



PLANNING & DEVELOPMENT
PERMIT APPLICATION

SITE ADDRESS: 2531 Grand, Los Olivos

ASSESSOR PARCEL NUMBER: APN 135-240-001

SIZE (acres/sq.ft.): Gross 12.76 Net

COMPREHENSIVE/COASTAL PLAN DESIGNATION: RES-1.0 ZONING: 1-E-1

Are there previous permits/applications? No Yes numbers: (include permit# & lot # if tract)

Are there previous environmental (CEQA) documents? No Yes numbers:

Santa Ynez Band of Chumash Indians

1. Appellant: Vincent Armenta Phone: 688-7997 FAX: 686-9578

Mailing Address: P.O. Box 517 Santa Ynez CA 93460 E-mail:

2. Aggrieved Party: Santa Ynez Band of Chumash Indians Phone: (805) 688-7997 FAX: (805) 686-9578

Mailing Address: P.O. Box 517, Santa Ynez, CA 93460 E-mail: scohen@santaynezchumash.org

3. Owner: Phone: FAX:

Mailing Address: Street City State Zip E-mail:

4. Agent: Phone: FAX:

Mailing Address: Street City State Zip E-mail:

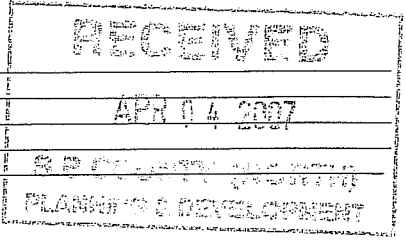
5. Attorney: Phone: FAX:

Mailing Address: Street City State Zip E-mail:

COUNTY USE ONLY

Case Number: 07APL-00000-00012 for 05LLA-00000-00015
Supervisorial: Santa Ynez Band of Chumash Indians
Applicable Zo: 2531 Grand Avenue/135-240-001
Project Plann: 1-E-1
Zoning Desigr: Planner: John Karamitsos

Companion Case Number:
Submittal Date:
Receipt Number:
Accepted for Processing:
Comp. Plan Designation:



# COUNTY OF SANTA BARBARA APPEAL TO THE :

BOARD OF SUPERVISORS

PLANNING COMMISSION:  COUNTY  MONTECITO

RE: Project Title Herthel-Montanaro Lot Line Adjustment

Case No. 5LLA-0000-00015/APN 135-240-001/06NGD-0000-00029

Date of Action March 28, 2007 decision / March 26, 2007 Hearing

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? \_\_\_\_\_

Planning & Development Director decision

Zoning Administrator decision dated March 28, 2007

**Is the appellant the applicant or an aggrieved party?**

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and "aggrieved party" as defined on page two of this appeal form:

The Santa Ynez Band of Chumash Indians ("Tribe") is the only federally recognized tribe of Chumash Indians in the Santa Ynez Valley and this a dispute over the protection of archeological and cultural resources that are of significance to the Tribe and Chumash people. The Tribe initially intervened by letter on September 25, 2006 and has participated in every hearing thereafter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
  - Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
1. A known Chumash Cemetery, SBA-188, is known to exist in the vicinity of the Montanaro Farm which was not disclosed in the initial application for the Lot Line Adjustment ("LLA").
  2. Even if the Cemetery is not onsite, existence of a cemetery means it is highly likely that a Chumash Village exists on or in the vicinity of the Montanaro Farm and the ZA found that it is probable there are artifacts on the site.
  3. Larry Spanne, former Archeologist for 23 years at Vandenberg Air Force Base, and retired after 38 years total experience, personally worked on transferring map and record information in 1968 to the UCSB Information Center for SBA-188 and recommends enhanced Phase I Survey with test pits.
  4. Prof. Glassow, a UCSB Professor who volunteers in the community to review archeologically significant projects, agrees with Mr. Spanne and RECOMMENDS ENHANCED TEST PITS AS EARLY IN THE PROCESS AS POSSIBLE. This is consistent with settled CEQA jurisprudence. *Robert T. SUNDSTROM, Plaintiff and Appellant, v. COUNTY OF MENDOCINO et al., Defendants and Respondents. Harold K. MILLER, Real Party in Interest, 202 Cal.App.3d 296, No. A038922, Court of Appeal, First District, Division 1, California (June 22, 1988).* Therefore, two qualified and well respected experts concur that the mitigation measure imposed are not sufficient to mitigate the impact on cultural resources to a level of insignificance.
  5. There are two lot line adjustments for the Montanaro Farm: 5LLA-16 severs four (4) lots for 3-4 acre residential ranchettes. Previously, Mr. Herthel publicly represented that NO RESIDENTIAL development would occur ANYWHERE ([www.silcom.com/~ranchlnd/notebook/41Los%20Olivos%20Park%20Fund%20Drive.htm](http://www.silcom.com/~ranchlnd/notebook/41Los%20Olivos%20Park%20Fund%20Drive.htm)). In addition, the 4 new lots in 5LLA-16 should be combined with the 3 lots in 5LLA-15 for determining whether the total number of parcels is in violation of the Subdivision Map Act.
  6. 5LLA-15 isolates the historic Montanaro House on one lot so that the Store and Neighborhood commercial zoned lot can be developed. The commercial property will be given a new road easement to develop. The LLA also establishes new building envelopes with new required setbacks which should not be established until you know where the artifacts are.

7. The Planner's Report dated March 15, 2007, Sec. 4.2, page 2, admits inquiries have already begun to modify the Historic Montanaro House.
8. There is no post-LLA enforcement. The Herthels have engaged A. Barry Cappello, Esq. who admits in his letter dated March 19, 2007, that there is no map recordation with an LLA only deed recordation. All four (4) 5LLA-16 lots are all to be sold to total strangers whom we cannot control. The farm house will go back to the Montanaro Family whom we cannot control and are already making inquiries at the Planning Desk (see No. 6 above).
9. As the Zoning Administrator found that there is a substantial probability that the Montanaro Farm contains contains cultural materials, Section 15064(g) of the CEQA Guidelines provides that *"[a]fter application of the principles set forth in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR"*.
10. In addition to the Phase I survey with test pits, there still remains no monitoring plan for sites and objects of cultural significance during any excavation and any future construction. Native American Monitors must be required during any excavation and any future construction. CEQA Guidelines Subsection 15126.4(b)(3)(C) also provides as follows: ***"When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center."*** (Emphasis added.) The County is making the tractor the finder of artifacts with no training, no experience and when they are unable to see the ground below the tractor.
11. Failure to consider cumulative impacts: 5LLA-15 should be combined with the 4 residential ranchettes created in 5LLA-16, including, without limitation, that the 4 new lots may be closer to the Chumash Cemetery and more at risk, the renovations of the historical Montanaro structures which have never been previously addressed and the development of the upsized neighborhood commercially zoned lot and access road.
12. The Santa Ynez Band of Chumash Indians also incorporates by this reference the entire file in this matter and 5LLA-0000-0016 whether or not such materials were filed by the Tribe, its agents or any other person or business or governmental entity, including, without limitation the documents listed in Exhibit A attached hereto.

**Specific conditions imposed which I wish to appeal are (if applicable):**

- a. Failure to require an Environmental Impact Report (EIR).
- b. To the extent a mitigated negative declaration is approved, Sec. 4.5 Cultural Resources, mitigation 2 &3, all Phase I extended archeological studies shall include controlled backhoe lifts which shall be completed subject to P&D approval (with a copy to the Santa Ynez Band of Chumash Indians) prior to any approval of the lot line adjustment (not prior to land use permit).
- c. To the extent a mitigated negative declaration is approved, Section 4.5, Cultural Resources, all Phase I extended studies and any future excavation and construction on any portion of the property shall require a Native American observer to be present at all times along with an archeologist if required by P&D.
- d. To the extent a mitigated negative declaration is approved, Section 4.5 Cultural Resources, a detailed plan for cultural resource monitoring during excavation and construction shall be made part of any mitigated negative declaration and not deferred until after approval of any lot line adjustment.

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e.

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Please include any other information you feel is relevant to this application.

**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

 \_\_\_\_\_ Date 04-04-07

Print name and sign - Firm \_\_\_\_\_ Date

Chairman Santa Ynez Band of Chumash Indians

Print name and sign - Preparer of this form \_\_\_\_\_ Date

Aru Cohen, Tribal Administrator (preparer)

Print name and sign - Applicant \_\_\_\_\_ Date

P.O. Box 517, Santa Ynez, CA 93460

Print name and sign - Agent \_\_\_\_\_ Date

Phone: 805-688-7997 / Fax: 805-686-9578

Print name and sign - Landowner \_\_\_\_\_ Date



Santa Ynez Band of Chumash Indians

P.O. Box 517 • Santa Ynez, CA 93460  
805-688-7997 • Fax 805-686-9578  
www.santaynezchumash.org

*BUSINESS COMMITTEE*  
Vincent Armenta, *Chairman*  
Richard Gomez, *Vice Chairman*  
Kenneth Kahn, *Secretary/Treasurer*  
David D. Dominguez, *Committee Member*  
Gary Pace, *Committee Member*



EXHIBIT A

Appeal of ZA Decision of March 28, 2007  
Herthel Montanaro Lot Line Adjustment  
5LLA-00000-00015  
Documents submitted into Record by  
Santa Ynez Band of Chumash Indians

- September 25, 2006 SY Band of Chumash Indians Opposition Letter
- December 16, 2006 Larry Spanne support letter
- December 26, 2006 SY Band of Chumash Indians Opposition Letter to ND
- January 17, 2007 Larry Spanne additional support letter
- February 16, 2007 Dr. Michael Glassow, UCSB, support letter req ext Phase 1
- March 20, 2007 Dr. Michael Glassow, UCSB, support letter, test pits
- March 21, 2007 SY Band of Chumash Indians Opposition letter



D. I. a.

# Santa Ynez Band of Chumash Indians

P.O. Box 517 • Santa Ynez, CA 93460  
805-688-7997 • Fax 805-686-9578  
www.santaynezchumash.org



*BUSINESS COMMITTEE*  
Vincent Armenta, *Chairman*  
Richard Gomez, *Vice Chairman*  
Kenneth Kahn, *Secretary/Treasurer*  
David Dominguez, *Committee Member*  
Gary Pace, *Committee Member*

September 25, 2006

Santa Barbara County Zoning Administrator  
County Engineering Building  
Planning Commission Room 17  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Opposition to  
Herthel Montanaro Lot Line Adjustment  
05LLA-00000-00015  
Hearing Date: September 25, 2006 1:30 p.m.

