapter in City new Zoning Ordinance. Oct 7th Planning commission meeting.

Thanks Anne,

I have completed the new ordinance wording that 'should' be included to be compliant with the state laws. It is a bit wordy in my view since several of the sections were taken directly from the code.

This attached document can be added to the administrative record in whole.

I have to mention that the section under the Zoning ordinance 17.43.050 Mitigation of Impacts, A,B,C actually fall under "inadvertent discoveries in the field", I have created a new section numbered 17.43.60 titled On-Site project activity. This section requires further detailed explanations of what should take place when active work encounters discovery of resources. During my time on the Thomas and Woolsey fire clean up work , several procedural steps were developed as best management practices for inadvertent finds. I was the author of the practices. Unfortunately I was not able to incorporate those BMP's to this document at this time due to time constraints. This section could be expanded in the weeks to come.

Thank you for your time, and I await your call.

Frank

*Best wishes, Frank Arredondo
Ksen~Sku~Mu
Chumash MLD
Po Box 161
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From: Chumash People <ksen_sku_mu@yahoo.com>
Sent: Thursday, October 03, 2019 7:14 PM

To: Anne Wells <awells@cityofgoleta.org>

Subject: Cultural Resources chapter in City new Zoning Ordinance.

Hello Anne wells,

I called in today and left you a voice mail stating I had a question or two about the application process for projects. I would still like a chance to ask that question over the phone if I can get a chance.

Meanwhile, I went back and reviewed the current City of Goleta General Plan policy section OS 8, Protection of Native American and Paleontological Resources. In order for the Zoning ordinance to work properly it will require amendments to this policy section in the General Plan. I have re-written the OS8.1 to OS8.6. The highlighted text I added and the portions removed have strike-through. Keep in mind I did not write this as a planner would write but rather what information must be included in order to be compliant with the law. I would imagine someone better skilled at "word-smithing" could edit this to a shorter version. But I do not recommend removal or replacement of terms without my verification of it being compliant. As you know some terms can create a different outcome than intended.

I will use the General Plan sample I have sent you to write out how the sections for Chapter 17.43 should follow and see if I can get it to you before noon.

Lastly I will prepare a comment letter that hopefully summarizes the work needed to be done and to be presented as part of the administrative record.

Thanks, Frank

Policy changes needed in order to be compliant to Gov code...

Policy OS 8: Protection of Native American and Paleontological Resources [GP/CP]

***Objective:** To identify and protect prehistoric and historic cultural sites and resources from destruction or harmful alteration.*

OS 8.1 Definition. [GP/CP] Native American Cultural Resources are referred to as

Tribal Cultural Resources under Assembly Bill 52 (Chapter 532, Statutes of 2014) and are a separate category from Cultural Resources with their own questions under CEQA Guidelines Appendix G updated in 2016. As defined in Public Resources Code § 21074 (a) “Tribal cultural resources” are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

(Added by Stats. 2014, Ch. 532, Sec. 4. (AB 52) Effective January 1, 2015.)

OS 8.2 Inventory. [GP/CP] The City shall coordinate with UCSB’s Central Coast Information Center to identify previously recorded archaeological survey information, or the lack of survey information conducted for a development proposal within city boundaries. To prevent artifact gathering and other forms of destruction, these archaeological survey information reports shall remain confidential to the public and only summary conclusions included in public administrative record. Under PRA or CEQA sections on confidentiality (Government Code Sections 6254(r), 6254.10; CEQA Guidelines Section 15120(d)) the survey information and information gathered through consultation with Tribes shall remain confidential. Inventory is not limited to just the UCSB Central Coast Information Center but also available through Tribes. Under 36 CFR section 800.4(a)(4): Tribes have special expertise in identifying historic properties Informs identification, integrity, significance, eligibility and mitigation of

TCRs and structure and content of CEQA document. Additional sources of inventory can be obtained through interviews, historical records, papers accounts (i.e. Harrington) Anthropologist, Ethnologist, Archaeologist testimony *informed by tribal input. Tribal Council Resolutions, THPO or Preservation Office/Committee comment or correspondence, Maps, graphics – self-generated or other, Local, Tribal, California and National Register or DPR form data, Reference to regional grey literature, studies, etc.*