To the Honorable Zoning Administrator of Santa Barbara County:

How does one begin to subdivide a historic 25 acre farm without having to go through the rigors prescribed under the Subdivision Map Act?

Answer: start with a series of lot line adjustments totaling less than four (4) parcels and argue that that there is no "net increase" in development potential.

That is exactly the case here with the Herthel Montanaro Farm supposed lot line adjustment. On the entire approximately 25-27 acres comprising the Montanaro Farm, the Farm House, Barn and commercial structure were sited on the southernmost portion of the property with the remaining northern portions placed in agricultural use. The House and Barn were functionally sited; not based on arbitrary lot lines. It is hard to believe that Mr. Herthel bought the Farm not knowing exactly where the lot lines bisected both the House and Barn.

Mr. Herthel complains that he cannot develop the three lots as the lot lines bisect the historic House and Barn. At the same time, Patricia Beltranena, as agent for Mr. Herthel, argues that the lot line adjustments will result in no net increase in development. This makes one want to ask why the lot lines are being adjusted at all except to initiate the defacto subdivision and development process.

## **I . Subdivision Map Act, Govt. Code 66421(d).**

This section states that Lot Line Adjustments of parcels located within the Urban and Inner-Rural Areas as designated by the Santa Barbara County Comprehensive Plan that result in four (4) or fewer parcels shall be reviewed and approved by the zoning administrator.

Case No. 05LLA-00000-00015 involves 3 parcels.

The staff report also states on page three that there are two (2) additional pending Montanaro Farm lot line adjustments on APNs 135-200-004 and 135-180-007, north of the proposed lot line adjustment.

Therefore, by its own terms, there are a total of five (5) total parcels subject to lot line adjustments in violation of the maximum of four (4) parcel limit expressly stated in the Subdivision Map Act.

In other word, consolidating all Montanaro Farm lot line adjustments would require full compliance with the Subdivision Map Act.

## II. CEQA Section 15305(a)

The terms of CEQA 15305(a) require:

- (1) Average slopes of less than 20%;
- (2) No changes in land use or density, including, but not limited to, **minor** lot line adjustments. (Emphasis added.)

- (1) Average slopes of less than 20%

The Staff Report contains no analysis of the average slopes of any of the three existing lots or the three post lot line adjustment reconfigured lots.

However, Assessor's map Book 135-Page 24 has Alamo Pintado Creek running through the center of all three existing lots.

Failure to perform the slope analysis required by CEQA 15305(a) is a jurisdictional defect completely preventing CEQA exemption for the proposed lot line adjustment.

- (2) No changes in land use or density, including, but not limited to, **minor** lot line adjustments. (Emphasis added.)

Currently the entire Montanaro Farm is a consolidated entity comprised of between 25-27 acres. On such farm is located a Farm House, Barn and a commercial structure. All such structures are located in a group in the southern portion of the Farm. Such structures were never intended to be subdivided by the original owner and therefore such structures do not follow the current lot lines.

The current Herthel-Montanaro lot line adjustment seeks to sever all of the above structures from the historical Montanaro farm land. In addition, the lot line adjustment seeks to sever the Farm House from the other structures.

In the process, there will be created a new lot with a neighborhood commercial designation somehow that was transferred from bits and pieces of the other two lots.

In the middle of all of this is Alamo Pintado Creek.

It is inconceivable that breaking up a historical farm and severing its historical structures is a minor lot line adjustment.

### III. Exceptions to Categorical Exclusion/Exceptions from CEQA

A categorical exclusion/CEQA exception is a creature of administrative convenience. As such, there are numerous situations that require the administrative agency NOT to apply such categorical exclusion/CEQA exception:

If the project is determined to be categorically exempt, the Agency must consider whether the exemption is negated by an exception pursuant to CEQA Guidelines, Section 15300, and Public Resources Code, Section 21084. Such exceptions may apply under the following circumstances:

- (a) The project site is environmentally sensitive as defined by the project's location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.
- (b) The project and successive projects of the same type in the same place will result in cumulative impacts;
- (c) There are "unusual circumstances" creating the reasonable possibility of significant effects;
- (d) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway, except with respect to improvements required as mitigation for projects for which negative declarations or EIRs have been prepared;
- (e) The project is located on a site that the Department of Toxic Substances Control and the Secretary of the Environmental Protection have identified, pursuant to Government Code section 65962.5, as being affected by hazardous wastes or clean-up problems; or
- (f) The project may cause a substantial adverse change in the significance of an historical resource.

(a) The project site is environmentally sensitive as defined by the project's location. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.

Previously, we have mentioned that Alamo Pintado Creek runs through the middle of the three lots that are the subject of lot line adjustment. The Los Olivos/Alamo Pintado Creek area is the location of one of the largest historical Chumash Villages: Soxtonokmu.

Kaylee Stallings McRae researched the history of Soxtonokmu in her Masters of Arts in Anthropology Thesis, Soxtonokmu (CA-SBA-167): An Analysis of Artifacts and Economic patterns From a Late Period Chumash Village in the Santa Ynez Valley (May 1999) (copies of the relevant pages of which are attached):

P. 26: Soxtonokmu was part of an intervillage network that includes Xonxon'ata and Kalawashaq';

P. 28: Soxtonokmu was near present day Los Olivos and Alamo Pintado Creek ran around the northern and western edges of the site;

P. 61: In a nearby archeological survey of Midland School, lithic scatter and archeological artifacts were found along Alamo Pintado Creek; and

P. 127: Soxtonokmu was located next to a perennial water source: Alamo Pintado Creek.

Alamo Pintado Creek was also the main source of water for Mission Santa Ines'. Mission Santa Ines' was established between Mission La Purissima and Mission Santa Barbara in 1804. To serve the Mission and to promote agricultural development around Mission Santa Ines' a series of underground aqueducts were created to divert water from Alamo Pintado Creek.

In 1819, Padre Francisco Xavier de la Concepcion Uria, selected a site along the banks of Alamo Pintado Creek for the construction of a grist mill (<http://www.sbthp.org/mills.htm>). Such grist mill and aqueduct become the 2003/2004 Santa Ynez Valley Union High School Project: Mission Santa Ines' Aqueduct Mapping, Dynamic GIS, History and Technology (Santa Ynez Valley news, Sept. 19, 2004, reprinted at <http://www.syvnews.com/articles/2005/04/15/news/local/news01.txt>).

(b) The project and successive projects of the same type in the same place will result in cumulative impacts;

Lisa Bodrogi, Agricultural land Use Planner, had the following comments on the Herthel Montanaro Lot Line Adjustment in her memo dated September 15, 2006 and attached as attachment D to the staff report:

[F]rom a big picture perspective, the entire Montanaro Property is comprised of approximately 25 acres made up of two (2) Assessor Parcels and a total of nine (9) Certificates of Compliance (CC). Whether the existing nine CC parcels are developed under this present configuration or under the proposed configuration, the development of nine residential lots ranging in size from 1-4 acres on these 25 acres will render the use of this property for any commercial operation as unusable.

(d) The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway, except with respect to improvements required as mitigation for projects for which negative declarations or EIRs have been prepared; and  
(f) The project may cause a substantial adverse change in the significance of an historical resource.

It is a rare subdivision that refers to the property as the "historic" Montanaro Property but has never once been archeologically surveyed or had any of its structures evaluated by the State History Preservation Officer or the County.

In addition, without a doubt there are sites of historical and cultural significance of Chumash history along the Alamo Pintado Creek corridor within the three (3) parcels that are the subject of lot line adjustment.

As such, this is not a proper subject for categorical exclusion or CEQA exception.

#### **IV. Rezoning and Tribal Consultation Pursuant to SB 18**

Finally we are unclear as to the legality or mechanism for adjusting or shifting Neighborhood Commercial (CN) zoning between the three (3) lots.

Any rezoning is considered a Specific Plan Amendment pursuant to SB 18 as codified at Government Code, 65300, et seq.:

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code Sec. 65300 et seq.) and specific plans (defined on Government Code Sec. 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same process for adoption or amendment of specific plans as for general plans (see Government Code Sec. 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment. Although the new law took effect on January 1, 2005, several of its provisions regarding tribal consultation did not take effect until March 1, 2005.

State of California, Governor's Office of Planning and Research, Tribal Consultation Guidelines, Supplement to General Plan Guidelines (April 15, 2005), p. 3.

To date, there has been no formal request for consultation as required for any rezoning or "shifting" of zoning.

#### **V. Conclusion**

For the reasons given above, the Santa Ynez Band of Chumash Indians must object to 05LLA-00000-00015.

Sincerely,



Vincent Armenta,  
Tribal Chairman

*SOXTONOKMU'* (CA-SBa-167): AN ANALYSIS OF ARTIFACTS AND  
ECONOMIC PATTERNS FROM A LATE PERIOD CHUMASH  
VILLAGE IN THE SANTA YNEZ VALLEY.

by

KAYLEE STALLINGS McRAE, B.A.

THESIS

Presented to the Graduate Faculty of  
The University of Texas at San Antonio  
in Partial Fulfillment  
of the Requirements  
for the Degree of

MASTER OF ARTS IN ANTHROPOLOGY

THE UNIVERSITY OF TEXAS AT SAN ANTONIO  
College of Social and Behavioral Sciences  
Division of Behavioral and Cultural Sciences  
May 1999

the village population may have formed temporary camps to harvest acorns, pinyon nuts, or "point-specific" food resources (1981:147-148).

In describing the seasonal rounds of the base villages and seasonally occupied sites, Horne identified the archaeological determinates of these site types. He suggested base villages would have been located in reference to major trails and permanent water, close access to food resources, and in moderate winter weather locations. Archaeological evidence of a base village would include: a developed midden, evidence of architecture, evidence of a temescal (sweat lodge), storage facilities, dance floor, roasting pits, and a cemetery (Horne 1981:152-173). Seasonal occupation sites such as summer camps, acorn camps, and pinyon camps would all be marked by their accessibility to particular food resources. These site types may all be identified archaeologically through evidence of temporary shelter, clustering of occupational debris, storage facilities, patterns of reoccupation, small number of interments, and limited clustering of procurement (or task) related artifacts (Horne 1981:173-191).

The village site of *Hawamîw*, for which the seasonal round is described above, was part of the "Soxtonokmu' Network" identified by Horne (1981). Horne suggested that the Late period Chumash were regionally unified and had provinces in the inland region (1981:57). The integration of communities and regions in the inland area marked cultural change and increasing complexity. He stated:

Increased cultural complexity during the Late period is reflected by the existence of intercommunity craft specialists organizations and intervillage exchange of food, manufactured goods, and spouses. It is also reflected in the development of regional specialization, provincial unification, and ceremonial integration (Horne 1981:61).

Horne interpreted *Soxtonokmu'* as a capital of a province that included the villages of *Hawamîw* and *Heqep* (Horne 1981:57). Two things that made *Soxtonokmu'* an important village were: (1) a strategic location which gave control over major trade routes, and (2) a reliable source of water during dry climatic intervals (Horne 1981:58).

In determining the intervillage network of *Soxtonokmu'*, Horne reconstructed family relationships from information contained in mission baptismal registers. This ethnohistoric evidence provided information of marriage and kinship links between villages. For a village to be incorporated into the "Soxtonokmu' Network", Horne stated a village must have links with two other villages in the network, including *Soxtonokmu'* (Horne 1981:81). The villages in this network were: *Xorxon'ata*, *Kalawashaq'*, *Stuk*, *Hawamîw*, *Heqep*, *Tsiwikon*, *Kuyam*, *Sxaliwiliumu'*, and *Soxtonokmu'* (Horne 1981:81-82; see Figure 11.1 for kinship links). Horne proposed that such "intervillage networks were expressions of economic, social, and political interdependencies" (1981:82).

The models used in examining inland adaptations and interactions suggest that the environment played a crucial role in inland settlement and economics. As stated by Kelly (1995; see Chapter 2), a

## Chapter 5

### Natural and Cultural Setting

The Historic village site of *Soxtonokmu'* (CA-SBa-167) is located near the present day town of Los Olivos, California, in the Santa Ynez Valley. The site is approximately 32 km inland from the Santa Barbara Coast. The following is a description of *Soxtonokmu'* and the region occupied by Chumash peoples.

#### Location

The site of *Soxtonokmu'* (CA-SBa-167) is located on a series of alluvial terraces above Alamo Pintado Creek in Birabent Canyon. Alamo Pintado Creek runs around the northern and western edges of the habitation area of the site. This creek flows perennially to the southwest, meeting the Santa Ynez River approximately eight miles downstream. The site area encompasses approximately 72,774 m<sup>2</sup> with dimensions of about 91 meters east-west and 122 meters north-south. Site elevation is approximately 451 meters. Areas previously excavated indicate that the midden reaches a depth of 1.5 meters.

#### Geography

The territory inhabited by Chumash peoples covered some 7,000 square miles and encompassed over 200 miles of coastline. This region includes what is now known as Santa Barbara County, San Luis Obispo County, and portions Ventura, Kern, and Los Angeles Counties (see Figure 5.1). One Chumash group occupied an archipelago of islands in the Santa Barbara Channel: San Miguel (*Tuqan*), Santa Rosa (*Wimal*), Santa Cruz (*Limuw*), and Anacapa (*'Anyapax*) (see Figure 1.1). The four islands are called the Northern Channel Islands. The name *chumash*, originally meaning 'islander', has become synonymous with the culture that flourished through the Santa Barbara region.

#### Geology

In Santa Barbara County, the southeast-trending Coast Ranges meet the east-trending Transverse Ranges. The village site of *Soxtonokmu'* (CA-SBa-167) is nestled against the San Rafael Mountains (which are part of the South Coast Ranges) west of the Santa Ynez Mountain Ranges (which are part of the westernmost of the Transverse Ranges) (see Figure 5.2). The lowland area between the San Rafael and Santa Ynez Mountains consists of low ranges of hills that separate valleys. One of the largest valleys in this area is the Santa Ynez Valley. The South Coast Ranges contain Mesozoic sediments. Folding and faulting of these ranges have created smaller independent ranges and valleys. Most geologic formations in the Santa Barbara region are sedimentary and a few are volcanic (Smith 1998). Geologic assemblages of this region



serpentine boulders southeast and south of the main habitational portion of the site. Lee reported that the cupules are randomly spaced and vary in size. The average diameter of the cupules is 2.5 cm. Incised grooves form X's and V's, crosses, parallel lines, and radiating lines (Lee 1981). Lee numbered the large rocks 1 - 3 from north to south (see Figure 8.1). Rock 1 measures 90 by 150 cm and 90 cm at the maximum height. The rock contains ca. 128 cupules and has grooves. Rock 2 measures 94 by 89 by 120 cm, with a total height of 110 cm. Rock 2 has a total of 54 cupules and also has grooves. An incised anthropomorphic figure appears on the west side of the rock that measures 5.2 by 2.3 cm (Lee 1981).

Lee described the pecked ovoid petroglyphs located on a serpentine boulder near the creek and southwest of the habitational portion of the site. Rock 3 measures 90 by 80 cm. Lee indicated the ovoids have raised central portions formed through pecking and abrasion of the surrounding area (1981). Many of the raised portions of the ovoids range from 1.5 to 3.2 cm in height, with the largest oval measuring 32 by 23 cm. The ovoids resemble "doughnut figures," while some are open ended in the shape of a "horseshoe" (Lee 1981:124). Donna Gillette from California State University, Hayward, is currently writing her thesis on the occurrence of ovoids throughout California, including those found at village site of *Soxtonokmu'*.

Other studies of artifact types at *Soxtonokmu'* include the work of John Johnson and Brian Glenn. In the 1970s, Johnson analyzed fish bone and projectile points from *Soxtonokmu'* (n.d. <sup>1979</sup>). His notecards for fish bone identifications may be found in the UCSB file folders for CA-SBa-167. Johnson's unpublished manuscript on a projectile point study which includes *Soxtonokmu'* is on file at the UCSB anthropology collections repository and at the Santa Barbara Museum of Natural History (Johnson 1979).

Later, Glenn wrote a manuscript that included an analysis of some of the projectile points from the site (1987). Projectile points pulled from this collection represented those from dated components. As mentioned by McIntosh, there are over 100 projectile points in the entire collection. Only 41 projectile points from *Soxtonokmu'* were selected for use in Glenn's morphological classification system for projectile points from sites in the Santa Barbara region. Glenn classified the projectile points from *Soxtonokmu'* as the following: non-serrated triangular, straight base (4); non-serrated triangular, concave base (23); serrated triangular (1); leaf-shaped (3); rhomboid (1); bipointed (1); hipped (1); and contracting tang (2) (Glenn 1987). Out of the 41 projectile points, a total of five projectile points were not accounted for in Glenn's analysis.

The latest archaeological information regarding the land around *Soxtonokmu'* is contained in a survey report written by Dustin Kay and Karin Anderson (1997). A general reconnaissance survey was done by Science Applications International Corporation (SAIC) for proposed improvements at Midland School. The survey was completed within 1 mile of a proposed construction site. Although CA-SBa-167 exceeds this distance, a lithic scatter and associated artifacts were found along Alamo Pintado Creek, 1.5 miles away from the impact area. The number for this site is CA-SBa-2655. No potentially significant cultural resources were found in the proposed project area. CA-SBa-167 is located well north of the area surveyed.

Several factors were considered in the identification of economic patterns at *Soxtonokmu'*. Variables which could have affected the frequencies of trade goods at the site were: (1) site population, (2) site location, and (3) kinship links to other villages regionally. Much information has been ethnohistorically recorded concerning these variables.

The only records which mention the site population at *Soxtonokmu'* are documented by Pablo Cota and Friar Estevan Tapis in 1798 (see Chapter 6). From these documents the distance of *Soxtonokmu'* from Mission Santa Inés and the population of the village before missionization are known: 168 people counted by Cota and 200 people estimated by Tapis based on count of 50 structures. In a regional comparison of site populations at the time of European contact, *Soxtonokmu'* was the largest village in the Santa Ynez Valley. Population for villages has also been figured by calculating baptisms in the mission registers from various missions. Based on baptismal records, the village of *Soxtonokmu'* had a population of 157 near the time of the site's abandonment in 1804 (Johnson 1988:101).

The sites location was also an important variable to consider. The site was located next to a perennial water source, the Alamo Pintado Creek. Additionally, the village was located on two major trading routes for the inland region. One trade route went further inland on a prehistoric trail along Zaca Creek, Foxen Creek, and the Sisquoc River en route to the village sites of *Siswow* or *Washlayik*. The other trade route was along Lisque Creek and continued toward the coast by way of the villages '*Aqitsu'm*, *Kalawashaq'*, and *Qasil*.

Much information is also known of the social relationships that *Soxtonokmu'* maintained regionally with other villages. Through examination of mission registers (e.g., baptismal records), a reconstruction of this social sphere was made possible (Horne 1981; Johnson 1988, n.d. a; see also Appendix A). Figure 11.1 depicts the kinship links of *Soxtonokmu'* geographically. As part of the adaptational response to the variability of resources in the inland region, *Soxtonokmu'* relied on kinship links to areas which varied in resources (see also Johnson 1988, 1999). Interestingly, there were many kinship and marriage links between *Soxtonokmu'* and villages on the coast.

In examining the quantitative data from *Soxtonokmu'* other variables were also considered. These variables were based on network variables presented by Plog (1977; see Chapter 9). The variables were incorporated into the analysis of the trade goods from the site and used to identify site and intersite economic patterns. His approach is one of the few which permits quantification of trade using an incomplete or small database.

The economic variables used in this analysis were: content, diversity, size, magnitude, temporal duration, directionality, symmetry, centralization, and complexity of the economic network. The use of these variables has been discussed in Chapter 9, while the application of these variables in relation to the *Soxtonokmu'* data was discussed under the results section of Chapter 11. These results are summarized below.

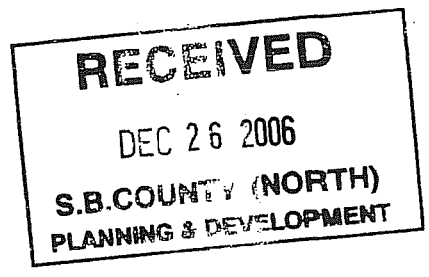
D.I.B.