OS 8.3 Preservation. [GP/CP] The City shall protect and preserve cultural resources from destruction. The preferred method for preserving a recorded archaeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. Preservation in place may be accomplished by deed restriction as a permanent conservation easement, avoidance through site planning and design, or incorporation of sites into other open spaces to prevent any future development or use that might otherwise adversely impact these resources. **As outlined in CEQA Guidelines section 15370.**

Preservation shall comply with Public Resources Code §5097.9, which mandates noninterference of free expression or exercise of Native American religion on public lands, promotes preservation of certain Native American cultural places by ensuring tribal access to these places. Government Code §65352.3 requires local governments to conduct consultations with tribes (when requested) for the purpose of “preserving or mitigating impacts” to California Native American cultural places.

Preservation is the conscious act of avoiding or protecting a cultural place from adverse impacts including loss or harm. Mitigation, on the other hand, is the act of moderating the adverse impacts that general plan or specific plan adoption or amendment may have on a cultural place.

OS 8.4 Evaluation of Significance. [GP/CP] For any development proposal identified as being located in an area of archaeological sensitivity, a cultural resources inventory shall be conducted by a professional archaeologist or other qualified expert. All sites determined through a Phase 1 **Archaeological survey** investigation to potentially include cultural resources must undergo **a subsurface (Phase II) Archaeological survey** investigation to determine the extent, integrity, and

significance of the site. Where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, research shall be conducted to determine the extent of the archaeological significance of the site.

If Phases I and II (inventory and evaluation) determine that no “important” cultural resources are present within the project area (including access roads), then no further work is needed. A Negative Declaration can be issued for cultural resources.

If “important” resources are identified, then a ***Phase III – Treatment plan of Impacted, Significant Cultural Resources*** shall be prepared to treat and mitigate impacts to these resources. These include preservation through:

- Avoidance
- Site capping
- Creation of conservation easements

And/or data recovery.

OS 8.5 Mitigation. [GP/CP] If research and surface reconnaissance shows that the project area contains a resource of (Tribal) cultural significance that would be adversely impacted by proposed development mitigation measures required under CEQA section 15370 will be employed. These include but not limited to:

(a) Avoiding the impact by not taking the action or part of the action, (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment, (d) Reducing or eliminating the impact over time by preservation and maintenance over the life of the project, (e) Compensating for the impact by replacing or providing substitute resources or environments.

Reasonable efforts to leave these resources in an undisturbed state through redesign, avoidance, capping or covering resources with a soil layer prior to development shall be preferred. If avoidance is infeasible then mitigation measures that reduce the impact to less than significant shall be enforced. If the mitigation measures do not reduce the impact to less than significant then the agency shall prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives (CEQA 15093). **Treatment of Mitigation Measures and Alternatives.**

Executive Order B-10-11 (available at <http://gov.ca.gov/news.php?id=17223>), Governor Jerry Brown established a policy encouraging all state agencies to communicate and consult with Federally Recognized Tribes and other California Native Americans. Under Public Resource Section 21080.3.1 California Native American Tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources. CA Govt Code §

65352.4 (2017) further facilitated consultation process for Tribes and was applied to the laws under AB52 and SB18.

As part of the consultation process PRC Section 21080.3.2, 21084.3 provides that parties could propose mitigation measures and allows for the treatment of a resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, with the culturally affiliated tribe.

PRC Section 21082.3 provides that any mitigation measures agreed upon during this consultation “shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring program” if determined to avoid or lessen a significant impact on a tribal cultural resource. If a project “may have a significant impact on a tribal cultural resource,” the environmental document would be required to discuss both of the following: (1) Whether the proposed project has a significant impact on an identified tribal cultural resource. (2) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to [during consultation], avoid or substantially lessen the impact on the identified tribal cultural resource. This section provides that information submitted by a California Native American tribe during consultation is to be kept confidential and not included in the public review draft of the CEQA document without consent of the tribe. It goes on to specify that it does not prohibit the confidential sharing of information among the lead agency, a California Native American tribe, and the applicant.

As part of feasibility requirements CEQA Guidelines section 15040 requires the link between nature of impact and project mitigation measure, Proportionality the mitigation must be proportional to impact. The framework for TCR is different than the standard archaeological mitigation measures and shall be part of the standard to creating mitigation measures for projects.