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December 16, 2006

Shelly Ingram  
Development Review Division  
Planning and Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058



Subject: Independent Expert Comment Letter Relative to County of Santa Barbara Planning and Development Department's Initial Study/Negative Declaration 06NGD-00000-00029, Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015, December 1, 2006

Dear Ms. Ingram:

This expert comment letter on the subject Initial Study/Negative Declaration focuses on the related cultural resources impacts and mitigation. My qualifications as an expert include 38 years of professional cultural resources experience in the County of Santa Barbara and 23 years as Cultural Resource Manager and Chief of Cultural Resources at Vandenberg Air Force Base.

First, with regard to the sensitivity of the project area and potential impacts, I agree that the general vicinity of the project is sensitive for archaeological resources. However, I am also of the opinion that the project site itself must be considered potentially sensitive from an archaeological, religious, and ceremonial standpoint, until demonstrated otherwise. A prehistoric Chumash cemetery, CA-SBA-188, is recorded in close proximity to the project area, yet its precise location is unknown. My own handwritten notation from 1968 at the top of the site record indicates "location on map appx" (approximate). I made this notation at UCLA when I was employed in transferring map and record information to the UCSB Information Center. To my knowledge, the cemetery location has never been field checked since it was recorded by Orr (1947). The site record is also unclear as to cemetery location except to note that it is "1/2 mile south of flag pole center of Los Olivos, left side of road on creek bank, approximately 100 yards from road..." The road in question is not named, nor is the direction the recorder was facing when indicating "left side of road." The distance from the flag pole may also be approximate. Therefore, we are faced with a situation in which the cemetery could be on either side of Alamo Pintado Creek at somewhat greater or lesser distance than 1/2 mile from the "flagpole," and it could easily fall within or very near the project.

The project area itself has not been subjected to a complete archaeological survey. By my calculation, a 1984 survey by County Archaeologist, David Stone, would have covered only the southernmost portion of the current project area. The northern portion, which is apparently most proximate to SBA-188, has not been surveyed. Furthermore, prehistoric Chumash cemeteries are consistently located within or directly adjacent to residential sites or villages. Therefore, it is logical to conclude that the archaeological

remains of a village site are associated with SBA-188 and extend out an unknown distance and direction from its location. Both prehistoric cemeteries and associated village remains are generally regarded as among the most significant or important of archaeological resources. These archaeological deposits may or may not be visible at the ground surface, and could have easily been buried in the floodplain deposits of Alamo Pintado Creek beneath the cultivated zone. Applegate (1975), in his Index of Chumash Placenames, identifies *Shahsh'ilik*, the Inezeno Chumash name for "bog or swamp", as being a place near Los Olivos. One would expect to find such a place along the floodplain of Alamo Pintado Creek and because placenames often refer to village locations, it could very well refer to a village associated with SBA-188. Given the above circumstances, there is, in my opinion, a moderately high probability that future development of the project area will impact very important archaeological as well as Chumash heritage resources.

I also find the proposed mitigation to be insufficient to prevent significant impacts to cultural resources that could be present on the subject property. First, the mitigation apparently depends on construction personnel to recognize important cultural resources and take the initiative in halting or redirecting equipment. Much damage to an important cultural resource can, and often does occur during construction before the resource is recognized, if it is even recognized or acknowledged at all. A construction shutdown in order to evaluate the resource and design as well as perform a Phase 3 mitigation can be expensive and time consuming. A project redesign to avoid a highly sensitive resource would also add to the woes and financial burden of the developer.

There is a relative quick and inexpensive remedy that can answer lingering questions about resources within the project area and avoid pitfalls for the developer as well as other interested parties. This remedy involves completing a Phase 1 surface investigation of the project area supplemented by limited subsurface investigations to demonstrate the presence or absence of buried cultural resources. The subsurface investigations might employ a limited number of auger borings and/or small backhoe trenches in the northernmost part of the project area where extensions of the SBA-188 cemetery and/or an associated village site might be present. The information gained from these investigations could then be used both to avoid significant impacts to any extant resources and shield the developer from future construction delays and excessive costs related to mitigation and possible project redesign. I strongly recommend Phase 1 surface and subsurface surveys be required as conditions of project approval that should be viewed favorably by the applicants as well as all interested parties.

This concludes my commentary and recommendations. If you have any questions or require additional information, please do not hesitate to contact me.

Yours sincerely,



Laurence W. Spanne, MA  
Cultural Resources Consultant

D.I.C.

# Santa Ynez Band of Chumash Indians

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*BUSINESS COMMITTEE*  
Vincent Armenta, *Chairman*  
Richard Gomez, *Vice Chairman*  
Kenneth Kahn, *Secretary/Treasurer*  
David Dominguez, *Committee Member*  
Gary Pace, *Committee Member*

December 26, 2006

Santa Barbara County Zoning Administrator  
County Engineering Building  
Planning Commission Room 17  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Draft Initial Study/Negative Declaration 06NGD-00000-00029  
Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015  
December 1, 2006

To the Honorable Zoning Administrator:

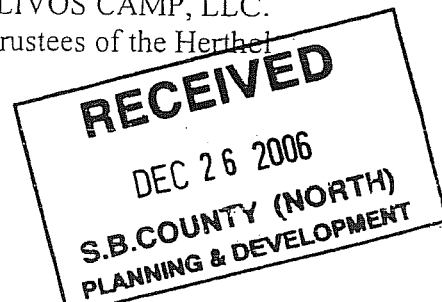
The Santa Ynez Band of Chumash Indians respectfully objects to the above Draft Initial Study/Negative Declaration as follows:

**Subdivision Violation for the 2 projects:**

Before starting the Lot Line Adjustment (LLA) for the Southern part of the Montanaro Farm ("Farm"), the Herthels started a LLA for the Northern portion of the Farm. The Northern Farm (05LLA-16) is separated by two lots from the Southern Farm (05LLA-15). The report repeated states that 05LLA-16 is "separate and distinct" from 05LLA-15 because of the 2 lot separation. This completely ignores the purchase of all 4 lots simultaneously as a single property by a single buyer who then started subdividing the Northern Farm and Southern Farm simultaneously.

On August 4, 2003, and recorded as document 2003-0111846 on August 18, 2003, Janice Yates as the Trustee of the Arthur Montanaro Trust conveyed all of the lands in 05LLA-16, 05LLA-15 and all of the parcels in between to Douglas J. Herthel and Susan J. Herthel as trustees of the Herthel Revocable Living Trust dated March 1, 1988. (Exhibit A). The Arthur Montanaro Trust also took back a deed of trust on the same property that same day. (Exhibit B).

Just prior to filing the 05LLA-16 lot line adjustment, the Herthel Revocable Living Trust conveyed those parcels to a new limited liability company, LOS OLIVOS CAMP, LLC. The new LLC was established by Douglas and Susan Herthel, the trustees of the Herthel Revocable Living Trust. (Exhibits C & D).



These are all the same people. 05LLA-16 is a proposed 4 parcel lot line adjustment. 05LLA-15 is another proposed 4 parcel lot line adjustment. The same "people" own all of the property between 05LLA-16 and 05LLA-15 which they purchased at the same time.

Is the Subdivision Act so easily circumvented?

### **Failure to consider cumulative impacts**

Page 6, MONITORING, Cumulative Impact, states that "In total, the "Montanaro Property" is comprised of nine legal parcels, each of which could be developed under existing zoning requirements." However, the cumulative impact analysis only covers the Northern Farm (05LLA-16) and the Southern Farm (05LLA-15). What about the other 7 developable parcels in between? What about neighboring parcels in and surrounding Los Olivos?? This is quite a narrow view of cumulative impact.

Exiting and Historic Land Use: The Study completely ignores the historic nature of the Montanaro Farm and the Old Store and Meat Market. Instead the Report states: "Parcels 1 and 3 contain considerable development in the form of residences or agricultural buildings affording them a score of 2 points [out of 10]." Certainly that is understatement. The Report needs to include the research on the Montanaro Store and Meat Market which states that the structure is eligible for consideration for inclusion on the National Register of Historic Places. See Julia Costello 1981 -Los Olivos Market: Initial Impact Assessment of Montanaro property, historical overview of farming operation, buildings, setting, meat cooler on creek.

Page 17: Setting: Physical: The Report recognizes that "a known cultural site is located on a parcel within ¼ mile of the proposed project site." Again, this is understatement. A known cemetery is located within a ¼ mile of the project site meaning that a village has to be nearby (the village supplies the dead people which the villagers would prefer just outside of town). In addition, documentation has been provided that Alamo Pintado Creek which is the western boundary of the Farm was a trail for trade and travel from the large Chumash village of *Soxtonokmu* just north of Los Olivos and the Coastal Chumash villages. Therefore, the entire Farm is more than likely rich in unexplored artifacts, and the buildings and unfarmed open space on the Southern Farm (05LLA-16) is definitely covered in cultural resources.

Page 17: Setting: Regulatory: The Report recognizes that a cultural resource survey needs to be done not only when a known cultural site is located on the property but also when "there is a high potential for ... presence" of cultural resources:

“The County’s Cultural Resources Guidelines, in the Environmental Thresholds and Guidelines Manual provides, in part, for the following:

As part of the environmental review process, archeological site maps are reviewed to determine if a recorded cultural resource is located within the project site or whether there us a high potential for its presence onsite based on recorded site distribution patterns or historical accounts. If this determination is positive and the project site is not developed, a Phase I archaeological investigation including a systematic inspection of the ground surface is carried out by Planning and Development staff or a County approved professional Archaeologist, and sub-surface testing to define the presence of archaeological artifacts or site boundaries when vegetation obscures ground visibility.” (Emphasis added.)

This is not a “surprise find” per CEQA Appendix K as cited on Page 18 of the report. It would more surprising NOT to find cultural resources on the same creek as the cemetery less than ¼ mile away. The entire Farm is an integral part of Chumash heritage and deserves a complete cultural resource survey under the careful supervision of Chumash Native Monitors. Regrading the Southern Farm with a realigned road and new septic with the hollow promise that “Construction shall cease in the area of the find but may continue on other parts of the building site” is a license to bury and destroy Chumash history one more time.

**The Contradiction of No Increase in Development and Reconfiguring the Lot Lines to Create Development Parcels**

05LLA-16 currently at best is configured as two developable lots: the internal line of lots and the surrounding “u” of lots. Reconfiguring the lot lines to create 4 equal lots means that the you have doubled the amount of actually developable lots. (Exhibit E).

05LLA-15 currently at best is configured at two developable lots: the combined farm house store and barn and the remaining undeveloped commercial corner. Reconfiguring the lot lines creates created at least 4 saleable lots: the farmhouse, the store, the barn and the reconfigured commercial corner. The owner makes no representations as to maintaining the integrity of any of the historic store, barn or farmhouse. (Exhibit F).

Arguing that there is no increase in development is disingenuous at best.

Sincerely,



Vincent P. Armenta,  
Tribal Chairman

D.L.D.

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January 17, 2007

Shelly Ingram  
Development Review Division  
Planning and Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93106-2058

Subject: Additional Independent Expert Comments on Planning and Development Department's Staff Memorandum dated January 5, 2007 with Reference to Negative Declaration 06NGD-00000-00029, Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015

Dear Ms. Ingram:

I am hereby providing you with a few additional comments regarding the subject Herthel-Montanaro Project. It is my understanding that comments may be submitted up to three days prior to a hearing.

First, I call your attention to Section 4.5, Impact Discussion. Here it is stated: "However, the site is not recorded as being of religious or ceremonial significance." I understand the site referenced is SBA-188, the cemetery location. While this statement is essentially true, it does not take into account that the site was recorded sometime between 1947, when Phil Orr visited the location, and 1968 when I examined and annotated the record to indicate the site location was only approximate. There were no statutory or other requirements in existence at that time to address religious or ceremonial significance. Only archaeological data was recorded. The need to address religious and ceremonial values subsequently came into existence after 1968 in the form of CEQA and other authorities. Certainly today, any such site that contains a cemetery holds religious, if not ceremonial significance for related Native Americans such as the Santa Ynez Band of Chumash Indians in this case. I would advise the above quoted statement be stricken from the document and replaced by one more closely reflecting the value of the site to contemporary Native Americans.

Next, I have some recommendations regarding the proposed, extended Phase 1 Investigation. Normally this would initially proceed in the field with an intensive surface survey of the project area. I previously communicated to you that this initial work should include an examination of the upper banks of Alamo Pintado Creek. If necessary, leaf litter should be removed and the



bank minimally scraped with a shovel or trowel at a limited number of locations in order to facilitate examination for buried cultural remains. No mapping of the soil profile is suggested. As I explained previously, this quick and inexpensive procedure is a fairly standard part of Phase 1 Investigations, particularly in instances where buried sites not visible at the ground surface might be present.

Shovel tests can also be employed to detect buried cultural deposits, although they are limited to probing only about 3 to 4 feet in depth. Very small backhoe excavations allow for direct examination of the soil profile for cultural materials at greater depth, and so are preferable in situations like this. In Section 10.2, Mitigation Measures for Cultural Resources, it is stated: "Backhoes may be used but resulting materials must be waterscreened through 1/8 inch mesh." Normally, the way backhoe testing is conducted allows for excavation of a pit to allow investigators access to the soil profile or any cultural deposit exposed during excavation. Once cultural remains are encountered, backhoe excavation is halted and soil samples are extracted by hand. These samples are then subjected to waterscreening. Waterscreening of all soil extracted by the backhoe would, in my opinion, be extremely expensive and not very productive. Instead, the typical and preferred procedure would involve slow and careful backhoe excavation directed by an archaeologist and Chumash monitor. This team would continuously examine soil removed and halt mechanical excavation if cultural material were observed.

Finally, I would recommend that all field activities associated with the Phase 1 Investigation include local Chumash monitors, preferably from the Federally Recognized Santa Ynez Band. Although the County does not normally involve Native Americans in Phase 1 Investigations, this particular project includes subsurface investigations in a highly sensitive area—conditions that usually do require involvement of Chumash monitors in Santa Barbara County.

This concludes my comments. I hope you will give them careful consideration. I strongly urge you to incorporate them in the subject document. If you have any questions or require additional information, please contact me.

Yours sincerely,

*Signed*

Laurence W. Spanne

D.I.E.



DEPARTMENT OF ANTHROPOLOGY  
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Phone: (805) 893-2054, FAX 893-8707

SANTA BARBARA, CALIFORNIA 93106-3210

16 February 2007

Shelly Ingram  
Development Review Division  
Planning and Development Department  
County of Santa Barbara  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

**RE: Proposed Mitigated Negative Declaration 06NDG-00000-00029, Herthel-Montanaro Lot Line Adjustment**

Dear Ms. Ingram:

At the request of the Santa Ynez Band of Chumash Indians, I am providing comments regarding the negative declaration mentioned above and the two letters written by archaeologist Larry Spanne in which he recommends that an extended Phase 1 archaeological investigation take place before decisions are made regarding the lot line adjustment.

As Larry points out, archaeological site CA-SBA-188, specifically a prehistoric cemetery, is known to be present within or near the properties in question. The cemetery was visited by an archaeologist in 1947, and a small collection was made at that time, which is now housed at the Santa Barbara Museum of Natural History. Information about the location of the cemetery is vague, however, and as a consequence the site record housed in the Central Coast Information Center indicates that the site is only approximately located.

The small collection at the Santa Barbara Museum of Natural History reveals that the cemetery was in use during a period of prehistory about which comparatively little is yet known, dating between about 1300 and 900 years ago. The cemetery surely is associated with a habitation site, which either incorporates the cemetery within its area or is adjacent to it.

Larry's recommendations regarding the nature of an extended Phase 1 archaeological investigation (on page 2 of his 16 December letter and in more detail in his 17 January letter) would be an appropriate way to determine whether an archaeological site is present. I support his recommendations.

I should add that any land-use action that has the potential to affect directly or indirectly areas where prehistoric peoples are likely to have lived should be subject to a

Phase 1 investigation as a matter of course. Lands adjacent to major watercourses such as Alamo Pintado Creek obviously fall into this category. Indeed, ethnohistoric information reveals that lands adjacent to Alamo Pintado Creek were particularly sensitive to the Chumash people during the early historic period, and this significance undoubtedly extended back into prehistoric times.

Sincerely,

Michael A. Glassow  
Professor

cc. Santa Ynez Band of Chumash Indians

D.I.F.

## UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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DEPARTMENT OF ANTHROPOLOGY  
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SANTA BARBARA, CALIFORNIA 93106-3210

20 March 2007

Santa Barbara County Zoning Administrator  
County Engineering Building  
Planning Commission Room 17  
123 East Anapamu Street  
Santa Barbara, CA 93101

RE: Draft Initial Study/Negative Declaration 06NGD-00000-00029  
Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015  
Rescheduled Hearing: March 26, 2007

Dear Zoning Administrator:

In light of the prospect that an important prehistoric archaeological site may be located on the Herthel property, I agree with the logic that testing should be done at the earliest possible point in the planning process. In other words, now is time to perform archaeological testing on the parcel.

Sincerely,

Michael A. Glassow  
Professor

RECEIVED  
MAR 21 2007  
S.B. COUNTY  
PLANNING & DEVELOPMENT

D.I.S.

Santa Ynez Band of Chumash Indians

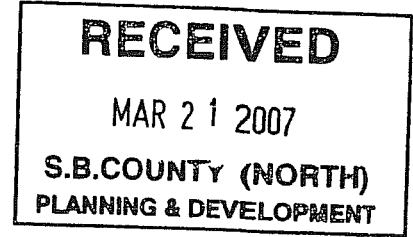
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*BUSINESS COMMITTEE*  
Vincent Armenta, *Chairman*  
Richard Gomez, *Vice Chairman*  
Kenneth Kahn, *Secretary/Treasurer*  
David D. Dominguez, *Committee Member*  
Gary Pace, *Committee Member*

March 21, 2007-

Santa Barbara County Zoning Administrator  
County Engineering Building  
Planning Commission Room 17  
123 East Anapamu Street  
Santa Barbara, CA 93101



RE: Draft Initial Study/Negative Declaration 06NGD-00000-00029  
Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015  
Rescheduled Hearing: March 26, 2007

To the Honorable Zoning Administrator:

This response incorporates by reference all communications by the Tribe prior to this dated, including without limitation, that response letter dated December 26, 2006.

*1. Any delays are due to the Failure of Applicant and Planning to Identify SBA-188*

The Tribe had no choice but to intervene in this project when the first draft report was an environmental categorical exclusion that did not even mention the Native American cemetery definitely next door and possibly on the project site (SBA-188). The Tribe has expended great time and resources to bring the project where it is today.

*2. Any delays are due to the Failure of Applicant and Planning to Combine 5LLA-15 and 5LLA-16*

The current report finally at least does a cumulative impact analysis on 5LLA-15 (the farm houses) with 5LLA-16 (the northern farmland subdivision into 4 residential lots) none of which were included in the first report. However, the Tribe has expended great time and resources to research the history of the Montanaro Farm as a historic unified whole and the purchase of the Farm by the Herthels as a unified whole.

*3. This May Not be a Zoning Administrator (ZA) Case and Is an Illegal Subdivision*

Planning takes the position that the ZA is the appropriate decision-maker for this project pursuant to the provision in Chapter 21, Section 21-6.a.3, regarding Lot Line Adjustments in the Urban and Rural areas that result in four or fewer parcels (p.8) as the project 05LLA-15 reconfigures the boundaries between four legal lots.

Before starting the Lot Line Adjustment (LLA) for the Southern part of the Montanaro Farm ("Farm"), the Herthels started a LLA for the Northern portion of the Farm. The Northern Farm (05LLA-16) is separated by two lots from the Southern Farm (05LLA-15). The report repeated states that 05LLA-16 is "separate and distinct" from 05LLA-15 because of the 2 lot separation. This completely ignores the purchase of all 4 lots simultaneously as a single property by a single buyer who then started subdividing the Northern Farm and Southern Farm simultaneously.

On August 4, 2003, and recorded as document 2003-0111846 on August 18, 2003, Janice Yates as the Trustee of the Arthur Montanaro Trust conveyed all of the lands in 05LLA-16, 05LLA-15 and all of the parcels in between to Douglas J. Herthel and Susan J. Herthel as trustees of the Herthel Revocable Living Trust dated March 1, 1988. The Arthur Montanaro Trust also took back a deed of trust on the same property that same day.

Just prior to filing the 05LLA-16 lot line adjustment, the Herthel Revocable Living Trust conveyed those parcels to a new limited liability company, LOS OLIVOS CAMP, LLC. The new LLC was established by Douglas and Susan Herthel, the trustees of the Herthel Revocable Living Trust.

These are all the same people. 05LLA-16 is a proposed 4 parcel lot line adjustment. 05LLA-15 is another proposed 4 parcel lot line adjustment. The same "people" own all of the property between 05LLA-16 and 05LLA-15 which they purchased at the same time.