OS 8.6 Monitoring and Discovery. [GP/CP] On-site monitoring by a qualified archaeologist and Native American observer shall be required for all grading, excavation, and site preparation that involves earth moving operations on sites identified as **culturally** sensitive. If cultural resources of potential importance are uncovered during construction, the following shall occur:

a. The grading or excavation shall cease **in the area of the find, while work elsewhere may continue** and the City shall be notified.

b. A qualified archaeologist shall prepare a report assessing the significance of the find and provide treatment recommendations regarding the find.

c. Disposition will be determined by the City in conjunction with the **culturally affiliated** Native American **tribe engaged in the AB52 consultation process.**

Best wishes, Frank Arredondo
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Ksen' SKu' Mu' Chumash

Ksen~Sku~Mu
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October 4th 2019

Chair and Commissioners,
Anne Wells, Advance Planning Manager
City of Goleta
130 Cremona, Suite B, Goleta, CA 93117

Re: New Zoning Ordinance (Case No: 13-084-ORD), Chapter 17.43

Honorable Chair 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 13 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.



Ksen' SKu' Mu' Chumash ksen_sku_mu@yahoo.com / [facebook.com/ChumashMLD](https://www.facebook.com/ChumashMLD)



The chapter 17.43, was sent to me for review as a “placeholder” for the sections under Cultural Resources, while the city drafts its new zoning ordinance. As it stands this section requires a whole new revision in order to be compliant with several state laws. In order to bring the cultural resources section current with existing laws will require amendments to the General plan.

Included below is how the General Plan should read to be inline with state laws. Followed by the text required for the Zoning ordinance section. Items to be removed have red strike-through and text that have been added are highlighted.

Explanations and justifications can be provided if requested for each portion of text included.

Included at the end of this document is the new sections added to the Appendix G Environmental Checklist required by CEQA for lead agencies to satisfy.

GENERAL PLAN – Revisions needed to be amended to be complaint with State Laws, Government Code §65352.3 AB52, SB18, Public Resources Code § 21074 and Executive Order B-10-11.

Policy OS 8: Protection of Native American and Paleontological Resources [GP/CP]

Objective: *To identify and protect prehistoric and historic cultural sites and resources from destruction or harmful alteration.*

OS 8.1 Definition. [GP/CP] ~~Cultural resources include Native American archaeological sites and areas of the natural landscape that have traditional cultural significance. Native American Cultural Resources are referred to as Tribal Cultural Resources under Assembly Bill 52 (Chapter 532, Statutes of 2014) and are a separate category from Cultural Resources with their own questions under CEQA Guidelines Appendix G updated in 2016. Archaeological sites include prehistoric sites that represent the material remains of Native American societies and their activities and ethnohistoric sites that are Native American settlements occupied after the arrival of European settlers in California. Such archaeological sites may include villages, seasonal campsites, burial sites, stone tool quarry sites, hunting sites, traditional trails, and sites with rock carvings or paintings. Areas of traditional cultural significance include Native American sacred areas where religious ceremonies are practiced or which are central to their origins as a people, as well as areas traditionally used to gather plants for food, medicinal, or economic purposes. As defined in Public Resources Code § 21074 (a) “Tribal cultural resources” are either of the following:~~





(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

(Added by Stats. 2014, Ch. 532, Sec. 4. (AB 52) Effective January 1, 2015.)

OS 8.2 Inventory. [GP/CP] The City shall coordinate with UCSB's Central Coast Information Center to identify previously recorded archaeological survey information, or the lack of survey information conducted for a development proposal ~~archaeologically sensitive areas~~ within city boundaries. To prevent artifact gathering and other forms of destruction, these archaeological survey information reports shall remain confidential to the public and only summary conclusions included in public administrative record. Under PRA or CEQA sections on confidentiality (Government Code Sections 6254(r), 6254.10; CEQA Guidelines Section 15120(d)) the survey information and information gathered through consultation with Tribes shall remain confidential. ~~exact location of sensitive sites may remain confidential.~~ Inventory is not limited to just the UCSB Central Coast Information Center but also available through Tribes. Under 36 CFR section 800.4(a)(4): Tribes have special expertise in identifying historic properties Informs identification, integrity, significance, eligibility and mitigation of TCRs and structure and content of CEQA document. Additional sources of inventory can be obtained through interviews, historical records, papers accounts (i.e. Harrington) Anthropologist, Ethnologist, Archaeologist testimony informed by tribal input. Tribal Council Resolutions, THPO or Preservation Office/Committee comment or correspondence, Maps, graphics – self-generated or other, Local, Tribal, California and National Register or DPR form data, Reference to regional grey literature, studies, etc.