If Chapter 21, Section 21-6.a.3, regarding Lot Line Adjustments in the Urban and Rural areas that result in four or fewer parcels does not apply then the Planning Commission is the proper decision-maker. Ch.21(Subdivision Regulations) of the County Code, Sec.21-6 says that *The Santa Barbara County Planning Commission shall be the decision-maker, except that the Zoning Administrator shall be the decision-maker for the following: (1) Tentative Parcel Maps that are determined by the County to be exempt from environmental review.*

***4. If all Archeologists agree that subsurface testing is required, then the law is clear that such testing must be completed BEFORE the LLA is issued.***

We appreciate all the work that County Planning has put into the revised report. However, the Tribe cannot agree to defer the test pits until a later date after the approval of the LLA. There seems to be some precedent against such deferral:

*Robert T. SUNDSTROM, Plaintiff and Appellant, v. COUNTY OF MENDOCINO et al., Defendants and Respondents. Harold K. MILLER, Real Party in Interest, 202 Cal.App.3d 296, No. A038922, Court of Appeal, First District, Division 1, California (June 22, 1988).*

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“By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process. (See Pub.Resources Code § 21003.1; *No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal.3d 68, 84, 118 Cal.Rptr. 34, 529 P.2d 66.) In *Bozung v. Local Agency Formation Com.*, *supra*, 13 Cal.3d 263, 282, 118 Cal.Rptr. 249, 529 P.2d 1017, the Supreme Court approved "the principle that the environmental impact should be assessed as early as possible in government planning." Environmental problems should be considered at a point in the planning process "where genuine flexibility remains." (*Mount Sutro Defense Committee v. Regents of University of California*, *supra*, 77 Cal.App.3d 20, 34, 143 Cal.Rptr. 365.) A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (Id. at p. 35, 143 Cal.Rptr. 365; *No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal.3d 68, 81, 118 Cal.Rptr. 34, 529 P.2d 66; *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, 706, 104 Cal.Rptr. 197.)”+

#### 5. *There is No Post Lot Line Adjustment Mitigation Plan*

In addition to the Phase I survey with test pits, there still remains no monitoring plan for sites and objects of cultural significance during any excavation and any future construction. We already know that the 5LLA-15 three lots will have a new ingress/egress easement. Such easement will require some form of grading and possibly compacting/paving. The current common septic system will also need to be severed. Finally, the new concentrated commercially zoned parcel is individually larger than the prior multiple commercially zoned parcels prior to lot line adjustment unification. All of this development will need its own post mitigation plan to avoid impacts if possible to sites and objects of cultural significance. *Citizens of Goleta Valley v. Bd. Of Supervisors*, 197 Cal.App.2d 1167, 1186 (1988).

#### 6. *Where is the Carbone Survey Supposedly Finished in February*

Supposedly Larry Carbone of Western Points Archeology did a surface survey of the entire Montanaro in February 2007. To date the Tribe has not received a copy. The Carbone survey is not even a listed attachment to the Planning Memos to the ZA dated March 15, 2007.

Sincerely,



Vincent Armenta,  
Tribal Chairman

**From:** Sam Cohen [mailto:scohen@santaynezhumash.org]  
**Sent:** Tuesday, February 20, 2007 10:04 AM  
**To:** Karamitsos, John  
**Cc:** Kathy Conti  
**Subject:** FW: Status of Herthel 5LLA15

John: As of today we have still not received any additional documents from Mr. Herthel or his agents. Please be advised that we have had the work by Larry Spanne reviewed by Professor Michael Glassow at the Museum of Natural History and you should receive that letter this week. Prof. Glassow confirms that an extended Phase I with test pits should take place.

For the record, we are not the ones failing to disclose any information.

Sam Cohen

Mr. Karamitsos replied on February 22, 2007:

**From:** Karamitsos, John [mailto:Johnk@co.santa-barbara.ca.us]  
**Sent:** Tuesday, February 20, 2007 10:31 AM  
**To:** Sam Cohen  
**Cc:** Kathy Conti  
**Subject:** RE: Status of Herthel 5LLA15

Hi Sam - Thanks for your message. I need to finalize my ZA Memo for next week's meeting and have not yet received any additional input. Thanks again - John

Finally Mr. Karamitsos wrote this on February 22, 2007:

Hi Sam - We're continuing the item. I'll let you know when the continuance date is identified and will ensure that you receive a copy of all submitted materials. I'm waiting on the applicant's consulting archaeologist report/letter. Thanks - John



Santa Ynez Band of Chumash Indians

P.O. Box 517 • Santa Ynez, CA 93460  
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*BUSINESS COMMITTEE*  
Vincent Armenta, *Chairman*  
Richard Gomez, *Vice Chairman*  
Kenneth Kahn, *Secretary/Treasurer*  
David D. Dominguez, *Committee Member*  
Gary Pace, *Committee Member*

August 2, 2007

Santa Barbara County Planning Commission  
123 East Anapamu Street  
Santa Barbara, CA 93101

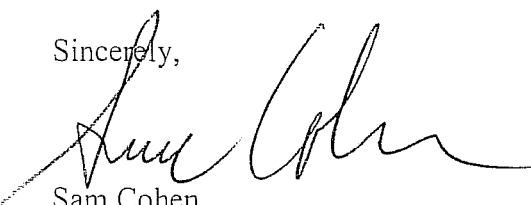
RE: Draft Initial Study/Negative Declaration 06NGD-00000-00029  
Herthel-Montanaro Lot Line Adjustment: 05LLA-00000-00015  
Permit No.: 07APL-00000-00012  
Hearing: August 22, 2007

To the Honorable Planning Commission:

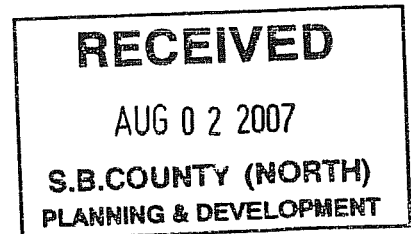
Please take notice of the attached letter dated October 6, 2006 from the State Historic Preservation Officer regarding the application of CEQA to the Santa Barbara Ranch Project and concluding that archeological testing is required by CEQA before any mitigation measures may be developed (page 5, first full paragraph):

The Phase 2 testing program to test the significance and extent of the site is not appropriate mitigation under CEQA instead it it's the required identification process to determine the site's significance for purposes of CEQA.

Sincerely,

  
Sam Cohen  
Tribal Administrator

CC: John Karamitsos, County Planning



OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov



October 6, 2006

Tom Figg  
Planner  
Santa Barbara County  
123 E. Anapamu Street  
Santa Barbara, CA 93101

Santa Barbara Ranch Project EIR # 2005011049

- sent via facsimile (805) 568-2522 and United States Postal Service -

Dear Mr. Figg:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We thank you for the opportunity to comment on the above referenced document. The OHP is interested because the Cultural Resources section circulated as part of the EIR pursuant to the California Environmental Quality Act (CEQA) does not appear to evidence that adequate identification and evaluation of historical and cultural resources to the threshold of the California Register of Historical Places has occurred and therefore calling into question also the proposed mitigation measures. We have been contacted by Ms. Christina McGinnis of the general public and by Mr. Marc Chytilo, Attorney for the Naples Coalition, with concerns about the above project. My office is submitting the following comments for your consideration.

The Santa Barbara Ranch project consists of a General Plan, Local Coastal Program amendments and other related permits for either 54 single family units on 485 acres called the MOU<sup>1</sup> project or the Alternative 1 Project for 72 units on a total of 3,254 acres which includes the Dos Pueblos Ranch property. "At the landowner's request, the Alternative 1 Project is being assessed at a project-level detail so that the County can consider both the MOU and Alternative 1 Projects for approval without having to undertake subsequent or supplemental environmental studies." (EIR-ES-6)

The general purpose of an EIR is to identify the significant effects of a project on the environment, to identify the significant alternatives to the project and to indicate the manner in which those significant effects can be mitigated. Each public agency shall

<sup>1</sup> In the late 2002, the County, the Morehart related interests, and the Santa Barbara Ranch related interests entered into a Memorandum of Understanding (MOU) setting forth a protocol and structure for the submission of project applications as a part of a potential global resolution of threatened and pending litigation. The MOU does not create entitlements, rights or approvals, and does not impair the County's ability to enforce its applicable ordinances, resolutions, policies, or statutes. However, it does provide a protocol for the County to entertain applications for development and conservation of Naples. (EIR- Executive Summary-ES-1)

mitigate or avoid the significant effects on the environment of projects that is carries out or approves whenever it is feasible to do so. And each public agency is to provide meaningful public disclosure through the preparation of an environmental impact report. (Public Resources Code section 21003)

Pursuant to CEQA a lead agency is required to determine the significance of impacts on historical and unique archeological resources (Guidelines § 15064.5) and to consider and discuss mitigation measures proposed to minimize significant effects (Guidelines §15126.4) The California Register of Historical Resources criteria is the standard against which all identification of cultural resources must occur. The identification of impacts to historical and archeological resources and on how to mitigate these impacts has to follow the special rules adopted by the Legislature through the CEQA process as outlined in the California Environmental Quality Act (CEQA) and its Guidelines.

We are very concerned that the identification of historical and cultural resources has not occurred to the necessary level of adequacy required for purposes of CEQA. It is required to clearly identify a cultural resource, what type of resource(s) exists, what the exact boundaries of the resources are, whether the resource(s) is eligible to meet the criteria of the California Register and what the impacts to the resource are. Furthermore, it is required to develop mitigation measures that do mitigate and/or avoid the impact(s) to a level below significance and to develop project alternatives.

This determination of cultural resources and their significance has not occurred in the provided Cultural Resources section for the EIR. Therefore, the developed mitigation measures are deficient and inadequate because they are, among other things, based on incomplete resource identification and evaluation. In the executive summary of the DEIR the Significant and Non- Mitigable impacts are listed. The ones identified for this project are: Biological -and Visual Resources and Land Uses. However, in our opinion the impacts to Cultural Resources are also a Class 1 impact. In brevity, we like to summarize our main concerns about the deficiencies of the EIR in list form.

#### **Historical Resources**

- Insufficient evaluation against the California Register; the County of Santa Barbara criteria are immaterial to CEQA and cannot be the standard for a survey under CEQA.
- Insufficient delineation of Dos Pueblos Ranch (DPR) and its resources and what they are eligible for, on what level, their integrity, what the boundaries of the properties are, etc.
- The same applies to the Santa Barbara Ranch (SBR) property and its history and existing resources, boundaries, significance, etc.
- No identification of a district; is there one or not? Reviewing the existing albeit superficial survey documentation there is strong indication that a district might exist
- Evaluation which buildings might be district-contributors or non-district contributors

- Absent from the Ronald L. Nye survey for the DPR and SBR is any information regarding the water wells drilled by Mosher or information about the over 40 oil and gas wells (also under the Mosher ownership) as part of the Signal Oil & Gas Company; are these historical resources for purposes of CEQA?
- The same concern applies to the lacking examination of a cultural landscape; this is a ranch with buildings, barns, livestock, roads, fences, meadows; where is the evaluation of the ranching landscape; the fruit growing activities? There is an emphasis on architecture and buildings with no look at all at the ranch, its landscape or the agricultural uses and the ranch significance over time, its spatial and functional relationships over time, including the called out bridges and roads
- Failure to see the historical resources as a WHOLE; instead the historical resources of the DPR site and the Naples township site (SPR) are seen merely as individual sites, structures and buildings
- Page 18 is missing from the printed report as well as from the digital version; therefore missing is any further discussion of the context or historical themes (Agriculture & what??)
- DPR forms and trinomials are missing
- The industry standard for surveys is outlined in the National Register Bulletin #24 by the Department of the Interior's National Park Service. The Phase I Historic Survey of the EIR follows the Cultural Resources Guidelines of the Santa Barbara County arriving at very narrow resource identifications. The general purpose of a survey is to cast a broad net to capture all the resources, especially at a reconnaissance level. For the identification of resources for purposes of CEQA, in order to determine their significance and the project's impacts on the resources, an intensive level survey is the more appropriate survey.

### **Cultural Resources**

- There are three circulated reports: 1.) *Phase 1 Archeological Resources Report for housing Development in the Naples Township Coastal Region, Santa Barbara County*; 2.) *An Addendum Phase 1 Archeological Resources report for Santa Barbara Ranch Property in the Naples Area, West Goleta Region, Santa Barbara County*, and 3.) *An extended Phase 1 Test Excavation for Estimating Boundaries of Archeological Site CA-SBA-77, at Santa Barbara Ranch, Santa Barbara County*
- These three reports cover only the village site of Kuyamu (SBA-77) and the SBA-144 site. SBA-77 is located in what today is called Lot 12 of the Alternative 1 project.
- Page 32 of Larry Carbone's July 2005 report states that no specific site assessment has taken place for SBA-77
- There is no evidence of any current archeological evaluation/reports for either CA-SBA-78 & 79, the prehistoric Chumash village of Mikiw, other than citing information dating to 1929 and 1959 (EIR

3.11-14) and in the Cultural Resources section 5.11 also citing Harrison dating to 1965.

- CEQA requires a clear determination of whether archeological resources are historical resources per CEQA Guidelines §15064.5(c) or whether the resources meet the determination of an unique archeological resource per Public Resources Code 21083.2; this determination has not taken place at all in the EIR for any of the archeological resources which will either be directly or indirectly impacted by the project.

### **Cultural Resources Guidelines (Archeological, Historical, and Ethnic Elements) for Santa Barbara County**

- The above County Guidelines are out of date in reference to CEQA material, and the County should update the information to the current requirements of CEQA
- Appendix K today is the "Criteria for Shortened Clearinghouse Review"
- Mitigation standards do not follow Appendix K; significant revisions to the Code and Guidelines occurred in 1998 and have been codified in Public Resources Code section 21083.2 and CEQA Guidelines § 15064.5
- Appendix G today is the Environmental Checklist Form not for evaluating significant effects a project might have on a community or ethnic group
- The age standard for the California Register is 50 years; the County has a range from 50 – 125 years ranking 125 years as exceptional.

Per section 3.1.1 Cultural Resources for the EIR on page 3.11-16 and section 5.11 on page 5.11-17 the EIR states that historical resources **can** be evaluated as eligible for the CRHR per § 15064.5 and that in Santa Barbara County the CRHR criteria have been broken down in greater detail for resource evaluation. This is a faulty interpretation of CEQA's requirements of resource identification and evaluation. An historical resource **shall** be considered "historically significant" if the resource meets the criteria for listing on the California Register. (CEQA Guidelines § 15064.5) The local guidelines are not the standard to be used for CEQA identification or evaluation of cultural resources.

### **Mitigation Measures MOU project**

Mitigation measures have been developed for the MOU project. According to section 3.11 Cultural Resources for the MOU project, no direct impacts would occur to archeological sites SBA-77 & SBA-144, and SBA-78 and SBA-79 would not be affected. What does this mean: "no direct impact vs. will not be directly affected"? No mitigation measures were proposed. It is not clear whether there are indirect effects which also require mitigation. However, the historic resources of the Naples town site such as the Naples Railroad Depot Complex, the Water Tower, Langtry Avenue and the Historic El Camino Real/Stage Coach/Highway 101 Fragment would all be directly impacted by road construction. Apparently this impact would be demolition, but the EIR

does not clearly outline or state such, which for a project-level EIR is necessary. Neither have any project alternatives been developed that consider avoiding the cultural resources or would incorporate them into the project.

The proposed mitigation measures to construction impacts are resource documentation. Resource documentation of structures and buildings does not mitigate the impact below a level of significance, contrary to what is stated. A demolition of a historical resource cannot be mitigated below a level of significance. Existing case law has affirmed this.<sup>3</sup> Further proposed mitigation for the MOU project consists of a Phase 2 subsurface testing program to evaluate the nature, extent and significance of the Cultural Resources at the Naples Railroad Depot site. The Phase 2 testing program to test the significance and extent of the site is not an appropriate mitigation under CEQA; instead it is the required identification process to determine the site's significance for purposes of CEQA. Once the extent and significance of the site are established appropriate mitigation measures can be developed which should also include resource avoidance, project alternatives, and incorporation of the resource into the project.

The mitigation measures for the MOU project in the EIR are inadequate for purposes of CEQA and insufficient since, see above, inadequate resource identification and evaluation has taken place. Mitigation may not be deferred to the future.

#### **Mitigation Measures Alternative 1 Project**

Mitigation measures have been developed for the Alternative 1 project. According to section 5.11.32, direct project impacts through construction would occur to SBA-78 & SBA 79, the historic Chumash village Mikiw, today called lot 15 and 19. Also the Dos Pueblos Ranch Headquarters Complex, Lot 13, would be directly impacted by construction and the Naples Town site, Historic Highway 101 fragment, and the historic El Camino Real and Stage Coach Fragment by road construction. Again, the direct impacts are not clearly outlined - construction or road construction is very vague - nor has been addressed, how construction (vague) would impact the other ranch buildings, or the ranch as a whole. Indirect impacts have not been addressed at all for either archeological or historical sites, etc. throughout the EIR.

The Cultural Mitigation measure of a Phase 2 subsurface testing for significance for SBA-78 & SBA-79 is an inappropriate mitigation pursuant to CEQA; see above under the MOU project. A Phase 2 subsurface testing program for significance for the Naples Town site is an inappropriate mitigation pursuant to CEQA; see above under the MOU project. These mitigation measures do not mitigate impacts below a level of significance. Additionally, mitigation may not be deferred to the future. Resource documentation of the Dos Pueblos Ranch Headquarters Complex is inadequate mitigation for demolition and does not mitigate below a level of significance; see above under the MOU project.

The mitigation measures for the Alternative 1 project in the EIR are inadequate for purposes of CEQA and inadequate since, see above, insufficient resource identification

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<sup>3</sup> League for Protection of Oakland's Architectural and Historical Resources v. the City of Oakland (1<sup>st</sup> Dist.1997) 52 Cal.App.4<sup>th</sup> 896[Cal.Rptr.2d 821]

and evaluation has taken place. Resource avoidance and incorporation into the project and alternatives to the project have not been developed as mitigation measures.

### **Project-level EIR**

The EIR is supposed to be a project level EIR. However, the references to project-level impacts such as construction or grading are vague at best. There are no site plans, no grading plans, no construction plans and as pointed out above, there are only vague boundary descriptions and identifications of cultural resources. The EIR is not a project-level CEQA document; it largely addresses project impacts from the proposed General Plan changes, Local Coastal Plan changes, and other other permits, but the document is not detailed to address any direct project level work such as infra-structure, roads, or housing constructions with individual grading or other ground-disturbances. A project-level EIR for the work at the project level should be produced and circulated.

In addition, there appears no evidence in the EIR of any Native American consultation to have occurred with the Chumash or any other tribe, also in regard to SB 18. There is only a passing note in Larry Carbone's report dated July 2005 on page 31 where the Native Americans requested the returning of the items to the soil found during the site boundary excavation. Native American consultation is highly recommended for the above project.

In conclusion we strongly recommend that the Cultural Resources section of the EIR be re-issued and the standards of the California Register applied as required by CEQA. Appropriate resources identification and evaluation with a clear determination of the direct and indirect impacts of the project to the cultural resources must occur. And appropriate mitigation measures that follow the objectives of CEQA to mitigate and avoid impacts to cultural resources by the Santa Barbara Ranch project need to be developed. This would include project alternatives that include resource avoidance. Then the Cultural Resources section of the DEIR should be recirculated for public review.

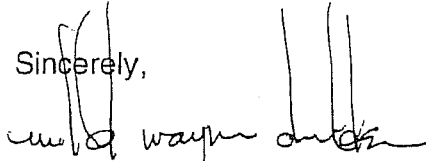
The County has made all the materials for the DEIR available online. That is laudable. However, the volume of several of the individual files is so huge that the electronic download time requires hours in order to obtain the information (over 88 hours in one case) to be able to comment pursuant to CEQA. OHP has neither the staff nor the time to spend that many hours to down-load information and neither would the public have the time to do so either. Lead agencies need be aware of how files are posted online and provide for a reasonable way of access to publicly circulated material.

Again, we thank you for the opportunity to comment on the above project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself.

Mr. Tom Figg  
Page 7

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at [mmessinger@parks.ca.gov](mailto:mmessinger@parks.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Milford Wayne Donaldson". The signature is written in a cursive style with some vertical lines above it.