OS 8.3 Preservation. [GP/CP] The City shall protect and preserve cultural resources from destruction. The preferred method for preserving a recorded archeological site shall be by preservation in place to maintain the relationship between the artifacts and the archaeological context. Preservation in place may be accomplished by deed restriction as a permanent





conservation easement, avoidance through site planning and design, or incorporation of sites into other open spaces to prevent any future development or use that might otherwise adversely impact these resources. As outlined in CEQA Guidelines section 15370.

Preservation shall comply with Public Resources Code §5097.9, which mandates noninterference of free expression or exercise of Native American religion on public lands, promotes preservation of certain Native American cultural places by ensuring tribal access to these places. Government Code §65352.3 requires local governments to conduct consultations with tribes (when requested) for the purpose of “preserving or mitigating impacts” to California Native American cultural places. Preservation is the conscious act of avoiding or protecting a cultural place from adverse impacts including loss or harm. Mitigation, on the other hand, is the act of moderating the adverse impacts that general plan or specific plan adoption or amendment may have on a cultural place.

OS 8.4 Evaluation of Significance. [GP/CP] For any development proposal identified as being located in an area of archaeological sensitivity, a **Phase I** cultural resources inventory shall be conducted by a professional archaeologist or other qualified expert. All sites determined through a Phase I Archaeological survey investigation to potentially include cultural resources must undergo a subsurface (Phase II) Archaeological survey investigation to determine the extent, integrity, and significance of the site. Where Native American artifacts have been found or where oral traditions indicate the site was used by Native Americans in the past, research shall be conducted to determine the extent of the archaeological significance of the site.

If Phases I and II (inventory and evaluation) determine that no “important” cultural resources are present within the project area (including access roads), then no further work is needed. A Negative Declaration can be issued for cultural resources.

If “important” resources are identified, then a **Phase III – Treatment plan of Impacted, Significant Cultural Resources** shall be prepared to treat and mitigate impacts to these resources. These include preservation through:

- Avoidance
- Site capping
- Creation of conservation easements

And/or data recovery.

OS 8.5 Mitigation. [GP/CP] If research and surface reconnaissance shows that the project area contains a resource of (Tribal) cultural significance that would be adversely impacted by proposed development ~~and avoidance is infeasible~~, mitigation measures required under CEQA section 15370 will be employed. ~~sensitive to the cultural beliefs of the affected population shall be required.~~ These include but not limited to:

(a) Avoiding the impact by not taking the action or part of the action, (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, (c) Rectifying the impact





by repairing, rehabilitating, or restoring the impacted environment, (d) Reducing or eliminating the impact over time by preservation and maintenance over the life of the project, (e) Compensating for the impact by replacing or providing substitute resources or environments. Reasonable efforts to leave these resources in an undisturbed state through redesign, avoidance, capping or covering resources with a soil layer prior to development shall be required preferred. ~~If data recovery through excavation is the only feasible mitigation, the City shall confer with the affected Native American nation or most likely descendants, as well as agencies charged with the responsibility of preserving these resources and organizations having a professional or cultural interest, prior to the removal and disposition of any artifacts.~~ If avoidance is infeasible then mitigation measures that reduce the impact to less than significant shall be enforced. If the mitigation measures do not reduce the impact to less than significant then the agency shall prepare a statement of overriding considerations which reflects the ultimate balancing of competing public objectives (CEQA 15093).

Treatment of Mitigation Measures and Alternatives.

Executive Order B-10-11 (available at <http://gov.ca.gov/news.php?id=17223>), Governor Jerry Brown established a policy encouraging all state agencies to communicate and consult with Federally Recognized Tribes and other California Native Americans. Under Public Resource Section 21080.3.1 California Native American Tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources. CA Govt Code § 65352.4 (2017) further facilitated consultation process for Tribes and was applied to the laws under AB52 and SB18.

As part of the consultation process PRC Section 21080.3.2, 21084.3 provides that parties could propose mitigation measures and allows for the treatment of a resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, with the culturally affiliated tribe.

PRC Section 21082.3 provides that any mitigation measures agreed upon during this consultation "shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring program" if determined to avoid or lessen a significant impact on a tribal cultural resource. If a project "may have a significant impact on a tribal cultural resource," the environmental document would be required to discuss both of the following: (1) Whether the proposed project has a significant impact on an identified tribal cultural resource. (2) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to [during consultation], avoid or substantially lessen the impact on the identified tribal cultural resource. This section provides that information submitted by a California Native American tribe during consultation is to be kept confidential and not included in the public review draft of the CEQA document without consent of the tribe. It goes on to specify that it does not prohibit the confidential sharing of information among the lead agency, a California Native American tribe, and the applicant.

As part of feasibility requirements CEQA Guidelines section 15040 requires the link between nature of impact and project mitigation measure, Proportionality the mitigation must be proportional to impact. The framework for TCR is different than the standard archaeological mitigation measures and shall be part of the standard to creating mitigation measures for projects.

OS 8.6 Monitoring and Discovery. [GP/CP] On-site monitoring by a qualified archaeologist and appropriate Native American observer shall be required for all grading, excavation, and site preparation that involves earth moving operations on sites identified as archaeologically





Ksen' SKu' Mu' Chumash

culturally sensitive. If cultural resources of potential importance are uncovered during construction, the following shall occur:

- a. The grading or excavation shall cease **in the area of the find, while work elsewhere may continue** and the City shall be notified.
- b. A qualified archeologist shall prepare a report assessing the significance of the find and provide **treatment** recommendations regarding ~~appropriate disposition~~ **the find**.
- c. Disposition will be determined by the City in conjunction with the ~~affected culturally affiliated~~ **Native American tribe engaged in the AB52 consultation process.** ~~nation.~~





Zoning Ordinance
Chapter 17.43 Cultural Resources

Sections:

- 17.43.010 Purpose
- 17.43.020 Applicability
- 17.43.030 Application Requirements
- 17.43.040 Development Standards
- 17.43.050 Mitigation of Impacts

17.43.010 Purpose

The purpose of this Chapter is to establish standards for development that could impact sensitive and protected cultural resources within the City and to describe the permit requirements and the review process for such proposed development. More specifically, this Chapter is intended to:

- A. Preserve and protect Native American ~~Tribal archaeological sites~~ Cultural Resources and areas of the natural landscape that have traditional cultural significance; and
- B. Protect, restore, and enhance significant ~~archaeological sites~~, Native American ~~Tribal Cultural resources. such as native villages, seasonal campsites, burial sites, stone tool quarry sites, hunting sites, traditional trails, and sites with rock carvings or paintings.~~ Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for listing, in the national or state register of historic resources, or listed in a local register of historic resources; or
A resource that the lead agency determine, in its discretion, is a tribal cultural resource.

17.43.020 Applicability

- A. An application for new development, a new land use, or any other ~~project~~ activity involving grading or other land alterations shall be referred to the Planning and Environmental Review Department for an assessment of ~~archaeological/historical resource~~ sensitivity and the formulation of any necessary mitigation measures.
- B. Within 14 days of determining that a private project application is complete, or to undertake a public agency project, the city shall provide formal notification, in writing, to the tribes that have requested notification pursuant to AB52. The 14-day notification shall include a description of the project, its location, and shall state the tribe has 30 days to request consultation.
- C. The City shall determine whether the project site is located in either a known archaeological site or in an area with potential archaeological resources ~~or Tribal cultural resource~~ and if a site-specific special study is required.

17.43.030 Application Requirements

- A. Archeological Survey. A Phase I archaeological survey shall be performed when identified as necessary by a City-qualified archaeologist or contract archaeologist or if a County or City archaeological sensitivity map identifies the need for a study ~~or if through consultation~~





with an AB52 contact list Tribe. The survey shall include areas of projects that would result in ground disturbances. If the archaeologist performing the Phase I report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short-form Phase I report may be submitted.