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

CC: State Clearinghouse

Dr. Michael A. Glassow, Coordinator, Central Coastal Information Center

Christina McGinnis

Marc Chytilo, Attorney

Goleta Valley Historical Society

Santa Barbara Trust of Historic Preservation

Meg Caldwell, Chair, California Coastal Commission

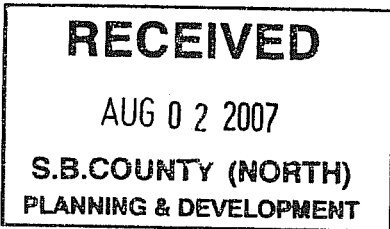
Khatchik Achadjian, Representative, South Central Coast, California Coastal Commission





Center for Archaeological Research  
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9001 Stockdale Highway, 24 DDH  
Bakersfield, CA 93311

661-654-3297 office  
661-654-2143 fax



July 30, 2007

To Whom It May Concern:

At the request of Sam Cohen, Tribal Administrator for the Santa Ynez Band of Chumash Indians, I recently reviewed two archaeological survey and resource assessment reports for a proposed lot line adjustment at the Montanaro Farm, Los Olivos, Santa Barbara County, California. Both reports were prepared by Larry Carbone of Western Points Archaeology in February of 2007.

Based on my review of the field methods employed during the pedestrian survey of both the North and South Farm properties, I have concluded that these efforts were inadequate to address the potential for cultural resources.

According to the reports, Alamo Pintado Creek is situated along the western border of the Montanaro Farm and much of the property rests on a relatively flat, archaeologically sensitive creek terrace. According to Section 3.1(g) of the Santa Barbara County Cultural Resource Guidelines, the potential for buried cultural deposits must be considered in "areas subject to rapid alluvial accumulation". Due to the proximity of a perennial water course and the presence of previously recorded archaeological sites in the immediate vicinity, including site CA-SBa-188, the assessment should have included additional precautions to determine the presence or absence of cultural resources.

One of these precautions should have included the involvement of a Native American monitor during the Phase 1 process. Although the Santa Barbara County Cultural Resource Guidelines do not require a monitor during this phase, it would have been advisable due to the sensitivity of the property. CA-SBa-188 is a Native American cemetery located just 200 feet from the Montanaro property on the opposite side of the creek. The site was originally recorded in the 1960s, however, its true extent is currently unknown. According to a draft technical report on Chumash sacred and traditional sites prepared for the Vandenberg Air Force Base, cemeteries were commonly placed in low-lying areas along streams immediately adjacent to village sites (Earle and Johnson 1999; see attached). The presence of a sacred Chumash cemetery in a topographic location predicted by ethnohistorical data suggests the strong possibility of a village site nearby. It is feasible, given the circumstances, that such a site could be located on the Montanaro Farm.

As per Section 3.1(c) of the Santa Barbara County Cultural Resource Guidelines, surface scrapes are required at 15 meter intervals in areas where vegetation obscures ground visibility. Carbone reports 15% soil exposure at the North Farm, much of which is planted in alfalfa. The South Farm exhibited between 10% soil exposure (along the archaeologically sensitive creek terrace and in cultivated fields) and 40% near structures. Surface scrapes were not employed during the survey, despite poor ground visibility. Although rodent burrows and other exposures were examined, these methods are not regularly employed as systematic means for determining the potential for cultural resources.

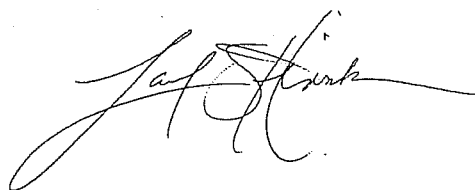
Carbone also notes a stone tool, described as a "chert scraper", in the cutbank of Alamo Pintado Creek on the South Farm. Carbone recorded the scraper as an out-of-context isolated find, without considering the possibility that the artifact may have been exposed during erosion and is still in situ. It should be noted that buried cultural deposits of significance are consistently discovered eroding from stream banks.

Carbone attributed marine shell fragments "located in the yard" to a previous South Farm resident's clamming activities. Despite the testimony of current resident Jim Carricaburu, this material can not be eliminated as evidence for buried archaeological deposits until additional investigations are performed on the properties.

As stipulated in Section 3.1(f) of the Santa Barbara County Cultural Resource Guidelines, "subsurface procedures such as the excavation of shovel test pits or auger holes may be warranted to locate sites" in areas of dense vegetation. Due to the property's location on a creek terrace, the presence of the scraper in the cutbank, marine shell in soil exposures and a previously recorded Chumash cemetery nearby, sufficient concerns exist on the Montanaro Farm to warrant systematic subsurface exploration to determine the presence or absence of cultural resources.

Because these methods were not employed during the archaeological survey and resource assessment conducted by Carbone of Western Points Archaeology, I consider the findings and recommendations presented in the reports inadequate.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Suzann Henrikson". The signature is fluid and cursive, with a large initial "L" and "H".

L. Suzann Henrikson, Ph.D., RPA  
Associate Director  
Center for Archaeological Research

DRAFT TECHNICAL REPORT

CHUMASH ETHNOHISTORIC  
AND ETHNOGRAPHIC OVERVIEW  
OF SACRED AND TRADITIONAL SITES  
VANDENBERG AIR FORCE BASE

*By:*

David D. Earle, M.A.  
John R. Johnson, Ph.D.

*Principal Investigator:*

Roger D. Mason, Ph.D., RPA

OCTOBER 1999

Submitted in partial fulfillment of Contract 1443 CX 8000-92-010, Delivery Order CX 8006-92-010 for the U.S. Department of the Interior, National Park Service, Western Region, Interagency Archaeological Services Branch. This work was funded by the U.S. Air Force.

This report is available from National Technical Information Services (NTIS), Operation Division, 5285 Port Royal Road, Springfield, Virginia 22161

(King 1975). Two of the rancherías still being occupied after the lapse of 250 years were the Purisimeño communities of Shisholop and Noqto.

The physical attributes and socio-political characteristics of Purisimeño "towns" or winter villages must be inferred in part from information on settlements as they existed among other Chumash groups. At least partial eyewitness accounts are available for four communities on or near Vandenberg AFB- Shilimaqstush, Noqto, Lompo', and 'Axwapsh. These accounts do not go into much detail about the specific layout features of individual villages, however. While information about these features may be inferred from ethnohistoric accounts dealing with the Channel coast, the differences in population, resources, and social complexity between some of the Purisimeño settlements and large towns on the Channel coast need to be kept in mind.

Along the Santa Barbara Channel coast, Spanish explorers were struck by the fact that Chumash houses were larger than those seen elsewhere in southern California, and laid out with greater regularity in their town sites. Houses were reported laid out in rows (Benson 1997:182). Coastal Chumash dwellings were said to have been big enough to shelter a number of families. Some communities were reported by Spanish observers as having populations ranging up to 600 people or more. Communities with 100 houses or more were reported.

Villages were noted as featuring, in addition to habitations, a cleared plaza surrounded by a low pole or matting wall and used for playing a stick and hoop game or other games, and another cleared plaza surrounded by poles and reported as containing a feathered prayer pole or other shrine element in the center. Prayers and seeds and other offerings were given here. It is not clear if this plaza, as reported in the Santa Barbara region, was equivalent to the sacred enclosure, with its silyik or ceremonial enclosure and dancing area reported by Fernando Librado for the Ventureño Chumash (Hudson and Blackburn 1986: Volume IV:50-52). Cemeteries were also maintained at all permanent villages. Early observers also noted that each village had a temescal or sweathouse, located close to a body of water that could be bathed in. This semi-subterranean structure was covered over with earth, and entered via a door on the side or top. There were several sizes noted for sweathouses, and whether the larger may have exceeded approximately 5 m (16.5 feet) in diameter has been the subject of some discussion (Benson 1997: 171-178).

Both Gamble (1991) and Benson (1997) have recently discussed Chumash village organization and layout. Benson has reviewed archaeological and ethnohistorical information suggesting that in the eighteenth-century era coastal villages:

Cemeteries were located on lower ground within the village proper, and were usually at the edge of the village near the creek or overlooking the ocean. Associated with the cemetery is the dance floor, which separated the cemetery from the sweathouse. All of these major structural features appeared together, forming a unit I have called the ceremonial complex (Benson 1997:200).

dug until the body was ready for interment, for to do otherwise would bring misfortune. The 'aqi dug the grave using a digging stick and basket. Burial was done at circa two to three o'clock in the afternoon, not later. As the body was carried to the grave, bereaved family members followed close behind, trailed by other mourners. The body was placed in the grave in a sitting position and facing to the west, according to Solares. The undertaker addresses the dead, reminding the deceased that for the sake of the bereaved, ". . . do not think of them any more." The dead person should not "return where the people are. Take your road." For their part, the bereaved were told to "bear your suffering. it cannot be helped." The admonition to the dead reflected the pronounced cultural anxiety of the Chumash about ensuring that the deceased individual would abandon the haunts of this world and leave the bereaved in peace.

The grave was then usually covered with stones of varying sizes, laid out quite close together to form a sort of roundish or oblong pattern. Some graves were not marked in this way. In addition, those who could afford it had grave poles placed at their graves. There are also mentions in ethnohistorical accounts of painted planks have been erected at individual graves along with the gravepoles. Whale bone ribs were also sometimes used to mark graves, as were painted slabs. Grave markers are discussed at greater length in a subsequent section.

Cemeteries were located adjacent to village sites. Maria Solares stated that they were not fenced off, but earlier ethnohistoric accounts suggest that some were surrounded by wooden palisades or other fencing. The proximity of the cemetery to areas of human habitation was important to help discourage attempts by wild animals to disinter the dead. It was observed, for instance, by a Harrington consultant of Kitanemuk background that bears could have a tendency to disturb such graves. Chumash folklore also noted the tendency of coyotes to do the same. It was said that those who committed incest by having sex with close relatives would be punished by having their bodies dug out of the grave by a coyote. The placement of the pavement of rocks to mark the grave also served to discourage such marauding by wild animals.

In addition to the burial activities described above, the bereaved family might also burn down the house in which the deceased had lived. Maria Solares commented:

Sometimes they burnt the house and everything and started in new again. Other times they did not—some people do not. Only those who take things deeply to heart burn the whole house (Harrington 1986: Reel 7: Frame 246).

#### 5.6.9.2 The First Burning of Property

Five days after the death of a person, at twilight, some personal property such as trinkets and, in historic times, clothing, was burned in the central fire of the person's dwelling, if that had not been burned down. According to Harrington consultant Maria Solares, "They say that the soul is looking to see what they are going to burn" (Harrington 1986: Reel 7: Frame 248).