B. B. Native American Consultation. Within 14 days of a completed application the City shall consult with the Tribes listed on the AB52 contact list held with the Native American Heritage Commission, State Historic Preservation Officer, and the Most Likely Descendant Consultation will be ongoing during each stage of the cultural resources review to determine whether the project may have an adverse impact on an important cultural resource. Consultation concludes when either 1) the parties agree to measures to mitigate or avoid a significant effect, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. Consultation can be ongoing throughout the CEQA process.

C. C. Historic Preservation. No permits shall be issued for any development or activity that would adversely affect the historic value of sensitive cultural resources, unless a professional evaluation of the project has been performed pursuant to California Code of Regulations, 14 CCR, Section 15064.5, Determining the Significance of Impacts to Archaeological and Historical Resources, reviewed and approved by the Planning and Environmental Review Department, and all reasonable conditions and/or feasible mitigation measures have been incorporated into the project. All potentially feasible measures to mitigate significant adverse changes to the significance of an historic resource will be identified. The City will assure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements or measures.

17.43.040 Development Standards

A. Archaeological Recommendations. All feasible treatment plan recommendations of an identified significant resource shall be incorporated into any permit issued for development. Any additional archaeological analysis required under CEQA (i.e., Extended Phase I, Phase II, or Phase III) archaeological report analysis including completion of additional archaeological analysis (i.e., Extended Phase I, Phase II, or Phase III) and/or project redesign shall be incorporated into any permit issued for development.

17.43.050 Mitigation of Impacts

~~A. Fencing and Buffer Requirement. If significant cultural resources are located within 61 meters (200 feet) of ground disturbing activities, the archaeological site and a 50 foot buffer around the site shall be temporarily fenced with chain link or other structurally sound material to appropriately protect the cultural resource during grading and construction.~~

~~B. Disposition of Artifacts or Remains Discovered During Construction. In the event that archaeological or paleontological artifacts or remains are uncovered during construction, excavation shall be temporarily suspended and redirected until the provisions of Public Resources Code, Sections 5097.5, 5097.9 et seq. are satisfied. This development standard shall be incorporated as a standard condition of approval into any project that involved any grading or ground disturbance.~~

~~C. Construction Worker Education. An educational workshop shall be conducted for construction workers prior to and during construction as deemed necessary the City staff for specific projects.~~





Mitigation measures required under CEQA section 15370 will be employed. These include but not limited to:

- (a) Avoiding the impact by not taking the action or part of the action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance over the life of the project.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

17.43.060 On-Site project activity

To be carried out during active project activity in the case of an unexpected find. Also, to provide added direction to bring crew awareness to the potential of Tribal Cultural Resources.

A. Fencing and Buffer Requirement. If significant cultural resources are located within 61 meters (200 feet) of ground disturbing activities, the archaeological site and a 50-foot buffer around the site shall be temporarily fenced with chain link or other structurally sound material to appropriately protect the cultural resource during grading and construction.

B. Disposition of Artifacts or Remains Discovered During Construction. In the event that archaeological or paleontological artifacts or remains are uncovered during construction, excavation shall be temporarily suspended and redirected until the find can be evaluated for significance in accordance with CEQA 15064.5. In the event if the find is determined to be human or funerary remains and of Native American in nature then the provisions of Public Resource code 5097.98 shall be followed. (on the ground step by step activities for construction crew to be listed here, such as 100ft fencing buffer for human remains and 50 ft buffer for artifact or feature fencing... till determination of solution is agreed on. Steps, notifications, and parties involved to also be placed here.)

~~provisions of Public Resources Code, Sections 5097.5, 5097.9 et seq. are satisfied. This development standard shall be incorporated as a standard condition of approval into any project that involved any grading or ground disturbance.~~

C. Construction Worker Education. An educational workshop shall be conducted for construction workers prior to and during construction as deemed necessary the City staff for specific projects.





CEQA APPENDIX G ENVIRONMENTAL CHECKLIST FORM

APPENDIX G ENVIRONMENTAL CHECKLIST FORM

NOTE: The following is a sample form that may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

